

Advertisement of Food Products for Children: A Tale of Legality, Ethics and Indifference

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Recently an advertisement of “Pediasure” by Abbott Nutrition created lot of controversy and debate in academic circles as many experts felt that the claims made in it were not supported by authentic scientific data, and it was violating the Infant Milk Substitutes (IMS) Act. Previously, similar objections were raised against advertisement of another food product, “Complan”. These controversies were further fuelled by a recent report in lay media about a child committing suicide as he perceived not to be gaining height even after regularly consuming a popular nutritional product which advertises dramatic increase in height. On analysis of the ongoing discussions, at least three core issues have emerged: legal, ethical, and enforcement.

LEGAL ISSUES

The size of advertising industry in India is Rs.16300 crore out of which snack food market constitutes Rs.4500 crore, and branded food Rs.1300 crore. In India, only 2% of the amount of a food company’s budget goes into research and development of the product against 50% into advertising(1). On the other hand, more than two million child deaths occur in India each year, and two-thirds of these deaths are related to inappropriate infant feeding practices(2). To protect infant health, India adopts Infant Milk Substitutes (IMS), Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act which bans all forms of promotion of baby foods for children under 24 months(2). However, there is a lack of awareness at all levels and this shortcoming

is repeatedly exploited by these multinationals. Their strategy focuses on direct promotion to the public and through the healthcare system. Although companies might argue that they are promoting their foods for children above 2 years of age—a group beyond the purview of IMS Act, their aggressive marketing strategy focusing directly the public may blind this segregation and the non-discerning mothers may not be able to make appropriate selection.

ETHICAL ISSUES

With the advent of fierce competition and aggressive marketing strategies, ethics in advertising has indeed become a virtue of bygone era. Creating aspirations which are not realistic or making claims which are not tenable or claims which are misleading is either immoral or illegal. But who has time to bother, unless it affects us individually.

Take the case of Glaxo (now GSK). Initially, it launched a food product called “Limical”—a drink with limited calories—promoted among the high end of the society who were weight and calorie conscious. As it did not sale, the company re-launched it with little variation in constituents as “Complan”, and aggressively marketed it as complete planned food—targeting growing children. It clicked and overzealous mothers switched on. The growing kids section became the most sought after segment amongst nutrition industry and many other food companies started marketing such supplements for them. The current platform of advertising is

targeting growth/height among the children despite having no robust scientific proof for their claims. New challenges are also emerging through the public-private partnerships. Several groups such as the Global Alliance for Improved Nutrition (GAIN), which are linked and governed by the food and baby food corporations, are lobbying with the government to introduce micronutrients in national nutrition policies and set up national alliances with their support(2). This will further help the food multinationals increase their markets.

IMPACT ON CHILD HEALTH

The deleterious effects of such advertisements is not only limited to undermining the breastfeeding practices and infringements on IMS Act, but as witnessed in developed world, they can contribute to the fast rising trend of attaining childhood obesity by promoting indulgence in to improper eating habits of growing children. A study from Canada found that more than half of the processed baby and toddler food products contain more sodium and sugar than should be allowed(3). High levels of sodium in the diet have been linked to hypertension, and sugar, on the other hand, is implicated in obesity. The rates of childhood obesity in India are increasing especially amongst the middle and high income groups. According to a recent survey of well-to-do schools from Delhi found that about 27% of school children were overweight and 7% obese(1). But there is no regulation of any ingredients that go into a baby food product in India, let alone sodium and sugar.

The impact of these advertisement trails on lower middle class is far more damaging. Quite often these food brands acquire snob value and people from not so well-to-do families get tempted in purchasing them as nutritional supplements and a way of becoming elite. And this in turn adversely affects their spending on essential foods and nutritional items. Little do they realize that the same money could buy foods with much better nutrition for their children!

These advertisements also have adverse psychological impact on children when the unrealistic claims are not fulfilled. Advertisers of children's television used to appeal to the parents

earlier but now they appeal directly to children -who do not have the emotional or cognitive capability to evaluate what's being sold to them.

THE INDIFFERENCE

The indifference and ignorance shown by the government, law makers, health agencies and professional bodies is indeed disturbing. Despite the presence of law and existence of a strict act, its enactment is flawed and often lax. Food companies keep on flouting the law and enforcing agencies remain ignorant, indifferent, and even accommodative at times. We are more concerned about the indifference and apathy shown by the professional bodies and our professional colleagues. Indian Academy of Pediatrics (IAP), the largest group of professionals working toward child health in the country took a bold stand and adopted a resolution in 1996 that states: "The IAP shall not accept the sponsorship in any form from any industry connected directly or indirectly with the products covered by the IMS Act 1992". However, over the years many of its members, chapters, and sometimes even its stalwarts went 'soft' on the issue and even contravened the very resolution they had adopted decades back either inadvertently or intentionally. Some even started challenging the utility of this redundant act going by its performance or lack of it over the years. They now even argue that advertisement of these products is innocuous and hardly have any deleterious effect on child health unlike the advertisement of other products like soft drinks which are harmful to the health. However, they fail to realize their negative impact on child eating habits and nutrition, breastfeeding rates and on family economy especially of lower middle income groups. They also fail to appreciate the hidden agenda of food companies on building new markets for fancy foods at the cost of cheap, affordable, and more nutritious foods through these promotional campaigns and by creating so called 'nutrition institutes' in the gist of educating public and professionals in the matter of pediatric nutrition.

WHAT IS NEEDED?

In most parts of the world, there are few or no specific rules concerning food advertising to

children beyond the rules which must apply to all advertising. In India, even general rules pertaining to advertising are very lax. 'Advertising Agencies Association of India', and the 'Advertising Standards Council of India', both of which are business organizations can only put moral pressure on advertisers and companies to withdraw objectionable advertisements. Government has also enacted 'The Commercial Advertisements on Electronic Media (Regulation) Bill, 2005' which lays down standards for advertisements on electronic media(1).

There is urgent need for the government to draft and implement laws that do not deal with advertising in general but are specific and relate to every aspect of advertising, especially those that target young children and pertain to food. Any food advertisement should be scrutinized with regards to the claims they are making, and the food ingredients should meet standards laid down by some reputed organization free of competing interest. The existing rules and laws should not only be strictly implemented but should be harmonized into a single strict law.

In the end, all members of the medical profession need to come together and remain vigilant to shield child health interests from pressures of business and trade. Professional medical bodies like IAP need to be proactive in informing and educating their members about the intent and provisions of the IMS Act.

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