



Caroline Flint MP  
Minister of State for Public Health  
Richmond House  
79 Whitehall  
London SW1A 2NL



26 April 2007

Dear Minister

**Re: CAP's new rules – a missed opportunity**

Following our previous correspondence in relation to restrictions on broadcast advertising, we are now writing to express our concern about restrictions on non-broadcast advertising and promotion. If the rise in childhood obesity as well as other diet-related diseases is to be arrested, then tackling the promotion of unhealthy foods to children is essential.

We are very disappointed with the new rules for the non-broadcast advertising of foods to children announced by the Committee of Advertising Practice (CAP). In view of more promising earlier discussions with CAP at the Food and Drink Advertising & Promotion Forum, we expect that you will share some measure of our concern. Furthermore, we are concerned at the lack of progress being made on those non-broadcast areas, such as packaging, sponsorship and new media, for which CAP does not have responsibility. We urge Government to step in to ensure that the Committee tightens its Code, and to ensure that those areas that fall outside of CAP's remit be addressed with much greater urgency.

Research conducted by Which? has exposed the range of highly sophisticated and integrated marketing techniques being employed to bombard children with messages promoting unhealthy foods. The impact of this exposure is magnified by the fact that parents are often unaware of these tactics and find them difficult to monitor.

However, CAP's revised Code contains no rules to restrict the volume or frequency of food advertising to children. It also fails to differentiate between healthy and unhealthy foods, in line with the Ofcom broadcast restrictions. We believe these major omissions and inconsistencies will create an untenable situation in which restrictions for broadcast and non-broadcast media differ substantially, and offer little incentive to the food industry to reformulate its products. Furthermore, while younger children are afforded some greater protection from certain marketing techniques, we believe that the ill-defined provisions set out for children above primary school age will allow advertisers to continue targeting this vulnerable group.

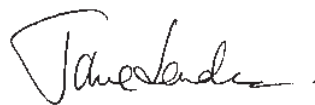
We have waited for over two years to see constructive proposals from the industry to help tackle the crisis in obesity and diet-related ill health. In response they have produced a revised code that repackages old rules as new, fails to deal with the key issue of the volume of food advertising, and ignores the Government's wish to see a media-neutral position on food promotion to children. As a consequence the new Code will do very little to aid the delivery of changes that parents want to see, or deliver the results that the Government is committed to achieving. The time has come for Government to urgently redress this clear failure of self-regulation, and immediately carry out full health and regulatory impact assessments in line with the Ofcom process of code review.

We look forward to your response.

Yours sincerely



Nick Stace  
Director of Campaigns  
and Communications  
**Which?**



Jane Landon  
Deputy Chief  
Executive  
**National Heart Forum**



Philip Cullum  
Deputy Chief Executive  
**National Consumer Council**



Gill Frances  
Director  
Children's Development  
**National Children's Bureau**




Peter Hollins  
Chief Executive  
**British Heart Foundation**



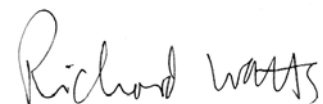
Fay Mansell  
Chair  
**National Federation of  
Women's Institutes**



Douglas Smallwood  
Chief Executive  
**Diabetes UK**



Steve Sinnott  
General Secretary  
**National Union of Teachers**



Richard Watts  
Campaign Coordinator for the  
Children's Food Campaign  
**Sustain**



Cathy Court  
Director  
**Netmums**