



BDSI

Association of the German  
Confectionery Industry

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## Statement of Position

### on the Debate concerning more stringent Food Advertising Restrictions to Combat Overweight

#### The BDSI's position in brief:

- ▶ Advertising is an indispensable element of any free-market economy. It serves to inform consumers and shores up the survival of a free and independent media.
- ▶ Food advertising restrictions and bans do not make people slimmer as overweight has many different causes. Preventing it is a challenge society faces as a whole and requires people to change their entire lifestyle choices.
- ▶ Food advertising is already sufficiently regulated today. It is subject to numerous statutory and voluntarily imposed regulations which equally apply to online advertising. These state, among other things:
  - in Germany, children's TV and radio programmes and corresponding web platform programmes may not be interrupted by advertising;
  - advertising must be made clearly distinguishable as such to children;
  - food advertising may not directly call upon children to buy or consume any products.
- ▶ TV ads – which are by far the most significant advertising medium for the confectionery industry – are clearly aimed at adults. Confectionery advertising in so-called children's environments has been declining for many years and accounts for 1% of the corresponding total advertising budget or of all such ads.
- ▶ At European level renowned food manufacturing companies, including confectionery producers, have taken a united stand within the scope of the so-called EU Pledge. Among other things, they have agreed to not direct any advertising towards children under 13 years of age.
- ▶ Shielding children from advertising is not the right way to go about things. It is part of their everyday lives. In the view of the BDSI, it is indispensable that initiatives teach children and young people media and advertising literacy. The European education initiative Media Smart, for example, is active in this field.

**Advertising is an indispensable element of any free-market economy. It serves to inform consumers and shores up the survival of a free and independent media.**

Companies use advertising to draw consumers' attention to new and innovative products and inform them about the characteristics and features of these products. This is done to highlight a product against other products or brands of the same category and trigger new consumer purchases. From the point of view of society as a whole, advertising investments ensure the existence of a free and independent media and hence contribute to maintaining media and press diversity. In addition to this, advertising adds around 1.3% to Germany's gross domestic product.

**Food advertising restrictions and bans do not make people slimmer as overweight has many different causes. Preventing it is a challenge society faces as a whole and requires people to change their entire lifestyle choices.**

The causes of overweight are complex. In this connection, a particularly key role is played by socio-economic factors (social background, educational level, social status), a lack of physical activity, our sedentary lifestyle, an unbalanced diet, genetic predisposition, and psycho-social aspects. The predominant finding in numerous studies on the influence of advertising on children's eating habits is that the lifestyle of a child's family and circle of friends and a child's general environment is a more formative influence on a child's development. All this shows that the prevention of overweight is a challenge society faces as a whole.

**Food advertising is already sufficiently regulated today. It is subject to numerous statutory and voluntarily imposed regulations which equally apply to online advertising.**

For example, in Germany it is forbidden for children's TV and radio programmes to be interrupted by advertising. In addition, advertising must be made clearly distinguishable as such to children.

The member companies of the BDSI comply, as does the entire German food industry, with the code of practice laid down by the German Advertising Standards Council (DW) covering any and all forms of commercial communication on foods, extended with effect from 1 June 2021 (<https://www.werberat.de/lebensmittel>).

In a separate section, special requirements are set out regarding advertising measures that specifically target children below 14 years of age. According to the code of practice, for example, food advertising may not directly encourage children to buy or consume any products. Furthermore, under the new rules, it is no longer permissible to emphasise any positive nutritional properties of foods whose excessive intake is not recommended as part of a balanced diet in audiovisual commercial communications intended for under-14-year-olds.

In addition, the BDSI has collaborated on and supports a catalogue of criteria that is to be observed in the case of online advertising on websites for children.

([https://zaw.de/wp-content/uploads/2020/06/ZAW-Kriterienkatalog\\_Werbung\\_Internetseiten\\_Kinder.pdf](https://zaw.de/wp-content/uploads/2020/06/ZAW-Kriterienkatalog_Werbung_Internetseiten_Kinder.pdf)).

**TV ads – which are by far the most significant advertising medium for the confectionery industry – are clearly aimed at adults. Confectionery advertising in so-called children’s environments has been declining for many years and accounts for 1% of the corresponding total advertising budget or of all such ads.**

The confectionery industry has changed its TV advertising behaviour distinctly and is clearly focusing on adults. Whereas the advertising budget in so-called children’s environments (= airtime in direct proximity to children’s programmes or on classic children’s channels where the editorial offering is primarily aimed at children) has shown a significant increase since 2008, advertising expenditure on confectionery has fallen sharply and now accounts for about 1% of the total advertising budget. The number of TV ads has changed correspondingly. Toys dominate the advertising in children’s environments.

**At European level renowned food manufacturing companies, including confectionery producers, have taken a united stand within the scope of the so-called EU Pledge. Among other things, they have agreed to not direct any advertising towards children under 13 years of age.**

The European confectionery association CAOBISCO recommends that companies operating in the European confectionery industry sign up to the EU Pledge. Its scope of application includes commercial communication on TV, in printed media, on proprietary websites, Internet advertising by third parties, radio advertising, cinema advertising, advertising on DVDs/CD-ROMs, direct marketing, product placements, interactive games, outdoor marketing, and mobile and SMS marketing.

The current self-governance rules under the EU Pledge are as follows:

- no advertising to children under 13 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines;
- for the purpose of this initiative, “advertising to children under 13 years” is defined as advertising to media audiences with a minimum of 30% of children under 13 years;
- no communication related to products in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes.

The above-mentioned guidelines apply to all signatories of the EU Pledge (currently over 20 companies which taken together account for over 80% of advertising expenditure on food and beverage products). However, each company is also free to independently apply more stringent rules. Signatories to the EU Pledge have agreed to generally exclude any advertising of chocolate goods and sugar confectionery to children under 13 years of age. The self-governance rules of the EU Pledge are regularly subjected to third-party monitoring for compliance and a very high degree of adherence has been attested to.

**Shielding children from advertising is not the right way to go about things. It is part of their everyday lives. In the view of the BDSI, it is indispensable that initiatives teach children and young people media and advertising literacy. The European education initiative Media Smart, for example, is active in this field.**

Children should not be excluded from advertising but must learn how to deal with it and develop advertising literacy. That is how they will grow into, and learn to

understand, today's media world. Hence it is more important to teach and strengthen media literacy than to impose tighter controls on advertising. That should be a clear educational goal. But children can only develop media literacy if they are taught to think independently at an early age and hence become empowered to think autonomously and independently about how they deal with media offerings.

Media Smart, for example, is active in this field of teaching advertising literacy. Media Smart provides teachers, educators, pedagogic experts and parents with tools and materials that enable them to successfully teach media literacy and contribute to the creation of self-determined consumers. These materials can be downloaded from the web pages [www.mediasmart.uk.com](http://www.mediasmart.uk.com) and [www.mediasmart.uk.com/teachers](http://www.mediasmart.uk.com/teachers).

For more information across all issues, please refer to [https://zaw.de/wp-content/uploads/2020/01/ZAW-Positionspapier-Lebensmittelwerbung\\_August-2019.pdf](https://zaw.de/wp-content/uploads/2020/01/ZAW-Positionspapier-Lebensmittelwerbung_August-2019.pdf).

<https://www.lebensmittelverband.de/de/lebensmittel/werbung>

For additional BDSI positions/topics, please visit: <https://www.bdsi.de/en/association/priorities/>

Bonn, 20 April 2022

*The sector association:*

*The BDSI represents the economic interests of over 200 mostly medium-sized German confectionery companies. It is both a trade association and an employers' association. The German confectionery industry is the fourth-largest sector of the German food industry, accounting for around 10% of overall sales. It is particularly characterised by its strong focus on exports. Germany's confectionery manufacturers have an overall workforce of around 50,000 employees.*