

LONDON, UNITED KINGDOM: A BAN ON UNHEALTHY FOOD ADVERTISING ACROSS THE TRANSPORT SYSTEM

#advertising #highfatsugarsalt #europe #overweightobesity

SHORT SUMMARY

In February 2019, a ban on advertising food and non-alcoholic drink that is high in fat, salt and sugar (HFSS) came into force across London's Transport for London public transport system. The radical step is part of a package of measures to improve the food environment and address the causes of child obesity in the UK capital. It came about as a result of strong political support by the Mayor of London, close cooperation between the Greater London Authority and Transport for London, and support from boroughs, public health organisations and members of the London Food Board.

CONTEXT AND PROBLEM

From the moment they step outside their homes, London's 8.8 million residents encounter promotional messaging from brands vying for their attention – on billboards and hoardings, at bus-stops, on underground platforms, in trains, and many other locations. It is a lucrative business. Over 30 million journeys are made on London's public transport system each day, and in 2018 Transport for London (TfL), the public sector body that runs it, reported advertising revenues of GBP152m.¹

Advertisements for restaurants, takeaways, delivery services, and food and drink products packaged up in wrappers, bottles or cans for on-the-go consumption have been a mainstay of London's outdoor advertising scene for years. Most products advertised are high in fat, salt and/or sugar (HFSS)², presented as aspirational and affordable for on-the-go urban consumers.



Tube in London (UK), Unsplash/Pau Casals

Research on the impact of food and drink advertising on children and young people has concentrated largely on broadcast media, but there is strong evidence linking exposure to adverts for HFSS food and drinks to consumption and brand engagement. For instance, a review of 22 studies on effects of advertising in TV and internet gaming found that children who were exposed to adverts for unhealthy food consumed more afterwards – both in quantity and calorific load – than those in control groups³. In a recent survey by Cancer Research UK, 40% of respondents aged 11-19 said they felt pressured to eat unhealthily, rising to 52% of people with obesity⁴.

Child obesity is one of the most ominous health issues facing London. A child who is affected by obesity is five times more likely than their healthy weight peers to experience obesity as an adult⁵, paving the way to a life-time of ill health and missed opportunities. In 2017-18, 21.6% of London's children aged 4-5 had overweight or obese status, and 37.2% of 10-11 year olds. The percentage of 10-11 year olds with overweight and obese status in Barking and Dagenham, one of the poorest boroughs, was almost double that in Richmond-upon-Thames, one of the richest⁶. Child obesity is an issue of social justice; a child's healthy future depends upon where they live and their family's income.

¹ TfL's 2018 advertising revenue represents 40% of outdoor advertising across London by value. Other outdoor advertising spaces, including some bus stops, are under the control of borough councils.

² Unofficial estimates put HFSS products at 68-80% of all food and drink advertising across the TfL estate.

³ Boyland, E. et al., (2016) 'Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and non-alcoholic beverage advertising on intake in children and adults', *American Journal of Clinical Nutrition*, 103(2), p519-533.

⁴ https://www.cancerresearchuk.org/sites/default/files/executive_summary_v1.pdf

⁵ Simmonds, M., Llewellyn A., Owen, C.G., and Woolacott N. (2016) 'Predicting adult obesity from childhood obesity: a systematic review and meta-analysis', *Obes Rev*, 17(2), p95-107.

⁶ London Datastore <https://data.london.gov.uk/dataset/prevalence-childhood-obesity-borough>

It is also an economic issue. In 2011 the Greater London Authority estimated the direct cost to the National Health Service (NHS) of treating child obesity at GBP7.1m per year; if children then aged 2-15 continue to be affected by obesity in adulthood, the impact on London's economy was projected to be GBP110.8m a year, including direct treatment costs and indirect costs from loss of income and premature death⁷. Within this context, the 2019 ban on advertising of HFSS food and drink products across the whole of TfL-run transport services is a radical step to address one of the most insidious causes of obesity, making such products less visible and less desirable to children, and reducing the considerable pressure to consume unhealthy food and drink.

The governance of London, and its transport, health and food systems

Greater London is made up of 32 boroughs and the City of London (a de facto borough). Each borough is a local government area with most of the policy and service responsibilities assigned to unitary local authorities in England – i.e. education, social care, housing, leisure, environmental health, planning, roads, parks and green spaces, and local taxation. The boroughs also have considerable outdoor advertising estates, including non-TfL-owned bus stops and billboards.

The Greater London Authority (GLA) is the top-tier administrative body for Greater London. It is led by a directly-elected Mayor (currently Sadiq Khan, Labour⁸), who is held to account by the 25-member strong London Assembly. The role of the Mayor of London is largely strategic. He or she sets the direction for planning, housing, waste, climate change, energy, culture and tourism across the whole of the city, and gives strategic direction on the capital's policing, fire, and transport services.

The latter includes the underground system, some overground trains within the city, buses, trams, Docklands Light Railway, Victoria Coach Station, river transportation, Emirates Air Line, cycle routes, Dial-a-Ride, taxi and private car hire – all of which are run by TfL. The Mayor of London is chair of TfL's board and has the power to direct its policies.

The Mayor's non-strategic duties include promoting economic and social development, skills, and environmental improvement, improving health, and reducing health inequalities. In 2017 the Mayor, representatives of other London entities, and central government⁹ signed a Memorandum of Understanding (MoU) on London Health and Social Health Devolution¹⁰, which includes maximising opportunities to influence the wider determinants of public health.

Like his predecessors¹¹, Mayor Sadiq Khan supports work towards a healthy and sustainable food system for London. He has appointed a food advisor who also serves as Chair of the London Food Board¹² – a 17-member strong advisory board drawn from the food sector, non-governmental organisations, other public sector bodies, and academia. The GLA food policy team, comprising three food policy officers, sits within the GLA's Regeneration and Economic Development Unit. The London Food Strategy, the first Mayoral strategy for food in London since 2006, was published in December 2018.

THE ACTION

The ban on advertisements for 'junk' (HFSS) food and non-alcoholic drinks across TfL's advertising estate is part of a suite of measures in the Mayor's Food Strategy for London that aim to encourage healthy eating¹³. It includes standalone promotion of a brand that makes or sells HFSS products – such as a fast-food chain or confectionery manufacturer – even if the HFSS products do not feature in the advert. Brands can, however, promote healthier food and drink products from their portfolios. Incidental images, graphics and text promoting HFSS foods and drinks are also prohibited, even if the advertiser is marketing a completely different, non-food or drink product or service.

⁷ <https://www.london.gov.uk/moderngov/documents/s3639/Appendix%201%20-%20Tipping%20the%20Scales.pdf>

⁸ Sadiq Khan was elected as Mayor of London in 2016 for a four-year term. His predecessor was Boris Johnson, Conservative, who served two terms from 2008-2012 and from 2012-2016.

⁹ Other signatories of the MoU represent the Department of Health, HM Treasury, the London Clinical Commissioning Group, London Councils, NHS England, NHS Improvement, and Public Health England.

¹⁰ https://www.london.gov.uk/sites/default/files/nhs_hlp_memorandum_of_understanding_report_november_2017.pdf

¹¹ The first Mayor's Food Strategy for London was developed in 2007 under Mayor Ken Livingstone, who initiated the London Food Programme and established the London Food Board. Boris Johnson, Mayor from 2008-2016, continued the work.

¹² Claire Pritchard was appointed as the Mayor's food advisor and Chair of the London Food Board in 2018. Her predecessor, Rosie Boycott, was appointed by Boris Johnson in 2008.

¹³ Other measures include promoting London as a 'Veg City', funding Good Food Retail Plans by boroughs and Business Improvement Districts, and a proposed London-wide restriction on new hot food takeaways within 400 metres of schools.

Examples – not permitted	Examples – permitted
Sugary drinks	Sugar-free drinks
Cheese burgers	Raisins
Chocolate bars	Unsalted nuts
Salted nuts	

Whether or not a food or drink is HFSS is determined using the UK Nutrient Profiling Model (NPM), a method that has been subject to scientific review and wide consultation¹⁴. Exceptions may be made on a case-by-case basis if the advertiser can present robust evidence that a HFSS food or drink product does not contribute to child obesity – such as, for example, if products are never consumed by children.

In 2018 TfL reported a deficit of GBP1bn, due to a fall in passenger numbers and reduced government grants; it is under pressure to increase advertising revenue to avoid increasing fares. Even so, the Mayor considers any financial hit from banning HFSS advertising to be justified given the long-term costs of child obesity epidemic.

As advertising spend fluctuates year-on-year depending on wider market conditions, it is too soon to tell if there has been any impact on overall spend, but early indications are that major retailers are continuing to advertise on the TfL network through amending their advertising copy or switching to advertise healthier products.

THE STORY OF THE ACTION

Putting the policy on the table

Outdoor advertising of HFSS products has been a subject of discussion within London for some time. Since 2016 some London boroughs have signed the Local Government Declaration on Sugar Reduction and Healthier Food¹⁵, which includes an action to include nutritional information on all food and beverage advertising in council-controlled spaces (publications, events, billboards, bus stops, etc). Concerns over advertising and sponsorship of Mayoral food initiatives by HFSS food companies was also raised at the Boroughs sub-group of the London Food Board, the London Boroughs Food Group. A study by dietetics students at Kings College London found that 69% of food advertising across the boroughs of Greenwich, Havering, and Merton was for ‘unhealthy’ products; the findings were presented to the London Food Board, where they piqued the interest of then-chair Rosie Boycott.

In 2016-17 the Healthy London Partnership¹⁶ conducted a major public consultation on child obesity, The Great Weight Debate¹⁷, which highlighted London’s food environment as a major factor, including HFSS advertising, the abundance of fast food restaurants, and the difficulties of finding affordable healthy food.

And in light of the 2017 MoU on London Health and Social Care Devolution, Public Health England (an executive agency of the national English Department of Health and Social Care) instigated discussions over how the Mayor of London could use his powers of strategic direction of TfL as a lever for restricting advertising of HFSS food and drink on the public transport system.

These discussions meant that there was a favourable context for the Mayor of London to take action over HFSS advertising on TfL property.

¹⁴ <http://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

¹⁵ <http://www.sustainweb.org/londonfoodlink/declaration>

¹⁶ The Healthy London Partnership includes various NHS entities in the capital, the GLA and the Mayor of London, Public Health England, and London Councils

¹⁷ <https://www.healthylondon.org/wp-content/uploads/2018/02/The-Great-Weight-Debate-report.pdf>

The issue of HFSS advertising was raised as during the drafting of the Mayor's new London Food Strategy in 2017-18. Initially various options were considered. These included:

- an 'Eat Aware' campaign to counter HFSS advertising;
- taking a levy from HFSS advertising and investing it in public health measures;
- a targeted ban of HFSS advertising at sites frequented by children, such as on school routes;
- a ban on digital screens during school run times (this was soon discounted as ineffectual as there are digital screens only in central London, not on school routes in Greater London).

TfL officers worked with the GLA to ensure the policy agreed would be deliverable and effective, that there would be appropriate planning time, and that the impact on revenue would be minimised.

Consultation and preparation

The Mayor's London Food Strategy is a non-statutory strategy. Although this means no formal approval was needed from the London Assembly and there was no requirement to put the draft strategy out for consultation, these steps were followed anyway, in the interests of the public record and transparency.

The GLA food policy team presented the draft strategy to the London Assembly's scrutiny committee on environment, with members of the health committee also invited. The HFSS ban on TfL did not elicit much controversy.

The public consultation ran from May to July 2018 via a dedicated web page, online discussion forums, and quantitative research (focus groups). The response was overwhelmingly positive: of the 592 emails and letters from members of the public, 580 supported the ban; of the 149 responses from stakeholder organisations, 68% supported the ban, 17% were against it, and 15% gave no view. The organisational opposition came from some parts of the food and drink and advertising industries, who raised concerns about the specific language used and the scope of the ban.

At the end of the consultation period, the GLA food policy team and TfL spent three months analysing the responses and drafting the final policy. Some changes were made; for example, a clause preventing the logos of food businesses associated with HFSS foods, such as fast food chains, appearing in advertisements was removed.

The final policy was published in November 2018, together with some guidance notes. It attracted considerable coverage in the London-wide, national and international media.

The GLA food policy team then embarked on a round of engagement that involved stakeholder meetings to address concerns or queries over implementation. This included regular meetings with TfL's advertising agents, JCDecaux and Exterior, to provide them with more detailed guidance on how they should interpret the policy. A number of events were also held, including one at City Hall in January 2019 for around 120 creative and out-of-home agencies, who design advertising campaigns on behalf of food and drink industry clients.

Implementation

The policy came into effect on 25th February 2019.

TfL is responsible for implementation, but the GLA food policy team continues to be involved when needed. The first point of contact for would-be advertisers – whether media agencies or the brands themselves – are TfL's agents, JC Decaux and Exterior. The agents check submitted copy, decide whether it is acceptable, and provide guidance to the client if necessary. If they are not sure, however, the agents can consult TfL.

In cases where an exception may be merited, the burden of proof lies with the companies. For example, they may be able to demonstrate that a HFSS is never consumed by children and therefore does not contribute to child obesity.

At the time of writing implementation is still in its early days. There may be challenges ahead as it is rolled out – for instance, it remains to be seen whether it will be subject to legal challenges.

Impacts on nutrition

The TfL ban on HFSS food and drink advertising will not be assessed for its impact on child obesity, which would be impossible given the complexity of the issue and a host of other factors that could contribute to progress. Rather, the GLA will conduct an annual audit of the 'number of less healthy food and drink adverts displayed across TfL network', using 2018 figures as a baseline.

In addition, a two-year study at the London School of Hygiene and Tropical Medicine will evaluate the impact on sales of HFSS food and drink. It will investigate whether brands' switching advertising of HFSS products for non-HFSS products translates into higher sales of the latter compared to a February 2019 baseline. The study is funded by the National Institute for Health Research.

ACTORS INVOLVED

Local authorities/ public sector agencies:

- The Mayor of London explicitly supported the action, as part of his commitment to combat child obesity in London.
- Public Health England (and others) lobbied the Mayor to take action.
- The GLA food policy team drafted restrictions in consultation with TfL, ran a public consultation, interpreted results, held information and outreach events. Team members continue to be involved as policy experts where needed.
- Transport for London contributed to development of the action. It is responsible for day-to-day implementation and consults with GLA food policy team where necessary.

Private sector:

- TfL agents Exterior and JCDecaux are the first point of contact for advertisers. They check advertising copy, decide whether it's acceptable, and provide guidance to the client if necessary.

NGOs:

- Sustain provided a template email in support of the action during the consultation.

University:

- The London School of Hygiene and Tropical Medicine is evaluating the impact of the ban on sales of HFSS food and drink.

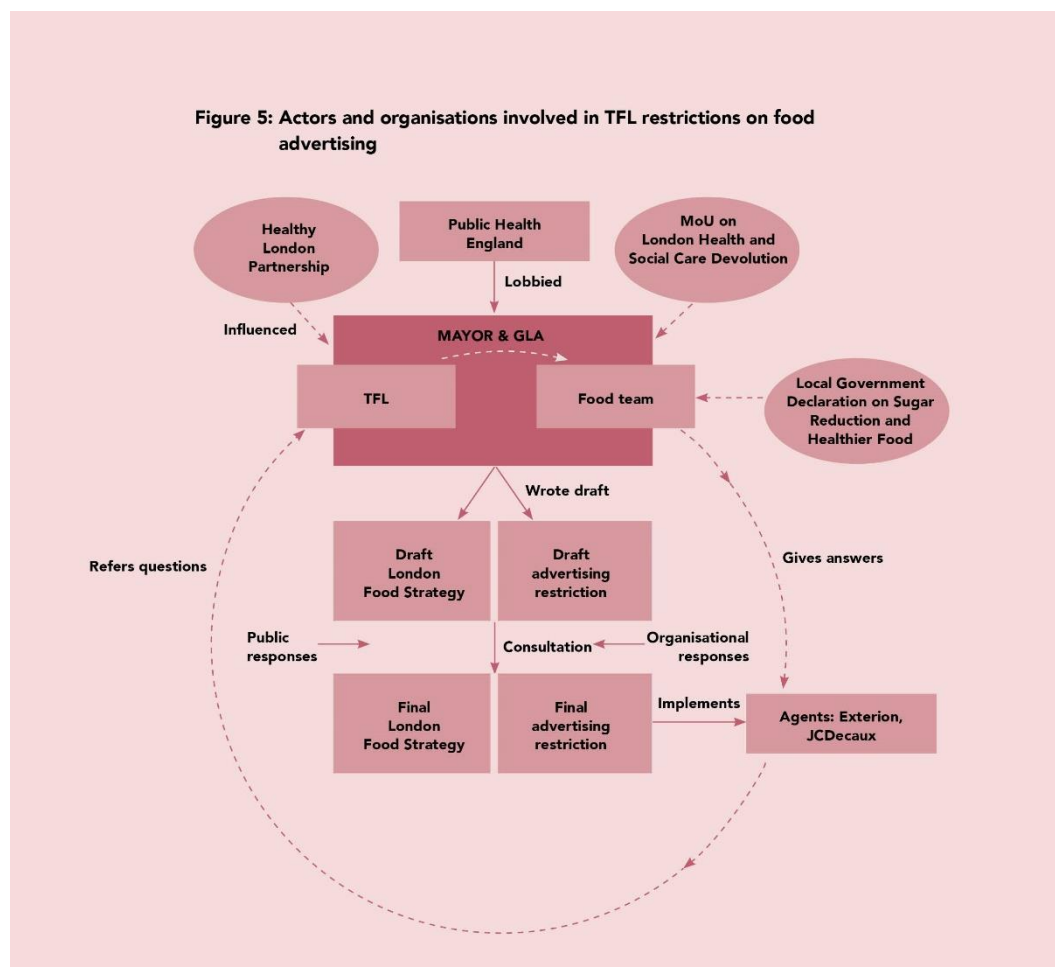
ENABLING FACTORS

- The strong political will of the Mayor of London, who recognises the role of the food environment in obesity.
- Effective partnership working between GLA and TfL, and especially the cooperative spirit of TfL officers over a policy that could make their lives more complicated and impact revenues.
- Lobbying, actions and campaigns by public health organisations, at the national and London levels, which created a favourable context for the action.
- The work of the boroughs sub-group of the London Food Board, and the Local Government Declaration on Sugar Reduction and Healthier Foods, which provided impetus for parallel action on the part of boroughs.

DIFFICULTIES FACED

- The action could impact TfL revenues at a time when that body is operating at a deficit and under pressure not to raise fares.
- Some widely-held perceptions of foods that are healthy and unhealthy can run counter to the nutrient profiling model, leading to development of copy that contravenes the policy.
- There is a risk of legal challenge to rejection of proposed advertising campaigns.

Figure 1: Actors and organisations involved in TFL restrictions on food advertising



MORE INFORMATION

- Publication: The London Food Strategy
https://www.london.gov.uk/sites/default/files/final_london_food_strategy.pdf
- Publication: The London Food Strategy Implementation Plan
https://www.london.gov.uk/sites/default/files/implementation_plan_2018-2023.pdf
- Publication: TfL Ad Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising
<http://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

In 2018 Amsterdam (The Netherlands) banned advertisements for unhealthy foods at all city-owned locations – including its 58 metro stations – and at all events run and subsidised by the city government. The ban is the result of an alliance between the city government and Stop Kindermarketing campaign. It forms part of Amsterdam’s Healthy Weight programme that aims to eradicate child obesity by 2030 (more info: <https://aagg.nl>)

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