

April 19, 2018

Standing Committee on Health  
Parliament of Canada  
Sent by e-mail to: [HESA@parl.gc.ca](mailto:HESA@parl.gc.ca)

**Re: Bill S-228, An Act to amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children)**

The Canadian Marketing Association(CMA) appreciates the opportunity to submit the following comments for consideration by the Standing Committee on Health.

We appreciate the concerns around marketing to children and understand the committee's role in addressing some of the criticisms directed at the marketing of food and beverage to children. Respectfully, we urge you to consider the following.

CMA strongly believes that the proposed 17 years of age definition of a child is not in line with existing legislation. It is neither consistent with other age thresholds in broadcasting and social media, nor with the government's commitment to the age 13. Research shows that cognitively, 13 year-olds are able to distinguish between advertising and programming. The proposed 17 years of age also goes against the CMA Code of Ethics and Standards of Practice. This industry code has been around for over 15 years and defines a child as someone who has not yet reached their 13<sup>th</sup> birthday. It also differentiates between marketing to children and teenagers and includes different rules pertaining to each age group. **The CMA urges the committee to not proceed with the 17 years of age threshold.**

Respectfully, evidence does not support advertising bans as an effective approach to combat obesity. In fact, no successful outcomes using this approach have been demonstrated. Despite Quebec having this type of ban in place for decades, data from the Canadian Community Health Survey shows that provinces like Alberta, where no ban exists, has comparable obesity rates to Quebec and the rates have risen at a similar pace.

The proposed advertising and marketing restrictions have serious financial implications. Not only would this ban have a significant impact on advertising revenue, but it would also significantly reduce employment and impact Canadians wages and salaries.

Bill S-228 has a number of unintended, negative consequences to consumers that need to be taken into consideration by the committee. For example, restrictions on sponsorship for events or sports teams could see funding dry up for iconic programs such as minor hockey and soccer programs. These programs are designated to get children (over 200,000 annually) exercising, which is also important in helping combat obesity. Similarly, constraints on brand marketing would impact national programs like camp days, or thousands of local businesses that support youth-related activities in small and large communities across Canada.

Further, Bill S-228 poses several other challenges that can further disadvantage Canadians including inadvertently capturing foods and beverages that consumers are already using in their homes that are healthier choices as well as relevant information about these products that households use to prepare meals. It is important to note that companies are already investing in development and reformulation to ensure continued high standards and innovation in order to provide consumers with a wide range of

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healthier options, and these efforts are in response not just to consumer demand but also to the changing landscape.

This bill also puts Canadian broadcasters, publications, advertisers and websites at a disadvantage vis-à-vis American business, since U.S counterparts would not be limited by similar restrictions. Proposed restrictions would also hinder brands' ability to connect with adults as well as younger audiences. This would impact revenue as digital marketing spend will migrate to platforms that do not fall under Canadian jurisdiction; yet are still viewed by Canadians. Respectfully, not only does this render the government's policy objective impractical, but ineffective, all the while also threatening Canadian content, which the government is trying to simultaneously protect.

As the marketplace continually evolves, so must the regulatory environment, either in anticipation or as a response to emerging issues and demands. The CMA believes that Canada already has a robust framework for regulating children's advertising, including both government regulation and industry self-regulatory measures such as the [CMA's Code of Ethics and Standards of Practice](#) which is mandatory for the CMA's 400+ members and includes clear guidance on appropriate business practices when marketing to these demographic groups and the Children's Food and Beverage Advertising Initiative. While improvements can be made, these frameworks are great examples of proactive, positive approaches taken by industry to set and comply with best practices, especially when dealing with children. These are continually reviewed and updated to reflect changing needs and emerging technologies.

The CMA acknowledges that we all have a role to play in tackling this issue. This must be done in a way that is inclusive of a wide range of stakeholders, especially those most impacted by these proposed changes. The complexity of this issue must not be addressed with a piecemeal approach that could cripple Canadian industry and render the government's policy objectives ineffectual in the process.

The Canadian Marketing Association appreciates the opportunity to provide input and we thank you for your consideration of our comments.

## **About the CMA**

The Canadian Marketing Association embraces Canada's major business sectors and all marketing disciplines, channels and technologies. The Association's members make a significant contribution to the economy through the sale of goods and services, investments in media and new marketing technologies and employment for Canadians. Against this backdrop, the Canadian Marketing Association is the national voice for the Canadian marketing community, with CMA's advocacy efforts designed to create an environment in which responsible consumer-friendly marketing can succeed.

For any further information regarding CMA or its response to Bill S-228 please contact Florentina Stancu-Soare at 416-644-3766 or [fstancu-soare@thecma.ca](mailto:fstancu-soare@thecma.ca).

Sincerely,

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Canadian Marketing Association