

Food Policy and Regulation and TGA
QB23-000217**ISSUE: Protecting children from junk food advertising****QUESTION: Independent MP Dr Sophie Scamps to introduce private members' bill on junk food advertising this week**

Topline response:

- The Government is aware of concerns around the impact of marketing and advertising of unhealthy foods to children, and the criticism of the current industry self-regulation system.
- This is why we are investing nearly \$500,000 in a feasibility study to examine the current landscape of unhealthy food marketing to children and consider options for implementing restrictions in Australia.
- The study will examine the evidence on approaches to restrict marketing and advertising to children across different settings including television and online. This will provide a better understanding of the regulatory and non-regulatory options available to limit such marketing and advertising to children, as well the costs and benefits of these options, with recommendations to be provided to Government.
- The University of Wollongong was contracted to undertake the study through an open tender procurement process. The project team includes sector experts in both the field of unhealthy food marketing to children and health economic analysis. The final report is due by June 2024.

Background

- The Federal Budget 2022-23 included \$500,000 over two years (2022-23 to 2023-24) to support a feasibility study to explore the current landscape of unhealthy food marketing and advertising to children and consider options for implementing restrictions in Australia.
- The Department of Health and Aged Care has policy oversight of the feasibility study. The work will involve consultation and collaboration with other relevant Australian and state and territory government agencies, as well as public health, and food and advertising industry stakeholders.
- A contract with University of Wollongong to deliver the study was executed on 12 April 2023.

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MEDIA COVERAGE

Publication: The Herald Sun - [Social junk ads facing the bin](#)

Publication dates: 19-June-2023

Publication: The Daily Telegraph - Dr Sophie Scamps' bill to ban influencers from pushing junk food and viral drinks (attached in PDMS)

Publication dates: 19-June-2023

Key issues raised:

- Teal Independent, Dr Sophie Scamps will today introduce a private members' bill to restrict unhealthy food marketing to children.
- Quote from Dr Scamps states children are being exposed to hundreds of ads a week via social media, and often being unaware of what is paid advertising content.
- The ban will include social media influencers as well as TV and radio ads between 6am and 9:30pm.
- Article references quote from Minister Butler regarding work with states and territories to get the "nation's waistlines under control" and moving to a health system that does not just address illness.

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**Food Policy and Regulation and TGA
QB22-000217**

Date last updated by Dept:		Cleared by Adviser/date:	
Contact Officer: Assistant Secretary	Carita Davis, Preventive Health and Food Branch	Work Phone: §22 [REDACTED]	Mobile Phone: §22 [REDACTED]
Cleared by: First Assistant Secretary	Celia Street, Population Health Division	Work Phone: §22 [REDACTED]	Mobile Phone: §22 [REDACTED]

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THE FREEDOM OF INFORMATION ACT 1982 (CFIA)
BY THE DEPARTMENT OF HEALTH AND AGED CARE

ISSUE: AFR article on Junk food advertising

QUESTION: What is the Government doing to protect Australians from unhealthy food marketing and advertising?

Key issue: Increasing interest in the need to protect children from marketing and advertising of unhealthy foods

Topline response:

- The Government is aware of concerns around the impact of marketing and advertising of unhealthy foods to children, and the criticism of the current industry self-regulation system.
- This is why we are investing nearly \$500,000 in a feasibility study to examine the current landscape of unhealthy food marketing to children and consider options for implementing restrictions in Australia.
- The study will provide a better understanding of the regulatory and non-regulatory options available to limit such marketing and advertising to children, as well the costs and benefits of these options, with recommendations to be provided to Government.
- After an open tender procurement process the University of Wollongong was contracted to undertake the study. The project team includes sector experts in both the field of unhealthy food marketing to children and health economic analysis. The final report is due by June 2024.

Background

- The Federal Budget 2022-23 included \$500,000 over two years (2022-23 to 2023-24) to support a feasibility study to explore the current landscape of unhealthy food marketing and advertising to children and consider options for implementing restrictions in Australia.
- The contract with University of Wollongong was executed on 12 April 2023.
- The first stage of the study involves literature reviews of the harms of marketing and advertising of unhealthy food to children, international approaches to restriction of unhealthy food marketing and advertising and approaches used to restrict alcohol and gambling marketing and advertising.
- The Department of Health and Aged Care has policy oversight of the feasibility study. The work will involve consultation and collaboration with other relevant Australian and state and territory government agencies, as well as public health, and food and advertising industry stakeholders.

[TOPIC]
[QB22-000XXX]**MEDIA COVERAGE****Publication:** <https://www.afr.com/companies/media-and-marketing/rowland-hints-junk-food-will-follow-gambling-in-labor-s-ad-sights-20230511-p5d7mn>**Publication dates:** 14 May 2023**Key issues raised:**

- Article highlights fast food advertising expenditure exceeding gambling advertising expenditure in 2022. Communications Minister Michelle Rowland is quoted as saying while gambling advertising is the focus, the \$330 million ad sector that includes fast food could be next.
- Ms Rowland also states the Government's regulatory remit is "to strike that balance between community expectations, the sustainability of the sector, and also minimising harms".
- Reference is made to the advocacy of independent MP Sophie Scamps in the area, which includes preparing a private members' bill to restrict unhealthy food marketing to children.

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[TOPIC]
[QB22-000XXX]

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Date last updated by Dept:	19 May 2023	Cleared by Adviser/date:	
Contact Officer: Assistant Secretary	Carita Davis	Work Phone: §22 [REDACTED]	Mobile Phone: §22 [REDACTED]
Cleared by: First Assistant Secretary	Celia Street	Work Phone: §22 [REDACTED]	Mobile Phone: §22 [REDACTED]

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982 (CTH)
BY THE DEPARTMENT OF HEALTH AND AGED CARE

To: Minister Butler

cc: Assistant Minister Kearney

Subject/Issue: **URGENT due COB Today MIR - Broadcasting Services
Amendment (Healthy Kids Advertising) Bill 2023**

Comments:			
Contact Officer:	<i>Carita Davis</i>	Assistant Secretary, Preventive Health and Food Branch	Ph: s22 [REDACTED] Mobile: s22 [REDACTED]
Clearance Officer:	<i>Celia Street</i>	First Assistant Secretary, Population Health Division	Ph: s22 [REDACTED] Mobile: s22 [REDACTED]

Response:

- The draft Broadcasting Services Amendment (Healthy Kids Advertising) Bill 2023 proposes to amend the Broadcasting Services Act to amend the Broadcasting Services Act 1992 (the Act) to prohibit the broadcasting of unhealthy food marketing on certain television and radio broadcasting.
- The regulations would be overseen by the Australian Communications and Media Authority (ACMA) and include penalties of up to \$550,000, or up to 5% of the unhealthy food products turnover of large corporations.
- The National Preventive Health Strategy 2021-2030, National Obesity Strategy 2022-2032 and National Diabetes Strategy 2021-2030 all include a goal to restrict advertising and marketing of unhealthy food marketing (details in **Attachment A**).
- The draft Bill is broadly consistent with the goals of all 3 strategies, noting none of the Strategies specify any detail on how these goals should be achieved.
- The 2022-23 Federal Budget 2022-23 included \$500,000 over two years (2022-23 to 2023-24) to support a feasibility study to explore the current landscape of unhealthy food marketing and advertising to children and consider options for implementing restrictions in Australia (more information in background below).

Background:**2023-23 Budget measure – Feasibility study on options to limit unhealthy food marketing to children:**

- The feasibility study will examine the evidence on approaches to restrict marketing and advertising to children across different settings including television and online. This will provide a better understanding of the regulatory and non-regulatory options available to limit such marketing and advertising to children, as well the costs and benefits of these options, with recommendations to be provided to Government.
- The Department of Health and Aged Care has policy oversight of the feasibility study. The work will involve consultation and collaboration with other relevant Australian and state and territory government agencies, as well as public health, and food and advertising industry stakeholders.
- A contract with University of Wollongong to deliver the study was executed on 12 April 2023 with a final report due by 30 June 2024.

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BY THE DEPARTMENT OF HEALTH

Minister	Choose an item.
PDR Number	MB23-001927
Subject	**URGENT due COB Today** MIR - Broadcasting Services Amendment (Healthy Kids Advertising) Bill 2023
Contact Officer	Carita Davis s22 s22
Clearance Officer	Celia Street s22 s22
Division/Branch	Primary and Community Care Population Health

Adviser/DLO comments:	Returned to Dept for: REDRAFT <input type="checkbox"/> NFA <input type="checkbox"/>
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