

News Release

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Children's Food
Campaign

Time to close loopholes in ASA junk food advertising rules, says Children's Food Campaign

- The Advertising Standards Authority (ASA) has ruled that McDonald's and Burger King near primary schools are the latest to breach regulations designed to protect under-16s from exposure to advertising of high fat, salt and sugar (HFSS) products.
- However, adverts featuring a high calorie Subway sandwich and a McDonald's Belgian Honeycomb Iced Frappé, both HFSS products, have been allowed to stand, despite being within 100m of a nursery school
- A Subway advert on the side of a bus was not investigated by the ASA at all, despite the route passing within 100m of 9 different primary and secondary schools, saying 25% child audience threshold cannot be proven

The ASA has upheld complaints against two ads found close the entrances of primary schools - for a Burger King Whopper Junior meal and McDonald's Cadbury Flake McFlurry and Mini McFlurry ice creams. In both cases, the adverts breached guidance not to place HFSS ads within 100m of primary or secondary schools, which would indicate a high proportion of children might see them.

The Children's Food Campaign is aware that several more similar examples of advertising on bus stops and telephone boxes next to schools from companies including KFC, Burger King, McDonald's, Cadbury and Mars have been raised with the ASA as complaints, demonstrating that the cases were not just 'one-off' errors, as companies have claimed, but a systemic failure of the systems designed to prevent adverts being placed in locations with a high footfall of children.

However, in a bizarre twist, similar HFSS adverts for a Subway sandwich on a telephone box and a McDonald's Belgian Honeycomb Iced Frappé dessert were not ruled to be in breach of rules, despite being located less than 100m from nursery schools.

In both rulings the ASA states that "*we noted that sites located near to nurseries were not considered unsuitable to carry HFSS ads under the standard approach taken by the outdoor ad industry. We understood that in general nurseries were attended by a smaller number of children than primary and secondary schools and that meant the audience for the ad was unlikely to be significantly skewed towards under-16s.*"

The Children's Food Campaign is also aware that complaints lodged about adverts near children's centres and nurseries for Haribo and Coca Cola, both depicting HFSS products, have now also been rejected due to the same logic, without any investigation.

Responding to the ASA's rulings, Barbara Crowther of the Children's Food Campaign says,

“We welcome the ASA taking a strong line on the Burger King and McDonald’s ads near primary schools, and hope these rulings will act as a warning sign to companies to tighten up due diligence on all outdoor food advertising.

However, the ASA appears now to be saying they will not protect nursery age children from unhealthy food advertising. It amounts to practical discrimination. It is an extraordinarily twisted interpretation of the rules to say it’s OK to expose very small children to these food ads because the centres and places they attend have fewer kids going there than a school, and don’t meet notional audience thresholds. It’s time to junk these ridiculous loopholes in the rules, and ban junk food ads from appearing on all bus stops, full stop.”

In a further twist of the rules, a complaint about a Subway advert on the side of a Transport for London bus was not subjected to further investigation by the Advertising Standards Authority, despite 19 bus stops on the route being less than 100 metres of 6 primary schools, 3 secondary schools, 2 children’s centres and 7 nurseries, which would have resulted in a ban for a static advert. In a letter to the complainant, the ASA says, “its location on the side of a bus means its location is not static, and therefore it is not consistently in a location where the audience is likely to be affected to mean that more than 25% of it is made up of children.”

Further information, images and media interviews:

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