

Stewart Gandy
By Email: ppconsultation@culture.gsi.gov.uk

11th January 2010

Dear Mr Stewart

Food Standards Agency response to the DCMS consultation on product placement on television

Thank you for the opportunity to respond to your consultation on product placement in programmes made to be shown on UK television. The Food Standards Agency (FSA) response relates to 3 food areas we deal with.

The promotion of food to children

It is important that any changes to the current UK policy on product placement do not directly or indirectly undermine Ofcom's controls on the advertising of less healthy (or HFSS) foods to children. We note that product placement remains prohibited during children's programmes in the AVMS Directive, however we would encourage DCMS to ensure that this prohibition would apply to all programmes that would appeal to children, since 71% of children's viewing happens during adult airtime.

If a 'disproportionately high child audience' was to be defined for the purposes of rules on product placement, then we consider that it should capture all programmes that are likely to be popular during family viewing.

Nutrition and health claims

We consider that there may be occasions when product placement could become a 'commercial communication'. Any nutrition or health claims associated with a

product would need to comply with the requirements laid down in the Nutrition and Health Claims Regulation¹. Our guidance to compliance, including some suggestions as to what might be 'commercial communication' can be found at: <http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/192420006complianceguide>

Infant and Follow-on formula

In order not to undermine breastfeeding, the Infant Formula and Follow-on Formula (England) Regulations 2007 prohibit the advertising of infant formula to the public, and prescribe strict controls on the advertising of follow-on formula. This is a particularly sensitive issue and the Agency has in the past received consumer complaints regarding perceived product placement within UK broadcasting, in particular, with regards to an infant formula pack shot being shown on a terrestrial channel. The FSA request that product placement of infant formula be specifically prohibited. Rules relating to the product placement of follow-on formula should be in line with the requirements of Regulation 22, relating to the controls on advertising, of the Infant Formula and Follow-on Formula (England) Regulations 2007².

The FSA would be happy to assist with the development of any advice or guidance on these aspects.

Yours sincerely,

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2006R1924:20080304:EN:PDF>

² http://www.opsi.gov.uk/si/si2007/pdf/uksi_20073521_en.pdf