

Association of Canadian Advertisers Comment for the Consultation Regarding Health Canada's June 10, 2017 "Marketing to Children" Proposal

Introduction

The Association of Canadian Advertisers ("ACA") greatly appreciates the opportunity to formally provide its comments in response to Health Canada's June 10, 2017 discussion paper entitled "Toward Restricting Unhealthy Food and Beverage Marketing to Children."

It goes without saying that childhood obesity, despite having stabilized in Canada over the past decade, remains a serious and complex public health problem with no easy solutions. ACA fully supports the goal of combatting childhood obesity and fostering public health.

That said, we believe that the proposal put forth in the June 10, 2017 discussion paper (the "Proposal") is problematic in many respects and should be reconsidered from the ground up. **First**, we believe that the proposal will not yield favorable results in combatting obesity and may be counterproductive in that regard. **Second**, we believe that the proposal is overbroad and unjustifiable in several respects – including its attempt to suppress consumption of foods¹ that are major contributors to public health, its failure to distinguish teens from younger children, and its disproportionate impact on adult-directed marketing activities. **Third**, we believe that the Proposal, were it to become law, would be economically costly without countervailing benefit.

We will explain each of these points in detail farther below. **But before doing that, we would be remiss if we did not lay out an even more fundamental point. This Proposal, though intended as a restriction of the marketing of "unhealthy" foods "to children," is in reality far broader than that. It actually represents a proposal to prevent most food marketing (for nearly all foods) from reaching all audiences – including adults.**

There is nothing like this anywhere in the world.

To be sure, there are robust regulatory and self-regulatory restrictions on the marketing of foods *to children* all around the world. Our members have been leaders in that movement and would welcome engagement with Health Canada on further evolutions of that effort. But we have not seen, until now, a regulatory approach that would ban 104 out of 106 foods² from being marketed on television during peak viewing periods – regardless of the audience or type of program – or on vast swaths of the internet (including those that might literally reach only adults).

Discussion

As previewed above, we would like to detail several interrelated concerns regarding the Proposal:

- We do not believe that food marketing restrictions are going to be effective in curbing childhood obesity in Canada.
- Moreover, we believe that the specific food marketing restrictions being proposed are likely to be counterproductive from a public health standpoint.

¹ For simplicity, we will refer to foods and beverages together as "foods."

² See HC's Proposal pg 23.

- We further believe that the proposed inclusion of teenagers in the group of people to be insulated from exposure to food advertising is particularly inappropriate.
- Even if we assume, for the sake of argument, that we are mistaken about all of the above, we believe that the proposed advertising restrictions are significantly overbroad and will primarily affect advertising to adults.
- Indeed, based on data we will outline below, the impact on child exposure to food ads would be relatively modest, and yet would come at a significant cost to the food industry's ability to communicate with adults and tremendous economic costs to a variety of industries, including the media industry that Canadians currently rely on for free, ad-supported content.
- Finally, we believe that the overbreadth of the proposal is particularly striking when one considers the availability of much less onerous means to achieve similar impacts on child exposure to food ads in a more targeted way.

We will proceed through each of these issues below, and we urge Health Canada to reconsider the Proposal. We want to emphasize at the outset that we are *not* fundamentally opposed to reasonable restrictions on food marketing *to children* – indeed, we have members who have championed and co-founded self-regulatory approaches around the world on this topic. But in the discussion immediately below, we establish the reasons why we believe the *proposed* food marketing restrictions are not likely to produce favorable results, and are more likely to be counterproductive. We believe the evidence is compelling.

That said, we do not believe we have the burden of proof here. Respectfully, we believe that, before eliminating (as described further below) 10.5% of all advertising activity in Canada, before restricting the marketing of foods like Cheerios *even to adults*, and before labeling as “unhealthy” the overwhelming majority of foods that Health Canada currently promotes on its “Eat well recipes” webpage, those who advocate for the Proposal should have the burden of establishing that these are necessary and justifiable steps. We do not believe that burden can be met.

I. Obesity remains a serious problem, but food marketing restrictions of the sort being proposed are not the solution

A. There is no solid reason to believe that banning most food advertising will reduce obesity rates – and every reason to believe it will not

When faced with a problem of the scope and scale as childhood obesity, it is natural and understandable to look for a simple solution. And food advertising has often been the focus of those seeking such a solution. Indeed, activist interest groups have openly, and with considerable stridency, accused industry of “causing” childhood obesity by advertising “unhealthy food” to children, and many have uncritically accepted those claims. *But the facts are otherwise: food advertising has not caused the rise in childhood obesity. Indeed, the evidence is to the contrary.*

To be sure, there have been plenty of attempts to show such causation, but despite numerous attempts to do so, researchers have been unable to credibly establish a causal relationship between advertising and obesity. In 2005, the Institute of Medicine was commissioned by the United States Congress to identify such a causal link. In their report, however, the authors could only reach the following conclusion: “[E]vidence is not sufficient to arrive at any finding about a causal relationship

from television advertising to adiposity among children and youth.”³ It is quite true that studies have been published that *purport* to establish a link between the advertising of certain foods and childhood obesity,⁴ but the conclusions of these studies do not survive closer scrutiny, as the studies themselves have significant design and methodological flaws.⁵

Not only does the hypothesis that food advertising to children has caused the upward spike in childhood obesity lack solid support, there is compelling evidence to suggest otherwise – *i.e.*, that the focus on advertising is misplaced.

First, food advertising to children actually declined during the period that childhood obesity was dramatically rising. In the Proposal, Health Canada notes that “obesity rates among children and youth in Canada have nearly tripled since 1980.” That upward spike in obesity was pronounced in the period prior to 2004, after which obesity appears to have leveled off.⁶

Though Canadian data on trends in child exposure to food advertising during the period when child obesity was dramatically rising (1980 – 2004) does not appear to be available, there happens to be robust data on this topic in the United States, which similarly saw a spike in obesity during that same period. Specifically, the U.S. Federal Trade Commission’s Bureau of Economics published a report in 2007 that looked at trends in child exposure to food advertising between 1977 and 2004. The report concluded that the number of food ads viewed by children in 2004 actually *declined* 9% from the number of food ads viewed in 1977,⁷ while obesity amongst this same population essentially tripled⁸ (as it did in Canada as well).

³ Institute of Medicine, *Food Marketing to Children and Youth: Threat or Opportunity?* (Washington, D.C.: National Academies Press; 2006) at 379-80.

⁴ See, e.g., Chou S, Rashad I, Grossman M. *Fast-Food Restaurant Advertising on Television and Its Influence on Childhood Obesity*. The Journal of Law and Economics 2008. 51 (599); Zimmerman F, Bell J. *Associations of Television Content Type and Obesity in Children*, American Journal of Public Health; 2010; 100(334); Andreyeva T, Rashad Kelly I. *Exposure to Food Advertising on Television, Food Choices and Childhood Obesity*. Economics & Human Biology; 2010. 9(3).

⁵ See Beales JH III, Kulick R. *Does Advertising on Television Cause Childhood Obesity? A Longitudinal Analysis*. Journal of Public Policy & Marketing; 2013; 32(2): 185-194; Beales JH III. *Television and Obesity*. Washington University School of Business; 2010. (The evidence that older children who spend more time watching television have higher BMIs does seem to be well supported. But it has not been shown that such higher BMIs are due to increased TV ad exposure by children, and not the sedentary nature of the act of TV viewing itself. And although studies have attempted to show that children’s TV advertising is associated with higher BMIs in children, by comparing the BMI of children who watch videos instead of broadcast television, or who watch noncommercial television instead of commercial television (and thus, in both cases, would view fewer ads), their results either have been inconsistent with the hypothesis that television advertising increases BMI in children, or reflected differences that were not statistically significant. In fact, what studies have tended to suggest is a much more complex set of factors associated with childhood obesity: total hours spent watching TV; cleanliness of the child’s house (suggesting the degree of care taken in how the household is run); the child’s caretaker’s BMI; whether the child watches programming intended for adult audiences (suggesting insufficient adult supervision); and other environmental factors. While many of these factors are not susceptible of a quick legislative fix, they indicate that far more research needs to be conducted into the causes for childhood obesity, so that meaningful solutions can be devised to address them.)

⁶ Carroll M, Navaneelan T, Bryan S, Ogden C. *Prevalence of Obesity Among Children and Adolescents in the United States and Canada*. NCHS Data Brief 2015; 211 (noting that “Both Canada and the United States have seen increases in childhood obesity from 1980 to the beginning of the 21st century, and then no recent changes in prevalence”).

⁷ FTC, Bureau of Economics Staff Report. *Children’s Exposure to TV Advertising in 1977 and 2004: Information for the Obesity Debate*. 2007.

⁸ *Id.* at 1.

If advertising were driving the upward jump in obesity, one would expect an *increase* in food ad exposure during the period of the greatest rise in obesity. But as the U.S. FTC report noted, that increase in food advertising did *not* happen (nor was there a change in the nutritional quality of foods being advertised):

[O]ur data do not support the view that children are exposed to more television food advertising today. Our best estimates indicate that children’s exposure to food advertising on television has fallen by about 9 percent between 1977 and 2004. Children’s exposure to all paid television advertising has fallen as well. Second, our data do not support the view that children are seeing more advertising for low nutrition foods. In both years the advertised foods are concentrated in the snacking, breakfast, and restaurant product areas. While the foods advertised on children’s programming in 2004 do not constitute a balanced diet, this was the case as well in 1977, before the rise in obesity.⁹

Second, evidence regarding caloric consumption and caloric expenditure undercuts the notion that advertising is responsible for upward spike in obesity rates – and points to increasingly sedentary lifestyles as the dominant driver of the problem. Though obesity is a highly complex issue, a well-settled equation lies at the heart of any discussion of weight gain: weight gain will tend to occur when the number of calories consumed (through food consumption) exceeds the number of calories expended (through physical activity and other energy use by the body).¹⁰ When our “calories in” exceed our “calories out,” our bodies store excess calories as fat, and we gain weight.

As mentioned above, Health Canada notes that “obesity rates among children and youth in Canada have nearly tripled since 1980.” If food advertising were fueling this stunning rise in obesity, the *only* possible way it could do that would be on the “calories in” side of the intake/expenditure balance (since food advertising presumably has no impact on physical activity and “calories out”). So if advertising were the culprit, one would expect to see two things accompanying the “near tripling” of obesity rates: (1) one would expect to see data indicating an increase in food marketing to children, leading to (2) an increase in caloric intake by children.

In reality, the data does not support either of these expectations. Instead, as noted above, child food advertising was actually on the decline during the period of the steep rise in obesity. At the same

⁹ *Id.* at ES-7.

¹⁰ See, e.g., Schwartz, et al. *Obesity Pathogenesis: An Endocrine Society Scientific Statement*. *Endocrine Reviews*; 2017; 38: 1-30. (“Obesity pathogenesis involves two related but distinct processes: (1) sustained positive energy balance (energy intake > energy expenditure) and (2) resetting of the body weight “set point” at an increased value.”); Senate of Canada. *Obesity in Canada, A Whole-of-Society Approach for a Healthier Canada, Report of the Standing Senate Committee on Social Affairs, Science and Technology*. 2016; Available at: [https://sencanada.ca/content/sen/committee/421/SOCI/Reports/2016-02-25 Revised report Obesity in Canada e.pdf](https://sencanada.ca/content/sen/committee/421/SOCI/Reports/2016-02-25%20Revised%20report%20Obesity%20in%20Canada%20e.pdf). (“In the simplest terms, overweight and obesity are the result of a sustained imbalance between the energy intake of an individual, namely food and beverage consumption, and the individual’s energy needs, namely, the sum of the body’s basic metabolic requirements plus additional physical activity.”); U.S Food and Drug Administration. *Calories Count: Report of the Working Group on Obesity*. 2004; Available at: <https://www.fda.gov/Food/FoodScienceResearch/ConsumerBehaviorResearch/ucm081696.htm> (“Fundamentally, obesity represents an imbalance between energy intake (e.g., calorie intake) and energy output (expended both as physical activity and metabolic activity Although there is much discussion about (1) the appropriate makeup of the diet in terms of relative proportions of macronutrients (fats [lipids], carbohydrates, and protein) that provide calories and (2) the foods that provide these macronutrients, *for maintenance of a healthy body weight it is the consumption and expenditure of calories that is most important.*”) (emphasis added)

time, *caloric intake was also in decline* amongst Canadian youth.¹¹ Indeed, though obesity has held steady in more recent years amongst children 3-19 (from 12.4% in 2004 to 13% in 2009-2013),¹² caloric intake has dropped *markedly* over that same period – and not only for that group as a whole, but for each five-year subgroup (4-8, 9-13, 14-18) and for each gender.¹³ For example, among children 1 to 13 years old, the decline was 14% (from 1,962 calories/day in 2004 to 1,680 calories/day in 2015).¹⁴

Obesity is clearly a thorny and multi-faceted problem. But if caloric intake has declined sharply while obesity has risen (or even held flat), the rational place to train our attention would be on caloric expenditure – not on advertising. And it should come as no surprise that, given technological and other societal shifts in recent decades, caloric expenditure through physical activity *has indeed dropped considerably* among Canadian children and youth. For example, between 2004 and 2015, the number of Canadian children ages 6-11 getting less than 7 hours of physical activity per week increased by 34%, while the number of children getting 21 hours or more per week dropped by 20%.¹⁵

And those declines likely followed many years of similar erosion in caloric expenditure. Consider the following commentary in the *Journal of the Royal Society of Medicine* in 2004, addressing similar physical activity declines in Britain over a lengthier period:

[T]he decisive contribution to today's obesity epidemic has been a reduction in physical activity. Today, children expend about 600 kcal/day less than their counterparts 50 years ago, and contemporary British children, even in the preschool years, spend much of their time seated. Television-watching and computer games contribute, and there has been a large increase in car journeys on behalf of children.¹⁶

Health Canada focuses on the prevalence of “screens” as well (television, phones, tablets, computers), but does so only to suggest that the role of these devices in obesity has been as advertising delivery mechanisms.¹⁷ To be sure, as discussed farther below, Canadian children under 16 are exposed to a little over 3 minutes of food advertising per day on these screens. Health Canada notes that “[t]he current marketing environment makes it increasingly challenging for kids to eat well” and then supports that claim with bullet points that say “Canadian adolescents spend more than eight hours a day in front of a screen” and “younger children spend on average between two and three hours in front of a screen

¹¹ *Canadian Community Health Survey – Nutrition: Nutrient Intakes from Food and Nutritional Supplements*, released June 20, 2017 available at: <http://www.statcan.gc.ca/daily-quotidien/170620/dq170620b-eng.htm> (last accessed August 10, 2017).

¹² Carroll M, Navaneelan T, Bryan S, Ogden C. *Prevalence of Obesity Among Children and Adolescents in the United States and Canada*. 2015. NCHS Data Brief: (211).

¹³ See Table 105-2020, *Total energy intake from foods, by dietary reference intake age-sex group, household population aged 1 and over*, 2015 Canadian Community Health Survey (CCHS) - Nutrition, Canada and provinces, available at <http://www5.statcan.gc.ca/cansim/a26?lang=eng&retrLang=eng&id=1052020&tabMode=dataTable&p1=1&p2=-1&srchLan=-1> (last accessed August 10, 2017) and Canadian Community Health Survey Cycle 2.2, Nutrition (2004). Nutrient Intakes from Food. Provincial, Regional and National Summary Tables Volume 1. Revised March 31 2008 and February 2009. Available by request from Health Canada.

¹⁴ See note 11 above.

¹⁵ Compare Statistics Canada. *Table 105-2027 - Children's participation in physical activities, in hours per week, by sex, household population aged 6 to 17*, 2015 Canadian Community Health Survey - Nutrition, Canada and provinces, occasional, CANSIM (database), filtered to show ages 6-11. (accessed: July 21, 2017) with Statistics Canada. *Table 105-2003 - Children's participation in physical activities, in hours per week, by sex, household population aged 6 to 11*, Canadian Community Health Survey cycle 2.2, Canada and provinces, occasional, CANSIM (database). (accessed: July 21, 2017).

¹⁶ Ashton D. *Food Advertising and Childhood Obesity*. *Journal of the Royal Society of Medicine*. 2004; 97(2): 52.

¹⁷ Proposal at 4.

per day.”¹⁸ Respectfully, we believe these comments miss the point. It is the *hours upon hours* of sedentary inactivity that is likely driving the obesity epidemic – not the *3 minutes* of food ads seen during that time.

Finally, if food advertising were causing the child obesity crisis, you would expect to see successful outcomes in jurisdictions that have banned child food advertising. But the empirical evidence shows otherwise – bans have been in place in Quebec and elsewhere for decades, and yet obesity has risen in these jurisdictions at the same pace as elsewhere. Recapping the above, there is no solid support for the proposition that advertising has caused the rise in obesity rates. To the contrary, the data points elsewhere. Accordingly, we would not expect the Proposal to beneficially impact obesity rates – because addressing something that did *not* drive the steep jump in obesity rates will not achieve the desired results. Nowhere is that more clear than in the empirical data from Quebec and Sweden.

Quebec imposed its ban on advertising to children under the age of 13 in 1980, and yet childhood obesity rates in Quebec remain similar to those in other provinces.¹⁹ Not only that, but the prevalence of overweight and obesity amongst Quebec children grew by 140% during the first 15 full years of the advertising ban – a faster rate of growth than in numerous provinces where no advertising ban was in place, including Ontario, Manitoba, Saskatchewan, and Alberta.²⁰

Similarly, Sweden introduced a ban on advertising on children’s programming in 1991, and still childhood obesity rates in Sweden remained consistent with those in the rest of Western Europe.²¹ In fact, Sweden has experienced higher rates of childhood obesity than the Netherlands, which has a robust food advertising environment.²²

Thus, advertising bans have been tried and – unsurprisingly – have produced no positive results *because food advertising is not driving the problem in the first place*. As a result, we believe government-imposed food advertising bans to be inappropriate. Even worse, we fear that such a ban would distract resources and attention from more effectively addressing the obesity crisis, and that it would have other counterproductive consequences as well, as described below.

B. Even assuming (for the sake of argument) that some sort of advertising restriction could be justified, Health Canada’s proposal is not the right approach: a ban aimed at suppressing consumption of the affected foods would harm public health

As demonstrated above, there is no solid reason to hope that an advertising ban will accomplish the Proposal’s public health goal. But even if one were to assume, purely for the sake of argument, that some sort of advertising ban could be useful, the specific advertising ban being proposed would remain highly problematic.

Ready-to-eat cereal accounts for far-and-away the largest share of advertising of individual foods to children in Canada – accounting for fully 44% of all food advertising to children. And under the

¹⁸ *Id.* at 5.

¹⁹ Willms JD, Tremblay MS, Kazmarzyk PT. *Geographical and Demographic Variation in the Prevalence of Overweight Canadian Children*. *Obesity Research*; 2003; 11(5): 668-73.

²⁰ Willms at 670

²¹ Lobstein T, Frelut ML. *Prevalence of Overweight Among Children in Europe*. *Obesity Reviews*; 2003; 4(4): 195-200.

²² Ashton D. *Food Advertising and Childhood Obesity*. *Journal of the Royal Society of Medicine*; 2004; 97(2): 51-52.

stricter of the two proposed nutrition standards in the Proposal, *all* of these cereals would be subject to the advertising ban according to Health Canada’s own analysis.²³ Given that kids who eat cereal frequently (including sweetened cereals) are far less likely to be overweight – and have better overall nutrient intakes – than those who do not,²⁴ suppressing cereal consumption would be counterproductive to Health Canada’s public health goals. And so we believe it is worth questioning a regulatory restriction that has, as its single largest impact, a counterproductive result.

But the suppression of cereal consumption is not the only unfortunate consequence of what is being proposed. Under both sets of nutrition criteria in the Proposal, and especially under the stricter of the two, numerous other foods are being inappropriately impacted as well. Consider the following list of a few examples of other foods that would be designated as “unhealthy” under the stricter standards:

- Skim milk
- Yogurt
- Salads with low-fat dressing
- Apples
- Grapes
- Bananas
- Whole wheat bread
- Turkey sandwich on whole wheat bread
- Peanut butter & jelly on whole wheat bread
- Canned tomatoes, green beans, corn, peas, etc.
- Canned or jarred fruits (in 100% juice)
- Applesauce
- Orange juice
- Rice (once prepared with modest salt)
- Flavoured oatmeal
- Granola and granola bars
- Whole grain crackers

To be sure, the Proposal notes the possibility that an exemption may ultimately be granted for “whole foods” like apples, grapes, and bananas – but the fact that these foods otherwise fail the nutrition criteria and would be designated as “unhealthy” foods (such that they would require an exemption) speaks volumes regarding the overly strict nature of the nutrition criteria.

We believe that artificially suppressing consumption of foods like those listed above through marketing restrictions is unjustifiable from a public health standpoint.

²³ Proposal at 23.

²⁴ See, e.g., Albertson AM et al. *Cereal Consumption: Its relationship with BMI and Nutrient Intake of Children Aged 4 to 12 years*. Journal of the American Dietetic Association; 2003; 103: 1613-1619 (children aged 4 to 12 who eat eight or more servings of cereal over a 14-day period are significantly less likely to be overweight than those who eat four to seven servings of cereal over a 14-day period, who in turn are significantly less likely to be overweight than kids who eat zero to three servings of cereal during that same timeframe; and among children 7-9, frequent cereal eaters (8+ servings per 14 days) are over three times less likely to be overweight than infrequent cereal eaters). See also Albertson AM, Affenito SG, Culp JM, Buklis P, Joshi NA. *The association between ready-to-eat cereal consumption, nutrient intakes of the Canadian population 12 years and older and body weight measures: results from a nationally representative Canadian population*. Journal of Food Research; 2013; 2(3) (ready-to-eat cereal consumption was associated with improved body weight measures – e.g., males 12 years and over who consumed 4 or more servings of RTE cereal over a 1 week period had significantly lower BMI compared to males who consumed 0-1 servings of RTE cereal per week).

This may not be Health Canada’s intent. We believe that Health Canada may assume that, by adopting these proposed nutrition standards, the government will not be *precluding* food manufacturers and restaurants from advertising cereals, yogurts, salads, sandwiches, etc.; rather, it will just be encouraging food marketers to reformulate these products in ways that would allow them to escape Health Canada’s “unhealthy” designation, and therefore be able to advertise. In other words, Health Canada may believe it is not “banning” food advertising *per se* – just banning the advertising of current formulations of most processed foods and supporting the advertising of “whole” foods. If these are the assumptions underlying the Proposal, we do not believe them to be valid. We turn to that below.

First, there is very little advertising of “whole” foods today, and that is highly unlikely to change because “whole” foods are typically commodity-like products with little to no branding. It is prepared and processed foods that are advertised because they are branded, value-added, non-commodity products that can be differentiated through marketing from competing products. So even though a Canadian producer of fresh tomatoes could theoretically advertise in place of the tomato sauce ad that might be seen today, we would not expect that to happen.

Second, processed foods will not be reformulated to meet the proposed nutrition standards because foods need to be palatable, cost-effective choices for consumers in order to be broadly consumed (and marketed). *It is not particularly possible for food manufacturers to reformulate to meet the strict nutrition criteria being proposed, much less in a manner that consumers would value as palatable, cost-effective foods, because the nutrition criteria are simply too strict for that.* Virtually no food, once prepared (*i.e.*, processed) into a recipe or finished “dish,” can satisfy the nutrition criteria in the Proposal. Not even the most careful home cook is likely to meet these. Indeed, even the raw foods meeting the proposed standards will, once incorporated into recipes prepared at home, likely end up being consumed as part of a food *not* meeting the standards. For example, an egg might also meet the standards, but unless it is hard-boiled or poached and unsalted, it will not meet them once consumed. Even nutrition-conscious home cooks will not “process” their food in an unpalatable manner.

There is perhaps no better demonstration of the above point than the fact that very few recipes, even those promoted as “healthy,” meet the Proposal’s strict standards. **For example, Health Canada promotes 47 “healthy, family-friendly” recipes on its website – and 36 of these 47 recipes fail the stricter set of nutrition criteria in the Proposal.**²⁵ These recipes – which were developed by the Heart and Stroke Foundation of Canada, and placed by Health Canada on the Government of Canada’s website in early 2017 – represent undoubtedly healthy foods. And yet the Proposal would designate them as “unhealthy” such that their promotion would be restricted by law. For the full list, see Exhibit B (attached), but here are some examples of Health Canada’s “healthy, family friendly recipes” that *fail* the nutrition criteria being proposed:

- Fruit and Yogurt Granola Parfaits
- Classic Poached Eggs
- No Bake Toasted Oat Granola Bars
- Spiced-Up Butternut Squash Soup
- Good Morning Egg Roll-Up
- Quick Quinoa and Veggie Casserole

²⁵Government of Canada. *Eat Well Recipes*. Available at: <https://www.canada.ca/en/health-canada/services/tips-healthy-eating/eat-well-recipes.html>. For a full overview of the complete list of recipes and which ones fail the proposed nutrition criteria, see Exhibit B (attached).

- Turkey and Veggie Stuffed Pita
- The Ultimate Mixed Bean Salad
- Orange Soy Tofu Pockets
- Watermelon Blueberry Yogurt Pops
- Toasted Barley and Wild Rice Salad
- Crowd-Pleasing Chickpea and Carrot Salad²⁶

These foods are “healthy” by any reasonable person’s – *but Health Canada’s recipes fail its own Proposal’s strict standards because, to make them reasonably palatable, some fat, salt, or sugar is being added.*

Thus, even for those setting out to create “healthy” foods, and even for those who are highly critical of the food industry’s recipes for the products it sells, creating a recipe compliant with the Proposal’s stricter standards is a rare feat. And these recipe creators have, compared to the food industry, all the freedom in the world in creating their recipes. They are not constrained by the limitations of existing production lines, nor any of the other constraints inherent in producing foods commercially. They are also not constrained by the need for their finished foods to be affordable (and palatable) for the public. If they can dream it up, they can cook it and publish it. And still, they do not often produce recipes that satisfy the Proposal’s standards because the Proposal will essentially not permit the items that typically are included in recipes to make foods palatable and appealing – such as fat, salt, and sugar.

It is generally agreed that human sense of taste can recognize five basic tastes – sweet, salty, bitter, sour, and umami. The Proposal would take most of these off the table, leaving the food industry’s recipe creators with few options other than bitter, sour, and bland. Whether one is cooking for the readers of Health Canada’s website, one’s own family, or the population of Canadian consumers as a whole, these taste profiles are not workable. As a consequence, the Proposal will not result in the advertising of “better” versions of currently advertised foods. Those versions (compliant with the Proposal) will not generally be produced.

II. Food marketing restrictions aimed at teens are particularly unjustifiable

A. Even assuming (for sake of argument) that *younger* children should be “protected” from food advertising – as they currently are through industry self-regulation (and by law in Quebec) – there is no scientific support for the assumption that food advertising leads to *teen* obesity

Above, we have addressed the general reasons why child advertising bans do not represent a meaningful approach for addressing obesity. And we have addressed some specific reasons why the particular approach being suggested in the Proposal may be counterproductive – and not merely ineffective.

The application of the ban to teenagers up through age 16 is unjustifiable for all the same reasons – only more so. Even the studies that *purport* to draw a link between child-directed advertising and obesity (which, as noted earlier, are not valid) do not tend to draw this link with respect to teens. Indeed, the most comprehensive literature review on this topic, the 2006 Institute of Medicine report, which as noted earlier found no causal link between food advertising and obesity, emphasized that though there was at least *some* evidence that advertising *may affect dietary choices* for children under

²⁶ *Id.*

12, even *that* evidence was lacking with respect to youth 12-18.²⁷ To the contrary, the IOM concluded based on its literature review that, if anything, there was evidence that advertising “does *not* influence the usual dietary intake of teens ages 12-18.”²⁸ In the years after the IOM report, further attempts were made to reach conclusions that differed from the IOM, but as described earlier, those attempts have not succeeded in rebutting the IOM’s conclusions.²⁹

Thus, we believe there is no scientific basis for applying the proposed advertising ban to teens. Moreover, as described below, the idea that teens need “protection” from, say, a cereal ad seems a little extreme, both because teens are far more mature than much younger children and because such “protection” is well out of step with other rights and responsibilities accorded to Canadian teens.

B. Unlike far younger children, teens are fully cognizant of the difference between ads and content, are fully aware of the persuasive intent of advertising, are highly skeptical of advertising, and grow even more skeptical with more exposure to ads

The precise age by which children can distinguish advertising from programming is likely to be around 3 or 4 years of age (perhaps as late as age 5).³⁰ Indeed, not only can children at far younger ages *recognize* ads, they also *understand the biased nature of ads and that their purpose is to persuade* by age 7 or 8.³¹

Thus, the idea of extending a food advertising ban such that it affects an older teen in the same manner as a very young child seems highly questionable. Indeed, an important factor in the Supreme Court of Canada’s narrow decision to uphold Quebec’s child advertising ban was that there “was no general ban on the advertising of children’s products, but simply a prohibition against advertisements *to those unaware of their persuasive intent.*”³² There is broad agreement that teens are fully aware of the “persuasive intent” of advertising.

²⁷ IOM at 379.

²⁸ *Id.* at 379 (emphasis in original).

²⁹ See note 5 above.

³⁰ See, e.g., Ali M, Blades M, Oates C, Blumberg F. *Young children’s ability to recognize advertisements in web page designs*. *British Journal of Developmental Psychology*; 2009; 27: 71–83 (noting that “Levin, Petros, and Petrella (1982) showed 3-, 4- and 5-year-olds a video that included, in random order, 10 second extracts from television advertisements (for children or adults) and from programmes. Children watched the video and were asked to say whether each extract was a ‘commercial’ or a ‘programme’. The 3- and 4-year-olds identified three-quarters, and the 5-year-olds identified nearly all, of the advertisements for children. The children’s ability to recognise the advertisements for adults was only slightly poorer than their ability to recognise the advertisements for children. In other words, 5-year-olds were competent at identifying television advertisements. This finding has been replicated in other studies (Butter, Popovich, Stackhouse, & Garner, 1981; Gaines & Esserman, 1981; Stephens & Stutts, 1982; Stutts, Vance, & Hudleson, 1981)”). See also Luik JC. *Ideology Masked as Scientific Truth: The Debate About Advertising and Children* 11, quoting Melissa Ditman in the *American Psychological Association’s Monitor on Psychology* in November 2002 as noting that “by age three or four, most children are able to differentiate an ad from a program.” *Id.* at 11.

³¹ Ali M., et al. (citing several studies for the proposition that children “appreciate the persuasive nature of advertisements at about 7 or 8 years of age”). See also ICC Commission on Marketing and Advertising. *ICC Statement of Code Interpretation ICC Reference Guide on Advertising to Children*. Dec 2016 (“In middle childhood (ages 6-9), children develop and understanding of advertising or selling intent, with most studies agreeing that by age 8 most children understand that advertisers are trying to sell them something”).

³² *Irwin Toy Ltd. v. Quebec (Attorney General)*, (1989) 1 S.C.R. 927 (emphasis added).

By around age 10 or 11, children have developed the ability to think fully critically about advertising.³³ And by 11 or 12, children have not only developed a full understanding of advertising, they are highly skeptical of ads.³⁴ In fact, disbelief in ad claims, and mistrust of advertiser motives, both peak at age 11 or 12 – and this skepticism remains high throughout adolescence.³⁵ Indeed, research suggests that this critical understanding of ads is comparably robust amongst middle-schoolers as it is among college business students.³⁶

To be sure, activists who support extending a food marketing ban to teens will cite studies for the proposition that teens are particularly susceptible to marketing communications because of their impulsive, risk-taking, emotional nature and the effects of peer influence. Indeed, Health Canada cites these same studies. But these studies would not appear to support the purposes for which they are cited. For example, there is no evidence presented in any these studies that the impulsive, in-the-moment risk-taking that might foster adolescent receptivity to the sorts of ads considered in these studies – *i.e.*, ads for adult products like alcohol, tobacco, and expensive status brands – would translate to seeing an ad for a *food* that their parent (not them) would most likely be the purchaser of (and at a time far distant from the viewing of the ad). In other words, even to the extent these studies may establish that peer influence and self-doubt may lead teens to be more receptive to ads for high-status, riskier, or luxury items,³⁷ it is highly doubtful that this would translate to the impact created by an ad for, say, crackers.³⁸

³³ Moore ES, Lutz RJ. *Children, advertising and product experiences: A multimethod inquiry*. Journal of Consumer Research; 2000; 27: 31-48. (“Older children (defined as age 10-11) approach advertising with a broader and richer perspective, including noting that some advertising claims are exaggerated, looking at an ad’s literal meaning as well as its figurative properties, and acknowledging that music, humor and celebrities are used to ‘get kids to pay attention and remember.’”); See also ICC (note 31 above); Robertson T, Rossiter JR, *Children’s Attributions of Intent in Television Commercials (Abstract)*, in *NA - Advances in Consumer Research Volume 01 eds. Scott Ward and Peter Wright*. (Ann Arbor, MI: Association for Consumer Research, 1974) at 118-119 (“By fifth grade, 99.4% of the children (in the study) perceive commercials as intentionally persuasive, compared to 87% and 53% for the third and first graders respectively...Finally, results demonstrated that attribution of persuasive intent produces lower belief in commercial messages, diminished liking of commercials, and a significantly reduced tendency for the child to want every product he sees advertised.”)

³⁴ Boush D, Friestad M, Rose G. *Adolescent Skepticism toward TV Advertising and Knowledge of Advertiser Tactics*. Journal of Consumer Research; 1994; 21(1): 165-175 (finding that skepticism peaks by grade 6 and then remains high, with such skepticism being “multidimensional, with components of disbelief in advertiser claims and of mistrust in advertiser motives”).

³⁵ *Id.*

³⁶ *Id.* Indeed, a key contributor to this critical thinking capability is repeated exposure to advertising. Wright P, Friestad M, Boush DM. *The Development of Marketplace Persuasion Knowledge in Children, Adolescents, and Young Adults*. Journal of Public Policy & Marketing; 2005; 24 (2): 222-233. From that perspective, an advertising ban that covers teens is not only unnecessary, it may even hamper the development of children into consumers who can critically respond to marketing information.

³⁷ See, e.g., Pechman C, Levine L, Loughlin S, Leslie F. *Impulsive and Self-Conscious: Adolescents’ Vulnerability to Advertising and Promotion*. American Marketing Association; 2005; 24 (2): 202-221 (noting that “[a]dolescents may be especially attracted to risky branded products that, in their view, provide immediate gratification, thrills and/or social status”).

³⁸ The other argument that is brought forward is that teens are particularly “vulnerable” to digital ads. To the contrary, if anyone is in full command of the digital universe, it is surely a teenager. See MTV Insights. “Young Millennials Will Keep Calm & Carry On.” (2013) Available at: <http://blog.viacom.com/2013/10/mtvs-the-new-millennials-will-keep-calm-and-carry-on/> and at <http://www.nytimes.com/2013/06/18/business/media/longing-to-stay-wanted-mtv-turns-its-attention-to-younger-viewers.html> (“Alison Hillhouse, the vice president of MTV Insights who oversaw the study, said 14- to 17-year-olds were even more comfortable with social media and technology than their older siblings. She calls them ‘digital latchkey kids’ because their hands-off Generation X parents have largely left them alone to navigate the Web.”)

C. Demanding this level of “protection” for teens – at an age level that exceeds that for other activities (such as babysitting, driving a car, flying a plane, consenting to sex, etc.) – seems out of step with common sense

In the Proposal, Health Canada notes that “[e]xisting Canadian laws recognize that adolescents are vulnerable to external influences and need protection.”³⁹ But many of the examples Health Canada cites – e.g., driving and voting restrictions – really are not about “protecting” adolescents from “external influences.” Instead, they are about ensuring that a proper level of education and maturity is attained before the *exercise of rights that can have a profound effect on others*. And even in many of these circumstances, including several cited by Health Canada, the age limit is set lower than the “under 17” age cut-off Health Canada has proposed for exposure to food advertising.

Respectfully, we believe this makes very little sense. Consider the following list of activities that are deemed to be appropriate and legal (in parts or all of Canada) at younger ages than 17:

- **Babysitting** – *no specific age requirement, but generally understood to be appropriate by age 10 or 11 – and this is for taking care of an even younger child*⁴⁰
- **Working** – *often no age requirement; some provinces have parental consent requirements below age 15 or 16*⁴¹
- **Firearms** – *can carry and discharge firearms for hunting and target shooting at age 12*⁴²
- **Piloting** – *Children may pilot airplanes (even solo) by age 14*⁴³
- **Driving** – *As early as age 14 for a permit and 16 for a full licence*
- **Boating** – *Children under 12 may operate smaller powerboats (up to 7.5 kW motor) unsupervised and by age 12 may operate a boat with a 30kW motor unsupervised*⁴⁴
- **Tattoos/Piercings** – *Can be permissible at age 16, even without parental consent*⁴⁵
- **Sex** – *Children as young as 12 can consent to sex with others who are less than 2 years older. Children as young as 14 can consent to sex with adults who are less than 5 years older. 16-year-olds can consent to sex with adults*⁴⁶

³⁹ Proposal at 8.

⁴⁰ Babysitting training courses offered by Red Cross Canada are aimed at children ages 11 to 15, and other similar programs target children age 10 and older.

⁴¹ Available at: https://en.wikipedia.org/wiki/Legal_working_age. See also, e.g., http://www2.gnb.ca/content/gnb/en/services/services_renderer.19676.Employment_of_Children.html (New Brunswick); <http://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/factsheets/general-employment-of-young-people> (British Columbia).

⁴² <http://www.rcmp-grc.gc.ca/cfp-pcaf/information/lic-per-eng.htm>

⁴³ <https://www.tc.gc.ca/eng/civilaviation/opssvs/general-personnel-gen-1803.htm>

⁴⁴ <http://laws-lois.justice.gc.ca/eng/regulations/sor-2008-120/page-3.html>

⁴⁵ <http://www.health.gov.nl.ca/health/publichealth/envhealth/personalservices.html>

⁴⁶ <http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>

- **Marriage** – Typically legal by age 16

In justifying extending the proposed advertising ban to teens under 17, Health Canada notes that it is worrying that these teens may be seeing food ads “on mobile devices without parental oversight.” As shown above, teens – and in some cases, pre-teens – might be lawfully and appropriately doing far more concerning, dangerous, or momentous things by age 17 than seeing food ads on their phones.

Respectfully, we believe it is inappropriate to apply a paternalistic advertising ban to teens, given the other rights and freedoms Canadian society believes teens and pre-teens are mature enough to handle (including freedoms like babysitting and driving that implicate the safety and well-being of others).

III. The proposed restrictions go far beyond “marketing to children” and would have a sweeping impact on marketing to adults – and the media, entertainments, sports, and other sectors that are supported by paid marketing

A. The proposed blanket food advertising ban for television (for most of the day) and for digital (for most of the digital universe) is overbroad and will primarily affect adult-directed marketing

Though the Proposal appears to imply that its proposed advertising ban is in some measure similar to those in the six other countries it cites (UK, Mexico, Chile, South Korea, Sweden, and Ireland), the Proposal overlooks the fact that the approaches in these other jurisdictions, though overbroad themselves, are at least *attempting* to confine their restrictions to *child-directed* advertising. For example, the UK prohibits the advertising of foods that fail certain nutrition criteria on programming *where 25% of the audience is under 16*.⁴⁷ The other countries offer variants of this same approach – focusing on circumstances where, due to the high proportion of children in the audience, programming (and the ads running during such programming) can be deemed to be “child-directed.”

This Proposal would make Canada the only country that would go far beyond “child programming” and ban most (indeed, nearly all) food ads on *all* programming running during most of the day on television, and most food ads on *nearly all* of the internet, regardless of the type of programming or content being displayed – and regardless of whether there is a single child in the audience. This approach is significantly overbroad and imprecise. The resulting impact on adult-directed marketing would be profound.

We will try to offer some perspective on this impact below – starting with television, and then moving to digital media.⁴⁸

⁴⁷ The Proposal quotes the UK percentage as “20%” — but the UK rule is “25%.” Available at: <https://www.asa.org.uk/resource/hfss-product-ads-and-brand-ads-identification.html>

⁴⁸ The television and digital advertising data presented below is different from the data that Health Canada appears to rely on for its understanding of current-day child exposure to food advertising. Health Canada notes that children view “an average of four to five food or beverage ads per hour on television” and “see over 25 million food and beverage ads a year on their favourite websites.” For both of these data points, Health Canada cites a news release by the Heart & Stroke Foundation of Canada. The Heart & Stroke Foundation document actually does not cite anything for its television estimate, but ultimately concludes that children are exposed to 8 to 10 food ads per day on television (4-5 per hour, with the average child watching 2 hours of television per day). As shown below, that estimate turns out to be fairly close to the mark (the actual average is 8 per day). But with respect to digital advertising, the data cited by Heart & Stroke (and by extension,

1. The impact on adult-directed television advertising

Collectively, Canadians see around 760 billion advertisements each year on television, and around 21% of those ad impressions, 159.5 billion, are for food.⁴⁹ Of these food ad impressions, at least 84 billion occur during the times that would be banned by the Proposal.⁵⁰ Though the Proposal would ban food ads during “only” 45% percent of the broadcast week (6am-9am and 3pm-9pm Monday through Friday, and 6am-9pm Saturday-Sunday,⁵¹ accounting for 75 out of 168 hours in a week), these times represent a higher proportion of advertising impressions because viewership is obviously higher during these peak times than, say, the 42 hours per week that occur in the so-called “overnight” hours from 12am-6am. The food ads running during “banned” times account for 53% of all food ad impressions.⁵²

Because the Proposal puts forth two competing sets of nutrition criteria, we cannot yet know with precision which advertised foods would be subject to the proposed advertising ban, but we will assume, based on Health Canada’s assessment that 104 of 106 foods advertised to children would fail the stricter standards, that it is reasonably likely that the ban will affect essentially all food ads. We will assume 98.1% of all food ads will be affected (104 ÷ 106). (This is especially reasonable to assume given that Health Canada’s assessment looked at 106 foods “commonly marketed to children” – and foods that are marketed to children today must already meet strict self-regulatory nutrition criteria to do so, and therefore they are more likely to meet Health Canada’s standards than most foods that are marketed to adults.)⁵³

Thus, it appears that approximately 82.4 billion food ad impressions currently seen each year will no longer be permitted (98.1% of 84 billion). We will address the economic impact of that farther below. But first, it is worth describing the audiences that food companies will no longer be able to reach with those 82.4 billion ad impressions.

Those audiences will overwhelmingly be adults. Indeed, out of the 82.4 billion food ad impressions received each year during the “banned” times of day, 72.2 billion of those (86%) are received by adults – and only 14% of those ad impressions are reaching the children under 17 that the Proposal seeks to insulate from food ads.⁵⁴

Health Canada) is not particularly meaningful, since it was gathered via a review of a limited sample of websites. And if it were correct and complete, on a per capita basis, children would only be seeing only 4 *food ads per year* online, which is obviously not credible. We endeavor below to provide far more accurate data, based on more rigorous data sources.

⁴⁹ Exhibit 1, Table 1, line 3.

⁵⁰ *Id.* at line 4.

⁵¹ During Health Canada’s July 11, 2017 webinar on this topic, Dr. Hasan Hutchinson referenced an intent to *additionally* ban advertising on child-directed channels and programming, even outside of “banned” times of day. We do not see this in the actual Proposal. At least for now, we are restricting our comments to the text of the Proposal itself.

⁵² *Id.* In addition, the percentage of ads impacted by the ban might even grow worse, depending on how time zone issues are resolved. For example, can a food company not advertise, even outside of “banned” hours – for example, at 9:15pm on a national broadcast – if that ad might be seen in a more westerly time zone during a “banned” hour? If food advertisers have to manage to this issue, the number of ads affected by the ban will balloon further.

⁵³ And as noted earlier, nearly all of the recipes the Health Canada promotes *on its own website* as “healthy, family-friendly” recipes fail the Proposal’s nutrition criteria for advertising. Suffice it to say, the criteria are quite strict.

⁵⁴ *Id.* at lines 9-11.

Thus, the Proposal is swinging with a very blunt instrument here – hitting its target under 14% of the time, and affecting others over 86% of the time. The impact on adult ad impressions is 7 times the impact on children. This is likely why other countries do not do this. This is likely why they focus on percentages of children that are *actually in the audience*. The statistics above establish something fairly basic: during the times of day when the Proposal would ban food advertising, about 14% of the audience (in the aggregate, across all channels) is under 17. But obviously, there is tremendous variation in audience composition across different sorts of programming. *Scooby Doo* is going to draw a child audience; *The Morning Show* is not.

If the goal is to limit child exposure to food ads, we believe it makes far more sense to focus on programming that children watch – not programs with minimal percentages of children in the audience.⁵⁵ As discussed earlier, we believe there is no reason to expect a successful outcome from a food advertising ban in the first instance. But even if a *child* advertising ban were to make sense, the Proposal here goes dramatically beyond that. Indeed, its primary effect on television will be on adult-directed advertising (and the free programming those ads support).

2. The impact on adult-directed digital advertising

The impact on adult-directed digital advertising is similar to television, though possibly even more extreme. The Proposal indicates an intent to cover food marketing “on websites, platforms and apps that are popular with children, even when these digital channels are intended for adults as well.”⁵⁶ It describes “Google, Facebook and YouTube” as examples of such “[d]igital platforms popular with children.” Given this definition of the advertising ban’s scope, and having expressly named the three largest players in the digital ecosystem, it would appear that nearly all of the mainstream internet would be swept within the ban. (As discussed below, the overbreadth of the phrase “popular with children” is heightened by the fact that “children” is defined to include anyone under 17. It is very hard to identify a major internet website that is “popular” with adults that would not also appeal to 16-year-olds.)

We will bring in some statistics in a moment. But first, we feel obliged to point out that services like Google, Facebook, and YouTube should not be thought of as monolithic “sites.” Consider YouTube as an example. Much like TV, YouTube is not a single content source. Rather, it is an umbrella platform that hosts millions of channels and pieces of content, each of which may appeal to vastly different audiences. YouTube, as a concept and as a whole, might be “popular with children” – but many of its channels and videos are decidedly not. When running “pre-roll” video ads on a channel featuring recipes for seniors living alone, a food company is not intending to reach children, nor is it likely reaching any.

So as with television, a blunt instrument is being applied here, lumping most or all of the internet into an overbroad, imprecise definition of “popular with children.” Canadians are exposed to about 80 billion food ad impressions each year on the internet.⁵⁷ As noted in the television discussion, nearly all of those ads (around 98.1% of them) will be for foods that fail the Proposal’s nutrition standards. So the advertising ban has the potential to cover nearly all of these 80 billion food ad impressions, subtracting only those food ads running on sites, platforms, and apps that are not “popular with children.” But as discussed above, Health Canada’s broad definition of “popular with children”

⁵⁵ See Section III.D., below.

⁵⁶ Proposal at 13.

⁵⁷ Exhibit A, Table 2, line 3.

would seem to sweep in virtually everything, so it is difficult to know what percentage to subtract, though it probably would not be more than 25%.

Proceeding on that assumption, at least 75% of 98.1% of 80 billion digital food ad impressions would be banned. This is 59 billion food ad impressions. We will address the economic consequences of that farther below. As with television, the audience affected by this advertising ban would be overwhelmingly adult. Indeed, over 82% of those “banned” ad impressions would have been received by adults – not by the children under 17 that the Proposal seeks to impact.⁵⁸ Thus, for every 1 time the Proposal hits its child target, it affects an adult 4.6 times.⁵⁹

This imprecision is unjustifiable, particularly in that – as discussed immediately below – there would be a simple way to execute a far more targeted advertising restriction on the internet.

B. The restriction on advertising on “sites” or “platforms” popular with children ignores the fact that most digital advertising is targeted to specific consumer populations (whose ages can be known or inferred) – not simply placed on specific sites

The Proposal seems to be based on a dated assumption of how digital ads are placed. Though “contextual” ad placements still occur (this is where an advertiser pays to place its ads on specific sites or sites offering specific types of content – for example, an auto parts business might place an ad on a site for car enthusiasts), the prevailing trend is toward “audience-targeted” ads.

Under this more modern model, digital ads are *not* placed on particular sites with the *hope* of reaching a particular type of person who *might* be on that site; *rather, ads are directed to specific people (or people meeting specific demographic profiles) on whatever site they might be visiting at that time.* This is why, when visiting a news site, a 30-year-old male may see an ad for a car he researched the day before on an auto manufacturer’s website, while a 30-year-old female may see an ad – in that same exact spot and at that same exact time – for women’s jewelry. Thus, advertising is now *personally targeted*, not just imprecisely broadcast in the hope of reaching the right consumer. So it is no longer really about “sites” – it is about people.

To use Facebook as an example, since Facebook was specifically called out by Health Canada as being “popular with children” and therefore off limits for food advertisers, ads placed on Facebook can be (if advertisers pay to do so) laser-targeted to specific audiences meeting highly specific profiles. For instance, if an advertiser wishes to ensure that no one sees a particular ad on Facebook other than people known to Facebook to be between the ages of 25 and 34, Facebook can do that. So if the goal here is to limit food ads to be shown to those who are 17 or over, there are far easier, far more precise ways to achieve that goal without bluntly banning all food ads on Facebook.

The same goes for the rest of the digital ad universe. There is little reason to create significant economic havoc and destroy a substantial percentage of the advertising environment that provides Canadians with free internet content and services. *To be clear, we are not advocating for any sort of food advertising restriction beyond the self-regulatory restrictions that are already in place. As argued elsewhere, such a restriction, in and of itself, cannot be justified.* We are simply pointing out that the

⁵⁸ *Id.* at lines 9-11.

⁵⁹ *Id.*

Proposal's advertising ban is needlessly overbroad, even if one accepts the need to insulate everyone under 17 from food ads.

C. The definition of “children” to include teens compounds the effect on adult-directed marketing

Since the Proposal does not adopt the typical approach of restricting food advertising only on programming or sites “directed to children” (as determined by audience composition), and bluntly bans most food advertising in a wholesale manner, the definition of who is a “child” needing this insulation from advertising might seem to be unimportant. However, it appears that the inclusion of teens within the scope of the advertising ban may be *why* platforms like YouTube, Facebook, and Google are deemed off-limits for food advertisers under the Proposal (because these platforms might not be “popular with children” if “children” were defined more narrowly). In that sense, the inclusion of teens is compounding the overbreadth of the Proposal's advertising ban.

If the standard is to be that no food marketing can occur on sites that are “popular with teens,” this eliminates vast swaths of the internet, because most things that appeal to teens also appeal to adults. The effect is equally dramatic when we shift our attention to other forms of marketing.

For example, though the Proposal is currently vague about how it intends to address marketing vehicles such as promotions, sponsorships, and celebrity endorsements, the implication seems to be that Health Canada is proposing to ban any elements that may “appeal to children.” And if “children” is defined to include even 16-year-olds, that approach is going to be substantially overbroad. For example, consider celebrity endorsers like athletes and entertainers and one quickly realizes that it will be difficult to find *any* likely endorsers who are not popular with teens (while still being sufficiently popular with adults to be of value as endorsers).

D. The impacts on the advertising and media landscape will be profound and costly (and likely not welcomed by the public) and yet the impact on children will be minimal. And that minimal impact could have been achieved in a far less costly, less imprecise manner

As noted earlier, the advertising ban would eliminate around 82.4 billion ad impressions each year in Canada on television and around 59 billion ad impressions on the internet. This translates to \$366 million in lost media revenue for television networks (10.9% of total TV media revenue)⁶⁰ and \$590 million in lost media revenue online (10.3% of total digital media revenue).⁶¹ This totals to a media revenue impact of nearly \$1 billion.

Those are revenue hits that some media outlets may not be able to survive. The public relies on free, ad-supported media. And this Proposal jeopardizes that model – not just in present terms, but also in precedential terms. If the government bans food marketing in this manner, what will stop the government from banning other advertising in the future?

On top of this economic impact, the Proposal would greatly hinder the ability of food companies to convey important nutritional and commercial information to the adults who actually buy their

⁶⁰ Exhibit A, Table 1, line 8.

⁶¹ *Id.* at Table 2, line 8.

products. Adults should not be prevented from making informed consumer choices about the food their family eats.

As we have repeatedly stated, we believe the Proposal to be unjustifiable. We would not expect the harms to be balanced by benefits. But to put this into further perspective, consider the actual impact on child food ad exposure. Even if we accept the Proposal's definition of a child as anyone under 17, the average Canadian child under 17 is currently exposed to only around 3 minutes of food advertising each day (some of which is for products that already meet strict nutrition criteria for marketing to children, such as cereal).⁶² Some of that advertising is on television (8 ads per day)⁶³ and some of those ads are online (6 ads per day).⁶⁴

If the Proposal were fully effective in eliminating all the food ads that currently run during banned times (or on banned sites), which of course may not happen since at least *some* food advertising may be shifted elsewhere (into different time slots or different sites), the best case scenario, from the Proposal's perspective, is that those 3 minutes of daily food ad exposure by children would drop to 1.3 minutes of food ad exposure per day.⁶⁵ In other words, all this effort is yielding a difference of under 2 minutes per day at most.

Even if one inappropriately accepts the idea that food advertising drives obesity, this Proposal would seem to us to be wreaking an awful lot of havoc for very little, and highly speculative, reward.

And even this modest reward could have been achieved in a much more targeted, less burdensome manner – with far less “collateral impact” on adult advertising. As noted earlier, a recognition of how audience-targeted digital media is purchased could lead to a solution that reduces child exposure to as many or more digital food ads (as under this Proposal) but without affecting adult-directed ads.⁶⁶ And with respect to television, an approach that restricted ads only on programming with higher percentages of children in the audience (but which left advertising on other programming undisturbed) could insulate children from the exposure to a reasonably similar number of food ads per day as under the Proposal, but without affecting nearly so many adult ad impressions.⁶⁷

Indeed, Table 4 of Exhibit A (attached) presents two alternatives (including one that aligns closely with the Quebec regulation) that could each achieve 76% of the impact that the Proposal would have delivered (with respect to the number of food ads to which children 2-16 are exposed) while impacting only 5.6% as many adult food ad impressions as the Proposal would have affected. These alternatives, which would affect 1.85% of all advertising (TV and digital) in Canada, are burdensome in their own right (and, we would submit, unjustifiable as well – we do *not* support them), but they would create far less impact on adult marketing.

IV. The economic impacts of this proposal are profound and unjustifiable

As described above, the Proposal would affect perhaps \$366 million worth of television advertising and \$590 million worth of digital advertising each year in Canada. Those revenues (nearly \$1

⁶² *Id.* at Table 3, line I.

⁶³ *Id.* at Table 1, line 13.

⁶⁴ *Id.* at Table 2, line 13.

⁶⁵ *Id.* at Table 3, line L.

⁶⁶ See Section III.B., above. See also Exhibit A, Table 4, “Digital Alternative” line in chart.

⁶⁷ See “TV Alternative #1” and “TV Alternative #2” within Exhibit A, Table 4.

billion) would be lost by Canadian media operations. Upstream from that would be additional damages to the entire advertising supply chain, including: media planning and buying agencies; advertising and other creative agencies who develop advertising materials; producers, actors, and crew members who produce ads; advertising technology companies that serve ads; etc. This would result in a substantial impact to the Canadian economy and significant job losses. A Deloitte study recently pegged the GDP multiplier effect of advertising in Canada at 6.37. This would mean that the immediate impact on advertising will be over \$6 billion. This excludes sponsorship and all other non-media related economic ramifications of this proposal. As such, we note that the government has an obligation to assess the economic impact of any proposed regulations before implementation.

And this does not begin to address the impact on the food, beverage, and restaurant industry itself. Fully 52% of the industry's ability to reach adults with television advertising, and 74% of the industry's ability to reach adults with digital advertising, would go away if the Proposal were to become law.⁶⁸ To state the obvious, that would represent an enormous blow to the business models of these companies. That, too, will impact the economy and jobs – both inside these companies and in their extended supply chains.

And all of the above derives only from the loss of TV and digital advertising. Though vague about its precise intentions with respect to other items, the Proposal seems to foreshadow restrictions on packaging, product design, promotions, sponsorships, endorsements, and a host of other items. These additional restrictions will further impact Canadian jobs and the Canadian economy.

As noted repeatedly above, we believe that *any* significant cost here would be unjustifiable given the lack of a credible reason to expect a favorable impact on obesity, the likelihood of counterproductive unintended consequences, and the availability of alternatives that would be far less burdensome on food, beverage, and restaurant advertisers (and the industries they support). *But these costs are extremely high, and therefore even less justifiable.*

Conclusion

ACA would welcome engagement with Health Canada on the evolution of current, self-regulatory restrictions on marketing of foods to children. Indeed, we believe that one of the benefits of a self-regulatory approach is the relative ease with which these programs can evolve over time (as compared with governmental regulation), setting attainable goals that incentivize positive changes in child-marketed products and the broader child-directed advertising environment.

We cannot, however, support the regulatory approach being proposed: it is not the right approach for public health – it is substantially overbroad in its definition of “unhealthy foods,” its definition of “children,” and its definition of “child-directed marketing.” Despite undoubtedly good intentions, the result is a program that is really *not* about the marketing of *unhealthy* foods and beverages to *children* – it is primarily about restricting the marketing of essentially *all* foods and beverages to *adults*.

This result would be unprecedented in the world. We believe it would cause substantial unintended harm. Well intentioned as the Proposal is, it has not been, and cannot be, justified on scientific, economic, or legal grounds. We would respectfully ask Health Canada to reconsider.

⁶⁸ Exhibit A, Table 1, line 7 and Table 2, line 7.

EXHIBIT A – Impacts of Proposed Ad Restrictions (and demonstration of less overbroad options)

Table 1 – Impacts of Proposed Television Food Ad Restrictions in Canada⁶⁹

1	Total annual advertising media expenditures on TV (all advertisers)	\$3.35 billion
2	Portion of the above that is for food advertising	\$703 million (21%)
3	Total number of food advertising impressions delivered annually on TV	159.5 billion impressions
4	Portion of the above that occur during “banned” times (i.e., 6am-9pm Sat-Sun and 6am-9am + 3pm-9pm M-F)	84 billion impressions (53% of total food ad impressions)
5	Media cost of the above (i.e., media cost of food ads that occur during “banned times”)	\$373 million
6	Percentage of the above food ads subject to Health Canada’s proposed advertising ban because they will be deemed “unhealthy foods”	98.1% (assumed based on HC’s assertion that 104 out of 106 foods failed in their testing)
7	Total number of food ad impressions affected by the ban (i.e., 98.1% of the 84 billion in line 4)	82.4 billion impressions (52% of all food ad impressions on TV)
8	Media cost of the above (i.e., media dollars that would have been spent on food ads that will now be banned) (98.1% of \$373 million)	\$366 million (10.9% of all TV advertising revenue)
9	Portion of line 7 (i.e., food ad impressions that would now be banned) that are currently received by adults (ages 17+)	72.2 billion impressions
10	Portion of line 7 (i.e., food ad impressions that would now be banned) that are currently received by kids (ages 2-16)	10.1 billion impressions
11	Ratio of impact of ban on adults vs. kids	Over 7 to 1
12	Total number of TV food ad impressions to which kids (2-16) are currently exposed annually	17.89 billion impressions
13	Number of food ad impressions per kid (2-16) per day on TV (currently) [17.89B ÷ population 2-16 (5,892,000) ÷ 365 days]	8.32 ads per day
14	Average duration of a TV food ad	20 seconds
15	Number of minutes of TV food advertising to which an average kid is exposed each day (currently) (8.32 x .33 minutes)	2.77 minutes (2 minutes 46 seconds)
16	Total number of TV food ad impressions to which kids (2-16) would be exposed after the ban (subtract line 10 from line 12)	7.79 billion impressions
17	Number of food ad impressions per kid (2-16) per day on TV after the ban	3.62 ads per day
18	Number of minutes of TV food advertising to which an average kid would be exposed each day after the ban (3.62 x .33 minutes)	1.21 minutes (1 minute 13 seconds)
19	Total per kid (2-16) reduction in TV food ad exposure each day accomplished by the proposed ban	4.7 fewer ads seen per day per kid, which is a reduction of 93 seconds of food advertising per day per kid

Conclusions:

- Enormous costs to media industry and ad-supported television (**\$366 million**)
- Blanket, untargeted nature of the ban yields enormous and disproportionate impact on food advertisers’ ability to reach adults (**ban impacts adults 7 times more than kids**)

⁶⁹ Based on data compiled by leading Canadian media agency from various sources: Nielsen Advertising Expenditure, All Categories (2016 Annual). Nielsen Advertising Expenditure, Food & Beverage Classes: Food, Alcohol & Related Beverages, Restaurants, Catering Services, Nightclubs (2016 Annual) Note: Approximately \$70 million in Alcohol & Related Beverages are included as we were unsure that children unable to see food & beverage advertisements would be allowed to see ads for alcohol beverages. Lines 3, 4, 12, 14: Numeris Canada, Total Canada, 2016 (Jan. 1, 2016 to Dec. 31, 2016); Food & Beverage includes the following categories: Beer & Wine, Beverages, Confectionary & Snacks, Dairy, Product, Meat & Bakery Goods, Direct Response Companies (Food & Beverage – Direct Response Only), Discount Department & Variety Stores (Food & Beverage – Discount Dept Store), Food & Beverages: Comb Copy & NEC, Ingredients, Mixes & Seasoning, Liquor, Misc Services & Amusements (Food & Beverage Services – Only), Prepared Foods, Restaurants, Retail (Food & Beverage Retailers: Comb & NEC; Food Stores & Supermarkets (Chain); Food Stores & Supermarkets (Independent).

- And to what end? A **modest 93-second per day reduction** in youth exposure to TV food ads

Table 2 – Impacts of Proposed Internet Food Ad Restrictions in Canada⁷⁰

1	Total annual digital advertising media expenditures (all advertisers)	\$5.72 billion
2	Portion of the above that is for food advertising	\$801 million (14%)
3	Total number of digital food advertising impressions delivered annually	80 billion impressions (13.4 billion to kids 2-16; 66.6 billion to adults)
4	Portion of the above that occur on “banned” platforms, sites, and apps	60 billion impressions (assuming at least 75% of total food ad impressions would be banned given Health Canada’s inclusion of “Google, Facebook, YouTube” and similar)
5	Media cost of the above (i.e., media cost of food ads that would now be banned) (75% of \$801 million)	\$601 million
6	Percentage of the above food ads subject to Health Canada’s proposed advertising ban because they will be deemed “unhealthy foods”	98.1% (assumed based on HC’s assertion that 104 out of 106 foods failed in their testing)
7	Total number of food ad impressions affected by the ban (i.e., 98.1% of the 60 billion in line 4)	59 billion impressions (74% of all food ad impressions on the internet)
8	Media cost of the above (i.e., media dollars that would have been spent on food ads that will now be banned) (98.1% of \$601 million)	\$590 million (10.3% of all internet advertising revenue)
9	Estimated portion of line 7 (i.e., food ad impressions that would now be banned) that are currently received by adults (ages 17+)	48.5 billion impressions
10	Estimated portion of line 7 (i.e., food ad impressions that would now be banned) that are currently received by kids (ages 2-16) ⁷¹	10.5 billion impressions
11	Ratio of impact of ban on adults vs. kids	4.6 to 1
12	Estimated total number of digital food ad impressions to which kids (2-16) are currently exposed annually	13.4 billion impressions
13	Number of digital food ad impressions per kid (2-16) per day (currently) [13.4B ÷ population 2-16 (5,892,000) ÷ 365 days]	6.2 ads per day
14	Average time of engagement with a digital ad	< 4 seconds (likely, far less)
15	Number of seconds of digital food advertising to which an average kid is exposed each day (currently) (6.2 x 4 seconds)	25 seconds
16	Total number of digital food ad impressions to which kids (2-16) would be exposed after the ban (subtract line 10 from line 12) (this is suggesting that the ban would be 80% effective in eliminating digital food ad exposure – there is no way to be sure at this point)	2.7 billion impressions
17	Number of digital food ad impressions per kid (2-16) per day after the ban	0.5 ads per day
18	Number of seconds of digital food advertising to which an average kid would be exposed each day after the ban (1.25 x 4 seconds)	5 seconds
19	Total per kid (2-16) reduction in digital food ad exposure each day accomplished by the proposed ban	5 fewer ads seen per day per kid, which is a reduction of 20 seconds of food advertising per day per kid

Conclusions:

- Enormous costs to media industry and ad-supported internet content and services (**\$590 million**)
- Blanket, untargeted nature of the ban yields enormous and disproportionate impact on food advertisers’ ability to reach adults (**ban impacts adults 4.6 times more than kids**)
- And to what end? A **modest 20-second per day reduction** in youth exposure to internet food ads

⁷⁰ Based on data compiled by a leading Canadian media agency from various sources including 2016-2017 IAB Canada Advertising Revenue Survey (2016 Actual + 2017 Estimate). Some data estimated based on assumptions (for example, impressions are inferred from expenditures based on prevailing CPMs since comprehensive impression data is unavailable).

⁷¹ This estimate is based on assumption that “ban” will be 80% effective in eliminating kid exposure to ads for foods subject to the advertising ban (.80 x 13.4B x .981). (By definition, it should be at least 75% effective, but we assume a bit more.) Line 9 is then calculated from this (i.e., the 59 billion impressions from Line 7 minus Line 10).

Table 3 – Combined Impacts of Proposed TV and Internet Food Ad Restrictions

A	Total annual TV and digital advertising media expenditures (all advertisers) <i>(from line 1 in Tables 1 and 2)</i>	\$9.07 billion
B	Portion of the above that which will be “banned” by the proposal <i>(from line 8 in Tables 1 and 2)</i>	\$956 million (10.5% of all advertising media expenditures are impacted)
C	Total number of food ad impressions (TV + digital) that will be eliminated by the ban <i>(from line 7 in Tables 1 and 2)</i>	141.4 billion impressions
D	Portion of line C (i.e., food ad impressions that would now be banned) that are currently received by adults (ages 17+) annually <i>(from line 9 in Tables 1 and 2)</i>	120.5 billion impressions (86% of ad ban’s impact)
E	Portion of line C (i.e., food ad impressions that would now be banned) that are currently received by kids (ages 2-16) annually <i>(from line 10 in Tables 1 and 2)</i>	20.8 billion impressions (14% of ad ban’s impact)
F	Ratio of impact of ban on adults vs. kids	5.8 to 1
G	Total number of TV and digital food ad impressions to which kids (2-16) are currently exposed annually <i>(from line 12 in Tables 1 and 2)</i>	31.29 billion impressions
H	Number of TV and digital food ad impressions per kid (2-16) per day <i>(from line 13 in Tables 1 and 2)</i>	14.52 ads per day
I	Amount of time each day during which an average kid is currently exposed to food advertising (TV + digital combined) <i>(from line 15 in Tables 1 and 2)</i>	3 minutes 11 seconds
J	Total number of TV and digital food ad impressions to which kids (2-16) would be exposed after the ban <i>(subtract line E from line G)</i>	10.49 billion impressions
K	Number of TV and digital food ad impressions per kid (2-16) per day after the ban <i>(from line 17 in Tables 1 and 2)</i>	4.87 ads per day
L	Amount of time each day during which an average kid would be exposed to food advertising (TV + digital combined) after the ban <i>(from line 18 in Tables 1 and 2)</i>	1 minute 18 seconds
M	Total per kid (2-16) reduction in TV + digital food ad exposure each day accomplished by the proposed ban <i>(from line 19 in Tables 1 and 2)</i>	9.7 fewer ads seen per day per kid, which is a reduction of 113 seconds of food advertising per day per kid (1 minute 53 seconds)

Conclusions:

- Enormous costs to media industry and ad-supported TV and internet content and services (**\$956 million**)
- Blanket, untargeted nature of the ban yields enormous and disproportionate impact on food advertisers’ ability to reach adults (**ban impacts adults nearly 6 times more than kids**)
- **Impacts 10.5% of all advertising in Canada**
- And to what end? A modest reduction in youth exposure to food ads (**under 2 minutes per day!**)
- Even worse: **similar impacts on youth exposure to food ads could have been achieved in a far more targeted, precise manner (without nearly so much collateral damage on marketing to adults, or to the advertising and media ecosystem as a whole). See Table 4 below.**

Table 4 – Impacts of More Precise Approaches (that limit collateral impact on adult advertising)

Possible Alternate Approaches:

(NOTE: We do not endorse these approaches. They are presented merely to show how imprecise and overbroad the Proposal is.)

- **TV Alternative #1.** Instead of applying a blunt instrument to the issue, and restrict food advertising on all channels (regardless of the type of programming or audience composition), restrict advertising only on programming where 20% or more of the audience is 2-16.
- **TV Alternative #2.** Instead of applying a blunt instrument to the issue, and restrict food advertising on all channels (regardless of the type of programming or audience composition), restrict advertising only on programming where 15% or more of the audience is 2-12. (Despite different age cutoff, this will still have significant impact on 2-16.)
- **Digital Alternative.** Instead of broadly restricting ads on whole “sites, platforms, and apps” as proposed, simply require that ads be “audience-targeted” to populations over 16. For example, Facebook is fully capable of showing ads only to those known to be over 16. No need to ban all Facebook ads.

	Impact on exposure of kids (2-16) to ads for foods that Health Canada seeks to discourage	Collateral damage: Loss of adult (17+) ad impressions due to the ban	Impact on media expenditures
Television			
Health Canada TV Proposal	Reduces kid (2-16) ad impressions by 10.1 billion/yr	Reduces adult ad impressions by 72.2 billion/yr -Impact on adult vs. kid: 7 to 1	\$366 million (10.9% of all Canadian TV ad expenditures (for all products))
TV Alternative #1 (20% 2-16) ⁷²	Reduces kid (2-16) ad impressions by 4.0 billion/yr	Reduces adult ad impressions by 6.8 billion/yr -Impact on adult vs. kid: 1.7 to 1	\$48 million (1.4% of Canadian TV ad expenditures)
TV Alternative #2 (15% 2-12) ⁷³	Reduces kid (2-16) ad impressions by 3.9 billion/yr	Reduces adult ad impressions by 6.9 billion/yr -Impact on adult vs. kid: 1.8 to 1	\$48 million (1.4% of Canadian TV ad expenditures)
Internet			
Health Canada Digital Proposal	Reduces kid (2-16) ad impressions by 9.9 billion/yr	Reduces adult ad impressions by 48.3 billion/yr -Impact on adult vs. kid: 4.6 to 1	\$590 million (10.3% of all Canadian digital ad expenditures (for all products))
Digital Alternative	Reduce kid (2-16) ad impressions by 12 billion/yr (reduces exposure to at least 90% of the current 13.4B imps.)	Does not impact adult ad impressions	\$120 million (2.1% of Canadian digital ad expenditures)
Television + Internet Combined			
Health Canada Proposal	Would reduce exposure to food ads by 20.8 billion impressions/yr	Reduces adult ad impressions by 120.5 billion/yr -Impact on adult vs. kid: 5.8 to 1	\$956 million (10.5% of all TV and digital ad expenditures in Canada)
Combination of TV#1 and Digital Alternative	Would reduce exposure to food ads by 16.0 billion impressions/yr	Reduces adult ad impressions by 6.8 billion/yr -Impact on adult vs. kid: 0.43 to 1	\$168 million (1.85% of Canadian TV and digital ad expenditures)
Combination of TV#2 and Digital Alternative	Would reduce exposure to food ads by 15.9 billion impressions	Reduces adult ad impressions by 6.9 billion/yr -Impact on adult vs. kid: 0.43 to 1	\$168 million (1.85% of Canadian TV and digital ad expenditures)

Conclusions:

- Each alternative in the bottom two rows **achieves over 76% of the reduction in youth exposure to food ads sought by Health Canada with far less collateral impact** on the food industry’s ability to communicate with adults (**impacting only 5.6% as many adult ad impressions**) and **at only 17.6% of the cost to the media industry**. Impacts **1.85% of Canadian ad market** instead of 10.5%.
- **Though we are not endorsing the need for any regulatory restrictions on food ads in the first instance, this analysis shows the degree to which Health Canada’s proposal is overbroad.**

⁷² The data in this row (and the one below) was calculated by a leading Canadian media agency based on a detailed analysis of audience composition data across all programming/dayparts. All other data in this chart is based on data in Tables 1-3.

⁷³ See note 72 above.

EXHIBIT B – Analysis of Health Canada’s “Eat Well Recipes” Website vs. Its Proposed Nutrition Criteria for Advertising

- The material below is an annotated copy of Government of Canada’s Health Canada website – specifically, its presentation of 47 “healthy, family friendly recipes.” Each food marked with a **red X** would be subject to the Proposal’s marketing restrictions under the “Option 1” nutrition criteria because these foods meet the Proposal’s definition of “unhealthy foods.”
- Only the foods marked with a **green check-mark** would avoid the marketing restrictions.

<https://www.canada.ca/en/health-canada/services/tips-healthy-eating/eat-well-recipes.html>



Government of Canada

Gouvernement du Canada

Eat well recipes

The Grand Prize Winner of the Eat Well Recipe Contest is Iris Nixon of Nanaimo, B.C. Enjoy this colourful, healthy recipe, simple and delicious! Check out these new healthy, family-friendly recipes.



Fall



Best-Ever Apple Berry Crisp

Apples and blueberries are the stars in this irresistible recipe. Enjoy it warm on its own or with a small dollop of yogurt. Perfect for dessert or as a snack with a glass of milk or fortified soy beverage.



Apple Pie Oatmeal

Nothing says fall like the sweet aroma of apple pie. Warm up on a crisp morning with this creamy, whole grain oatmeal.



Savoury Broccoli and Cheese Muffins

This must-try recipe is perfect for breakfast on the run. A soon-to-be family favourite, these muffins can do double duty as lunch, as a nice change from sandwiches.



Spiced Up Butternut Squash Soup

A hint of curry and cilantro takes this soup up a notch, making it a hands down favourite. This go-to recipe is versatile, so sub in other vegetables to transform it into a brand new soup.



Hearty Chicken Noodle Soup

Cool fall days call for a heartwarming soup. This version is sure to please as it's simple and fast for a weeknight meal. Moist, succulent chicken thighs take this great tasting soup to a whole new level of comfort.



Good Morning Egg Roll-Up

Feel the need for speed in the morning? This super, quick breakfast cooks up in a flash. Prep your veggies the night before to cut down on prep time. Or make the egg mixture the night before, and warm it up on your tortilla in the morning. So simple, so good!



Quick and Easy Hummus

This dip is perfect to enjoy as a snack with vegetables or whole grain crackers. Use it as a sandwich spread instead of mayonnaise or mustard for an extra hit of protein and fibre.



Mac and Cheese with a Veggie Twist

Give mac and cheese a makeover by adding bite-sized vegetables into the creamy sauce. This ooey gooey recipe is sure to be a family favourite. Don't have time to cut the



Speedy Pork and Apple Skillet Dinner

Apples, with their touch of sweetness, are a perfect complement to pork chops. This is a delicious weeknight meal that comes together with little fuss. Serve these pork chops with

vegetables into small pieces? No worries. Cook larger pieces a bit longer until they are tender.

mashed sweet potatoes or brown rice.



Colourful Quinoa Salad

Get a healthy dose of delicious with this colourful salad. Look for quinoa in the grains, organic or natural section of your grocery store. Store this whole grain in the freezer to keep it fresh for a long time.



Turkey and Veggie Stuffed Pita

This easy-to-make sandwich gives leftovers a new lease on life with some serious crunch factor. Use the turkey mixture to make an equally delicious salad. Add a splash of rice vinegar and enjoy.



Crunchy Turkey Fingers with Oven Fries

This tasty recipe is a fun finger food for kids. Using high-fibre breakfast cereal adds the right amount of crunch to the turkey fingers.

Summer



Lip Smacking BBQ Drumsticks

These delicious drumsticks are coated in heavenly homemade barbecue sauce. Sweetened with Medjool dates, this is guaranteed to be your go-to sauce. Use it with grilled meats for that everlasting taste of summer. Turn up the heat factor if you like things extra spicy.



The Ultimate Mixed Bean Salad

A summertime staple, this version is sure to please with its fresh taste and colourful hues. Make this salad a day ahead to let the zippy dressing soak into the beans.



Open Face Egg Salad Sandwiches

Transform an all-time lunch favourite with a little extra colour and crunch. Keep hard-cooked eggs handy in the fridge to whip up these easy sandwiches.



Fast Fish and Fresh Herb Veggie Packets

This delicious meal cooks up in no time at all. Beat the clock. Make the packets the night before or in the morning before going to work. That way, they're ready to place on the grill when you come home. Dinner will be done before the kids can ask "what's for dinner?"



Grilled Flank Steak with BBQ Veggies

You can't go wrong with this sizzling combination of steak and veggies. Flank steak is a popular and easy summertime steak. Slice it thinly across the grain so that every bite melts in your mouth. Balsamic vinegar gives beef a rich flavour.



Fun Fruit Kebabs with Maple Cinnamon Yogurt Dip

There's nothing like fruit kebabs to amp up the fun factor at snack time or summer get-togethers. Wow everyone's tastebuds by whipping up a creamy yogurt dip spiked with maple syrup.



Greek-Style Chicken Sandwiches

The fresh taste of lemon elevates this chicken sandwich to a whole new level. The taste sensation continues with crisp red pepper and fresh cilantro. This lunch standby goes from ho-hum to hello there.



Orange Soy Tofu Pockets

Add some magic to tofu with this punchy citrus marinade. For an inspired twist to everyday foods, tuck the grilled tofu into a sandwich, serve it up on a bed of greens or add it to soup or pasta salad. The options are endless.



Summer Lovin' Strawberry Pancakes

Longer days and warmer weather means berries have arrived! Fresh summer strawberries are a sweet addition to these easy pancakes. Whip up a batch on the weekend to enjoy through the week for quick breakfasts. Mixing whole wheat flour with allpurpose flour is an easy way to bump up the fibre in your recipes.



Terrific Tuna and Tomato Salad

A perfect way to use summer-ripened tomatoes, this refreshing salad is versatile enough to enjoy for lunch, on a picnic, or dinner on the patio with family and friends. Serve it over lettuce leaves for added colour and crunch.



Fruit and Yogurt Granola Parfaits

Crunchy granola with a hint of maple is sure to satisfy your sweet tooth! While this irresistible recipe makes 10 servings, there's no need to dish it out all at once. Simply make the granola ahead of time, and store in an airtight jar. When you're craving a quick snack, serve up with Greek yogurt and berries.



Watermelon Blueberry Yogurt Pops

Stay cool and refreshed this summer with these easy-to-make, creamy yogurt pops. The hardest part is waiting for them to freeze!

Spring



Fresh Avocado and Bean Lettuce Wrap

Creamy and colourful, these wraps come together in very little time.



Toasted Barley and Wild Rice Salad

Jump on the whole grain wagon with this flavourful salad. Barley's chewy texture and the nuttiness of wild rice are sure to make this salad a family fave.



Crowd-pleasing Chickpea and Carrot Salad

This flavourful, colourful salad can be enjoyed any time of year. It's sure to be an instant hit at any picnic or potluck.



Zesty Bean Dip and Chips

Need a snack for watching the big game? This recipe takes dip and chips to a whole new level. Pack the dip and chips separately for an on-the-go snack that is out of this world.



Easy Beef Fajitas with Lime Sour Cream

These fajitas are so flavourful, they are bound to be a family favourite.



Fun French Toast Sticks with Pineapple Orange Topping

Wake up to this delicious French toast. Using bran flakes adds a creative crunch to traditional French toast.



Satisfying Red Lentil and Mushroom Soup

This flavourful soup is perfect for those rainy days.



Savoury Pear and Cheese Scones

These tasty scones are great on the run or at home for breakfast or as a snack.



Classic Poached Eggs

Want to add a real wow factor to your next brunch? With a few simple steps, you can whip up your very own restaurant-worthy poached eggs in five minutes flat.



Quick Quinoa and Veggie Casserole

Get a plateful of colour from this comforting casserole made with quinoa and vegetables. The melted cheese topping with its crispy edges makes it simply irresistible.



Honey Grilled Salmon and Asparagus

Add a taste of spring to this simple dinner with seasonal asparagus. Enjoy the sweet hint of honey and fresh thyme in this easy salmon grill.



Family Favourite Spaghetti and Turkey Meatballs

Get your comfort food craving filled with this all-time family favourite meal. Get ready for your kitchen to be filled with the rich, mouthwatering aroma of simmering tomato sauce!

Winter



Greek style couscous and egg wrap

Using hard cooked eggs in sandwiches adds protein and a creamy texture to this filling. Switch up your cheese.



Creamy clam chowder

This east coast favourite makes for a delicious starter. Or pair it with a salad for a satisfying lunch.



Curried vegetable lentil stew

Fill your kitchen with the fragrant aroma of Indian spices and dig into this hearty vegetarian stew.



Easy bake cheese stratas

These easy-to-make individual stratas are sure to become a family favourite.



Eat your greens frittata

You can't go wrong with eggs at breakfast, lunch or dinner. For a flavour twist, use different peppers or other greens like arugula or kale.



Energy-boosting muffins

With a hint of cinnamon and a burst of sweetness from raisins, these wholesome and moist muffins are a nourishing way to start your day.



Mediterranean tomato and ricotta pasta

No one will guess that the secret ingredient in this creamy pasta dish is ricotta.



Simple slow cooker lasagna

Let your slow cooker do the work and come home to this easy, heartwarming meal.



Speedy flatbread pizza

Change up pizza night by using whole grain tortillas. Tortillas bake up nice and crispy, and are sure to become a favourite.



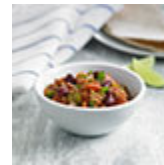
Steamy hot chocolate mix

Make a batch of this simple but sensational hot chocolate mix for the weeks ahead.



No bake toasted oat granola bars

Enjoy the natural sweetness of dates in this recipe. Toasting the oats delivers big flavour with little effort.



Turkey chili

This must-try chili is so versatile, the possibilities are endless. It can be enjoyed on its own or transformed into other dishes.