

SELLING A SICK FUTURE

How to counter harmful commercial marketing towards children and young people across risk factors for noncommunicable diseases

toys with purchase



partnerships with celebrities & athletes

flavoured products

use of cartoons & characters



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KEY DEFINITIONS

Breastmilk substitutes (BMS)	Any food being marketed or otherwise presented as a partial or total replacement for breast milk, whether suitable or not for that purpose (1), including commercial milk formula.
Child-specific environments	Physical and digital/online environments in which children are the dominant demographic, such as schools and off-campus school events, playgrounds, youth sporting events, children’s television networks, children’s games and apps, etc.
Commercial determinants of health	The systemic and individual practices through which commercial actors in the private sector affect health, directly or indirectly (2) (3).
Commercial marketing	A set of practices carried out by a commercial enterprise to promote the sale of products or services, or influence others to act in ways that maximise benefit to the enterprise (2) (4).
Diet-related NCDs	NCDs for which unhealthy diets are a known key driver, such as type 2 diabetes, heart disease and stroke, and some cancers (5) (6).
Digital marketing	“Promotional activity delivered through a digital medium that seeks to maximise impact through creative and/or analytical methods” (7).
High in fat, sugar or salt (HFSS) foods and beverages	Foods and non-alcoholic beverages that are high in saturated fat, free sugars, and/or sodium.
Noncommunicable diseases (NCDs)	NCDs are chronic conditions, including cancers, heart disease and stroke, chronic respiratory diseases, diabetes, mental health and neurological conditions, that are the leading cause of death and disability worldwide, accounting for 74% of all deaths. NCDs have a disproportionate impact on people living in low- and middle-income countries and are both a cause and consequence of poverty (8).
NCD risk factors	80% of NCDs are estimated to be preventable, driven by modifiable risk factors including tobacco use, unhealthy diet, physical inactivity, harmful use of alcohol, and air pollution (9).
Online behavioural advertising (OBA)	A tactic where advertisers learn the mood of the user at a given time from behaviour patterns and direct adverts towards the user when they are more likely to spend money (10).
Self-regulation	A governance regime in which non-government parties monitor their own adherence to regulatory standards or legal guidelines,
Ultra-processed foods	Food and drink products with five or more ingredients, typically including additives not found in other classifications of food, such as dyes and other colours, colour stabilisers, flavours, flavour enhancers, non-sugar sweeteners, and processing aids. Ultra-processed foods typically have sophisticated and attractive packaging, aggressive marketing to children and adolescents, health claims, and high profitability (11).
Unhealthy commodity industry	An industry whose primary product is considered an unhealthy commodity (i.e., one that causes significant health damage). Some definitions include only tobacco, alcohol and ultra-processed foods, whereas others include BMS, gambling, palm oil, fossil fuel, automobile, and mining industries (2).

EXECUTIVE SUMMARY

Unregulated commercial marketing threatens the health and well-being of our societies by altering environments and encouraging the consumption of unhealthy products associated with prevalent noncommunicable diseases (NCDs) – including ultra-processed and/or high in fat, sugar or salt (HFSS) foods, alcohol and tobacco products, breastmilk substitutes (BMS) and gambling services. Children and young people’s physical and mental health and well-being is affected immediately and over the course of their lives through habit formation and lasting harm, threatening the achievement of the Sustainable Development Goals (SDGs).

Globally, NCD prevalence is rising among children and young people, requiring much stronger and more comprehensive policy action to combat the targeting and exposure of these population groups to the harmful commercial marketing of NCD risk factors. National policymakers have an obligation to guarantee children and young people’s human rights to health, accurate information, privacy and data protection, and freedom from exploitation, as codified in the United Nations (UN) Declaration of Human Rights, UN Convention on the Rights of the Child, and other international treaties and conventions.

Commercial entities spend billions of dollars annually to target children and young people with marketing for unhealthy products and services, including in child-specific environments like schools, youth sports teams, and through youth-oriented apps, games and websites. Children and young people are also exposed to harmful marketing outside of child-specific environments, in their general environment. Across industries and platforms, marketers use sophisticated tactics and strategies to appeal to children specifically, enticing them to purchase, consume or use products for life.

There has been an enduring and dangerous marriage between child psychology and marketing theory to target children as consumers, using tactics designed to target children from a young age and keep them hooked as users for life. It is well evidenced that unhealthy commodity industries prey on low-income and minority children across geographies, and specifically target populations in low- and middle-income countries (LMICs), through aggressive marketing that exploits existing vulnerabilities.

National policymakers face significant barriers to developing, implementing and enforcing marketing regulations to combat these tactics, despite the known inadequacy of industry self-regulation. Policymakers report a lack of useful data to understand and describe the problem and therefore design adequate solutions, with a concurrent lack of political support, public awareness and buy-in on the importance of the issue.

‘We need to ... hold companies accountable for messages they are sending to young people.’

– Girl, age 16, Vietnam



The complexity and global nature of digital media is another major barrier to effective regulation. Design and implementation problems have sometimes plagued policy initiatives and limited their effectiveness, with learning further hampered by the insufficient resourcing of monitoring and enforcement of compliance, and lack of involvement of civil society, children and youth themselves, and other relevant stakeholders.

Moreover, government efforts to enact more effective regulation have been hindered by industry action, such as blocking or delaying regulatory attempts as well as shaping regulation to their benefit. Across industries, marketers use a common playbook to counter regulation and prevent restrictions that would constrain their commercial activities – and their profits. Companies influence and undermine regulation through highly effective lobbying and flooding consultations, and by promoting industry-favourable and weak legislation. Industry players also instil doubt about the severity of the problem in the public and policymakers and argue in favour of individual choice and ‘consumer rights’ to counter efforts to enact statutory protections. Publicly and privately with lawmakers, industries promote vague or voluntary commitments to reduce the strength of regulation. When policymakers do act, marketers shift their practices to evade regulation, moving towards technologies or platforms that receive less scrutiny.

This policy report focuses on harmful commercial marketing to children and young people, as a vulnerable population in need of special protection that all national governments should prioritise within a larger programme of regulating harmful commercial marketing for population health and to protect human rights. We identify seven policy design elements that, used comprehensively, can help create strong protections against harmful commercial marketing: regulating on 1) product, 2) content, 3) age, 4) environment, 5) power, 6) exposure, and 7) technique. This typology was developed through analysis of case studies to understand how existing regulation both succeeds and fails at curbing harmful commercial marketing.

To ensure the widest positive impact, it is critical for policymakers to look at a package of policies targeting all these elements holistically, ideally in ways that are aligned transnationally, with strict attention to conflicts of interest. All new or updated regulations should be written using specific but technology-neutral language; use opt-in protocols for data collection; allocate sufficient funding for robust monitoring and enforcement; and consider the experiences and views of children and young people.

‘Companies have marketing teams with ... multimillion budgets who are focused on ensuring children choose to consume their product. Because the company currently has no obligation to the child and their well-being or best interests, I think that there should be significant constraints on the ways in which companies are allowed to exploit this power dynamic.’

– Girl, age 17, United Kingdom

Call to action

Commercial marketing threatens human rights and is a major factor behind the global rise of NCDs – which cause 41 million deaths annually (74% of global mortality), with rising rates among children and young people in countries of all resource levels. **In this policy report, we call on national policymakers to urgently enact comprehensive, robust regulation to protect children and young people from being targeted by and exposed to harmful commercial marketing, ideally extending to banning all forms of marketing of unhealthy products that can reach these groups, including in and outside of child-specific environments.**

Policymakers, alongside civil society stakeholders, experts and advocates from diverse sectors, parents, and children and young people themselves should use every opportunity to speak out against harmful marketing and institute strong mechanisms of monitoring, enforcement and accountability, including by adopting strong conflict of interest policies to prevent commercial interests from interfering with policy action. When possible, national policymakers should collaborate at regional and international levels to address the transnational aspects of harmful commercial marketing.

This policy report makes 10 recommendations for national policymakers to counter harmful commercial marketing across NCD risk factors for children and young people. The recommendations have been developed to help implement the report’s call to action.

Recommendations for national policymakers

1

Promote mandatory marketing regulation over self-regulation and voluntary industry commitments, as the latter are ineffective and counterproductive.

2

Support comprehensive approaches to marketing regulation that cover the widest possible scope of ages, environments, channels, techniques, products and industries, as these are the most effective in reducing harm and protecting rights, especially when complemented with other supportive policies, such as front-of-package labelling laws based on government-led nutrient profiles; content, spending and benefits disclosure obligations by industries and advertising platforms; and certifications specifying that no benefits were received for depiction of unhealthy brands in media.

3

Ensure environments in and around schools, as well as at off-campus school events, are given special protection in marketing regulations given that school environments constitute a major source of exposure for children and young people, and that these regulations are potentially well-accepted by policymakers and the public and are feasible to implement even in low-resource settings.

4

Craft regulations to address the 'power' of marketing (i.e., the creative and convincing tactics that target children and young people), as this aspect of marketing is currently under-regulated.

5

Use specific definitions, technology-neutral language, and opt-in protocols for data collection to ensure regulations are not easily avoided and to reduce the need for legislative updates when new technologies emerge.

6

Plan for regular policy reviews and embedded evaluations, as companies manoeuvre quickly to overcome regulations, reformulate products, and evade attempts to control their activity.

7

Allocate sufficient funds to implement robust monitoring, evaluation and enforcement of policies and regulations, by means that may include promoting citizen participation in denouncing non-compliance via public education campaigns; directly engaging with academia, civil society and youth groups in monitoring and evaluation; designating or establishing a government body devoted to enforcement; and imposing financial penalties on violators and making reported violations public.

8

Mobilise the strong existing scientific evidence on marketing harms, and support research to build on the evidence base where it is lacking, to convince fellow policymakers, decision-makers, and other stakeholders, including media and the general public, that commercial marketing is a significant health and human rights issue.

9

Include children and young people in policymaking processes through meaningful and inclusive engagement, as is their right, by raising their awareness about harmful marketing and bringing in their perspectives via consultations, surveys, direct involvement in committees or bodies set up to address marketing, or other appropriate means.

10

Keep unhealthy commodity industries out of policy consultations, prohibiting them from also using lobbies or front groups to influence public policy by using robust conflict of interest and disclosure policies and developing and implementing transparency mechanisms around industry relations with government officials.

INTRODUCTION

Commercial marketing, defined as a set of practices carried out by a commercial enterprise to promote the sale of products or services, or influence others to act in ways that maximise benefit to the enterprise, threatens the health and well-being of societies by encouraging the consumption of unhealthy products, and often exploits vulnerabilities by targeting children and young people. Commercial marketing is a significant commercial determinant of health as it contributes to noncommunicable diseases (NCDs) by advertising and glamorising unhealthy products associated with common NCD risk factors – including ultra-processed and/or high in fat, sugar or salt (HFSS) foods, alcohol and tobacco products, breastmilk substitutes (BMS) and gambling (2).

The marketing of these unhealthy products and services affects children and young people immediately through direct exposure and over the course of their lifetimes through harmful habit formation that has a lasting impact on health and well-being. Moreover, NCD prevalence is rising among children and young people in both high- and low-income countries (12), showing the need for urgent policy action to protect the health and well-being of present and future generations. The 2020 WHO-UNICEF-*Lancet* Commission characterised harmful commercial marketing as a ‘grossly underappreciated risk’ to children’s health and well-being (up to 18 years) (13), a statement that also holds for young people (defined here as aged 18-30 years).

Commercial marketing of NCD risk factors to children and young people threatens their human rights to health, accurate information, privacy and freedom from exploitation, as codified in the United Nations (UN) Convention on the Rights of the Child (14), UN Declaration of Human Rights (15), and other international treaties and conventions (*Panel 1*). Children and young people also have rights enshrined in national constitutions and legislation. These codified human rights make it a legal obligation, not merely a social responsibility, for policymakers to protect children and young people from harmful commercial marketing.

Panel 1. Human rights and commercial marketing of NCD risk factors

Marketing of unhealthy products associated with NCD risk factors are significant threats to the fulfilment of human rights, including the right to a high standard of health and well-being, to adequate and nutritious food and to accurate knowledge about nutrition, health, and food, as well as rights to privacy and freedom from economic exploitation (UN Declaration on Human Rights (15), UN Convention on the Rights of the Child (14)). There is a growing consensus that marketing can give rise to violations of multiple human rights, and notably children’s rights (16) (17) (18) (19) (20).

Potential rights violations vary depending on the product being marketed and the population group being targeted or exposed. Across categories, marketing frequently and disproportionately targets certain racial, ethnic and socioeconomic groups, despite the call for attention to this issue by the UN Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health (21).

Under the UN Convention on the Rights of the Child (UNCRC) and elaborated on in the authoritative interpretations known as General Comments (GCs), children enjoy the same rights as all people, as well as additional protection, including restricted access to alcohol and drugs and regulation of advertising (GC4, GC15, GC16), the right to regulated media (GC7), the right to participate in digital media, the right to protection of their health and privacy (GC20), the right to protection from economic exploitation (GC3, GC16, GC20), the specific right to regulation of marketing of fast foods (GC15), and the right to be free from negative stereotypes about adolescence (GC20) – all of which are potentially violated by different types of commercial marketing. The CRC also requires that policy decisions consider the best interest of the child, meaning that the rights of other actors (such as businesses) must be weighed against children’s rights in all decisions that affect them. Further, several international frameworks including the International Covenant on Economic, Social and Cultural Rights and UN Guiding Principles on Businesses and Human Rights (2011) outline obligations to prevent the economic exploitation of children.

As duty bearers, governments have an affirmative responsibility to protect and fulfil human rights, including by adopting and implementing policies that protect children and young people from the harmful effects of commercial marketing.

National policymakers and their allies in international institutions, civil society organisations and academia are taking increasing action to counter the threat posed to children and young people by harmful commercial marketing. National efforts to regulate marketing of unhealthy products to children and young people, and the general public, are buttressed by the 2003 World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) (22), 1981 WHO International Code of Marketing of Breastmilk Substitutes (1), 2018 WHO SAFER technical package on alcohol (23), 2022 WHO Global Strategy for Food Safety (24), Appendix 3 of WHO Global NCD Action Plan 2013-2030 (25) (also known as the NCD ‘best buys’ and other recommended interventions) (updated in 2023), 2023 WHO guideline on policies to protect children from the harmful impact of food marketing (26), 2023 WHO/UNICEF implementation toolkit on this guideline (27), 2023 WHO Set of Recommendations on the marketing of foods and non-alcoholic beverages to children (28), and 2022 WHO/UNICEF Policy Brief on Protecting Children from the Harmful Impact of Food Marketing (29), among other guidance.

However, there is a general lack of understanding of best practices in regulation, particularly given the rapidly changing marketing and technological landscape. The rise of digital marketing on social media and contextual advertising has resulted in marketing policies that are outdated, inadequate or inflexible (30) (13), requiring critical analysis and renewed policy strategies. Despite increasing awareness, national policymakers claim there is a general lack of know-how when it comes to regulating the evolving digital space (31), which demands new approaches to policy.

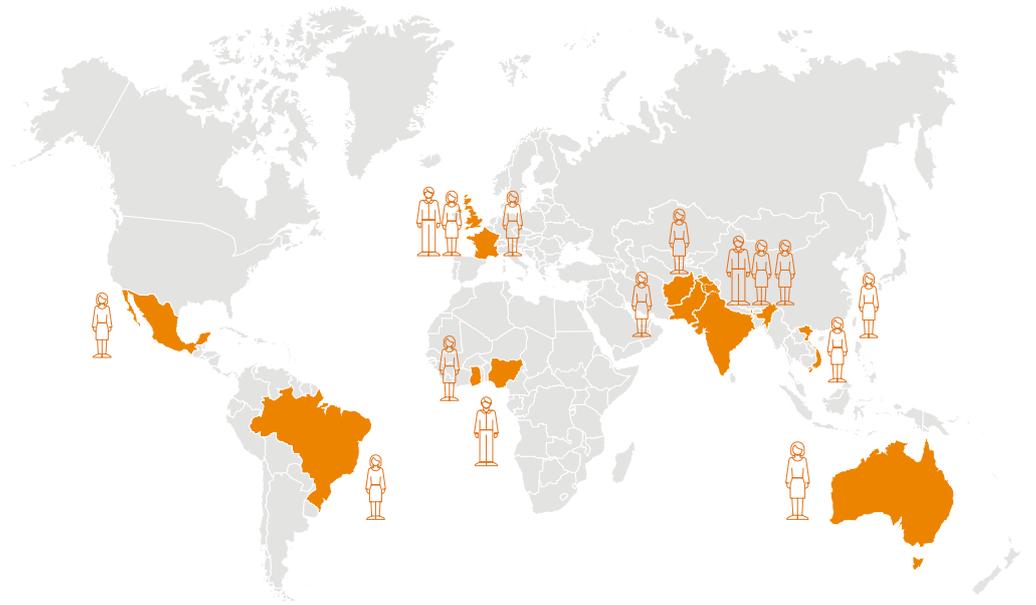
This policy report aims to bolster calls to regulate harmful commercial marketing to protect children and young people globally by collating knowledge and experience across different NCD risk factors, commercial industries, and geographies. By making the case for comprehensive marketing policies across a variety of unhealthy products, the report strives to cover all marketing to which children and young people can be exposed, and particularly marketing that targets children and young people in and outside of child- and youth-specific spaces. We first define the policy issue by laying out the specific harms caused to children and young people by harmful commercial marketing, the ways in which marketers target these audiences, and how marketers counter attempts at regulation. Next, we examine barriers to enacting regulation, including how companies use a common playbook to prevent, weaken and block legislation. Finally, we present potential solutions, drawing lessons and identifying gaps in the development of policies to regulate harmful commercial marketing across NCD risk factors, including key recommendations that are applicable across countries and industries.

Many countries have general laws on marketing and commercial practices applicable to people of all ages, including consumer protection laws, media laws, data protection and privacy laws, digital platform laws and some marketing-specific laws. While occasionally mentioning these, this policy report focuses on regulation specific to children and young people, or specific to the industries in focus.



Methodology

This policy report is informed by evidence and data from existing literature and publications, as well as input and guidance from an expert Advisory Group and two focus group discussions with a total of 15 children and young people aged 13-30 years, including people who self-identify as living with NCDs (*Annex 1*).



The literature review performed for this report synthesised information about the nature and exposure of commercial marketing to children and young people and the associated health risk of NCDs over the life course. The review also analysed existing regulations aiming to reduce the effects of harmful commercial marketing on children and adolescents across country and industry contexts, with further analysis of potentially effective policy solutions through case studies. The review was initially guided by previous work to prepare an Expert Meeting on Harmful Commercial Marketing to Children co-organised by WHO, UNICEF, the UN Human Rights Office (OHCHR) and Children in All Policies 2030 (CAP-2030) in December 2021, which directed the initial literature review to relevant reports, academic papers, news articles, civil society publications, country-specific legislation, and commentary. These sources were published prior to October 2021 and focused primarily on literature published between 2010 and 2019. A snowballing technique was used to identify further sources to update or fill gaps in what was previously collected.

Next, a tailored search was undertaken using PubMed and Google Scholar, and by reviewing reputable organisations' websites and news outlets. The following search terms were used in various combinations: [marketing OR advertising OR commercial OR broadcast OR digital OR media] AND [children OR child OR young OR youth OR kid] AND [harm OR exploit OR right OR health] AND [NCD OR noncommunicable OR disease]. Further detail was sought on the relationship between commercial marketing to children and NCDs, country-specific marketing legislation, international law or guidelines on marketing to children, examples of major companies' marketing techniques to children, and legal cases involving companies' marketing practices. Across the literature review, the approximate time frame was 2000-2023.

Following completion of the initial literature review, findings were shared with the Advisory Group for comments and suggestions on scope, case studies, and emerging recommendations. The focus group discussions provided input on scope, suggestions on solutions to the problem, and locally observed examples of harmful commercial marketing. The policy report was drafted using inputs from both the Advisory Group and focus group discussions, alongside the literature review. Written commentary from those who could not attend the Advisory Group meetings or focus group discussions were combined and analysed with verbal feedback. Drafts were reviewed with the Advisory Group and focus group participants, as well as by stakeholders at NCD Alliance, the Peer Learning Advocacy Network (PLAN) on Prevention and CAP-2030. All comments were analysed in relation to the objective of the policy report, examined for consistency across inputs and finalised with the input of the Advisory Group and focus group participants.

Although it was beyond the scope of this policy report to conduct a systematic review of national regulation on harmful commercial marketing to children and young people, between the literature review and focus group discussions, we reviewed examples of regulations and marketing practices from over 50 countries. The regions most represented in the literature review were Europe and the Americas, with lesser but some representation from the African, South-East Asian, Eastern Mediterranean and Western Pacific regions due to literature and case study availability. Geographical imbalances in the literature review were somewhat mitigated via focus group discussions, with participants mostly from the South-East Asian, Eastern Mediterranean, and Western Pacific regions.

THE PROBLEM

Harm promotion among children and young people is allowed by governments

NCDs are the leading cause of premature death and disability worldwide, causing 41 million deaths every year and accounting for 74% of all global deaths. This figure is projected to rise to 52 million annual deaths by 2030 (9). Over three-quarters of NCD deaths occur in low- and middle-income countries (LMICs) and are rising among young people, primarily due to the rising prevalence of overweight and obesity, raised blood pressure and blood glucose, and abnormal blood lipids, driven by unhealthy diets (7).

Habits created in childhood around consumption and usage of unhealthy commodities due to high exposure are carried through life and set children up for increased risk of NCDs as adults (32). It is well evidenced that the products and practices of a number of unhealthy commodity industries, including tobacco, alcohol, and ultra-processed and/or HFSS foods, are behind the rising burden of NCDs and ill health, in high- and low-income countries alike, among both children and adults (2). NCDs pose an enormous risk to public health with children and young people being especially vulnerable to NCD risk factors, fostered by the harmful commercial marketing of unhealthy products, and risking progress on Sustainable Development Goal 3 (SDG-3) on health and well-being and other critical development goals, particularly in low-resource settings.

Commercial marketing causes direct and severe harm to the health and well-being of children and young people.

Marketing to children and young people is one of the primary commercial determinants of health, causing or contributing to health harms in a variety of ways (2). These harms affect both physical and mental health, both of which can lead to NCDs, and can vary by age, while compounding across the life-course due to repeat exposure and habit formation (32). The impacts and harms of commercial marketing discussed in this policy report are non-exhaustive and non-exclusive, as they are manifold and far-ranging, and can influence the habits and purchase patterns of parents and other adults where the end-consumer is a child (33).



Physical health harms from commercial marketing occur across all ages due to direct consumption or usage of unhealthy commodities, which can cause or worsen obesity, diabetes, and chronic respiratory diseases, among other NCDs. Tobacco, alcohol and ultra-processed and/or HFSS foods have obvious and well-established links to NCDs, particularly as consumption begins earlier in the life course. Inappropriate use of BMS means that less than half of infants are breastfed in accordance with WHO recommendations, increasing the risk of childhood infectious diseases, mortality, malnutrition and obesity in later years, with additional harms to mothers who forgo breastfeeding, including increased risk of cancer, diabetes and cardiovascular disease. BMS is heavily marketed to parents and caregivers with unfounded product claims and advertising messages, to health professionals using a veneer of scientific information, and with simultaneous lobbying against breastfeeding protection laws, in breach of the International Code of Marketing of Breastmilk Substitutes (34). Commercial marketing also harms physical health indirectly since long-term and habitual consumption of unhealthy commodities, starting in childhood or adolescence, leads to NCDs later in life.

Commercial marketing also contributes to **poor mental health** in many ways, such as by causing low self-esteem from unrealistic body ideals in advertising content, particularly in social media (35) (36). Children and young people in our focus groups were concerned about these mental health harms, mentioning how companies promote 'unrealistic beauty standards' from a young age and how girls are targeted with advertising for skin-whitening and other beauty products, preying on ideals of 'appearance' and 'confidence' (Table 1). Aggressive marketing also encourages alcohol abuse and drives its associated mental health risks, with exposure to alcohol advertisements found to increase children's alcohol consumption to dangerous levels (37). Similarly, marketing has been found to encourage gambling and associated addictive behaviours in children, young people and vulnerable populations (38). Commercial marketing also contributes to mental health harms by preying on mothers' emotions in unethical BMS advertisements, using scare tactics that make the mother question her decision-making and perception of the baby's health and behaviour in order to convince her to stop breastfeeding (39). There is also increasing evidence that consumption of unhealthy foods is associated with depressive symptoms, although more research is needed to confirm and understand this link (40).

Marketers target children and young people across all environments and media, using increasingly sophisticated techniques.

Marketing practices are diverse, adaptive and constantly evolving alongside technology and regulation – they are also extremely well-funded, although exact figures are difficult to ascertain (Panel 2). It is challenging to conceptualise how dynamic marketing has become with the rise of social media and other sophisticated platforms of delivering advertisements. A common categorisation of marketing elements is known as the '7 Ps' or 'marketing mix' (41) (42), which this report recognises as the fundamentals of marketing activities and strategies (Panel 3). These fundamentals aim to represent all the elements that industries can leverage for marketing purposes, often combined to create enticing and effective marketing campaigns to children, young people and adults. Building on these marketing fundamentals, this report classifies marketing across three main domains that allow for children and young people's exposure to harmful commercial marketing: environment, media and techniques (Figure 1) (13) (43).

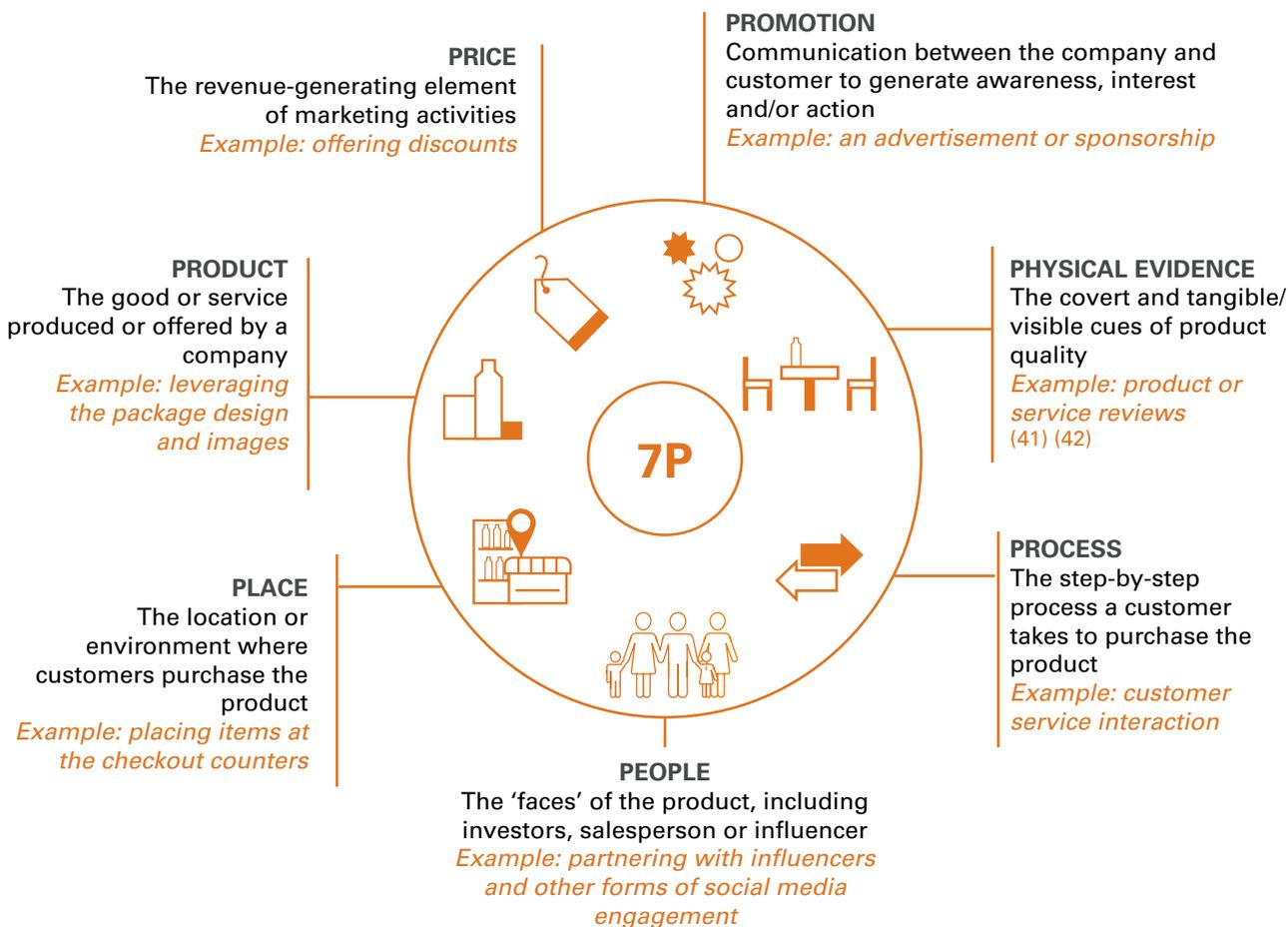
Panel 2. Global advertising spend

Commercial marketing is a multi-billion-dollar industry, growing every year, driven by a rise in digital and online marketing as well as expanded markets in LMICs. It is projected that global spending on advertising will reach US\$674 billion this year ([live counter](#)).

Estimates for the global advertising spend targeting children and/or young people vary substantially by source, with news and statistical organisations estimating between US\$4.6 billion and US\$17 billion annually (44) (45). Nestle (2015) reports that 48 food and beverage companies spent US\$7.9 billion on children's television advertising alone, with half of that money directed at advertising to children under 12, suggesting that current estimates are grossly undervalued, or that companies are misreporting their marketing practices.

We also know that children see, hear and engage with marketing for general audiences in addition to marketing directed at them (46), making it fair to assume they are exposed to a substantial share of the total global advertising spend every year. In most countries, marketing spend is tax deductible, further minimising any positive benefit to the public that could come from this health-harming expenditure (47).

Panel 3. The fundamentals of marketing



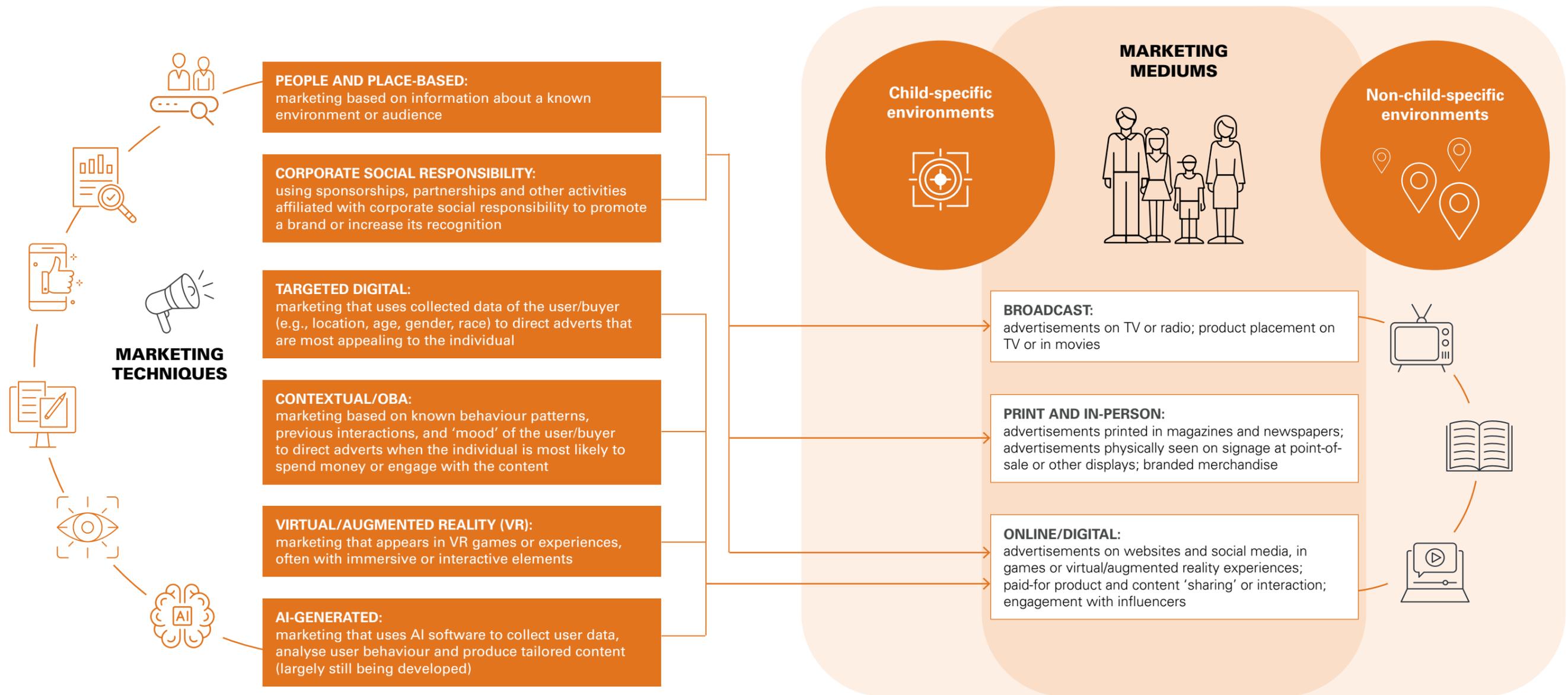
With respect to **environment**, marketing occurs in spaces where children live, play and learn, such as in schools, nurseries, playgrounds, and on children’s television networks and websites. Marketing in schools can include branded products, sponsored educational materials, or advertisements on school premises. Marketing in nurseries may involve product placements in childcare centres, distribution of promotional materials, or sponsored events for young children. Marketing in playgrounds, where children often spend time, can include branded equipment or signage, promotional giveaways, or targeted advertisements near play areas. Marketing on children’s television networks and websites may involve commercials during children’s programming, sponsored content, or interactive advertisements on websites.

Non-child specific environments include adult-dominated spaces, such as job sites and bars, but also public spaces such as public transportation, general audience television and radio, and sports stadiums. Children and, to a greater extent, young people are present in both environments regularly, but the distinction is important to make because marketing regulation differs between these two environments, and it is essential to understand how non-child specific environments can be regulated to protect both children and young people (28). Marketing content in both environments is typically delivered through three types of **media**: broadcast (which includes advertisements or other marketing content on TV or radio), print and in-person, and digital.

The many creative and complex **techniques** marketers use to deliver content may be categorised into people and place-based marketing, targeted digital marketing, contextual advertising / online behavioural advertising (OBA), corporate social responsibility (CSR), artificial intelligence (AI) -generated marketing and virtual/augmented reality (VR) marketing. People and place-based marketing is the foundation of all marketing practices, where content is tailored to specific audiences or delivered in certain spaces. Targeted digital marketing relies on data that has been gathered from a digital profile or presence and allows the marketer to deliver tailored content. Contextual advertising – or OBA – is a newer marketing technique that already is widespread and extremely sophisticated and does not rely on the collection of user data. In 2022, global contextual advertising spend was estimated at US\$199.8 billion, about a third of all advertising spend (48). CSR is non-traditional advertising using sponsorships, partnerships, and other activities supported by corporations to promote a brand or increase its recognition. While still largely being developed, marketing using AI and VR are also on the rise and will soon be common techniques that target children and young people in sophisticated manners with little human input (49) (50).

Another important dimension of marketing to be mindful of when considering the proposed marketing exposure framework (Figure 1) is the different ownership levels of marketing content: owned, paid and earned – with marketing campaigns often using a combination of marketing techniques at different ownership levels. While owned marketing originates from platforms controlled by the industry, paid marketing involves paying to reach an audience, and earned marketing occurs when a third party spreads the information or marketing message (e.g., when someone likes a social media post featuring / promoting a product or service) (51). Understanding the different ownership levels of marketing content can also help move away from the perception that marketing policy should or could only regulate paid marketing.

Figure 1. How children and young people are exposed to harmful commercial marketing



Note: Marketing strategies frequently mix different techniques and combine one or more marketing media (e.g., broadcast TV distributed in a digital format).

Our environments are negatively shaped by marketing practices

Commercial marketing contributes to the social construction of our environments by promoting the consumption of ultra-processed and/or HFSS foods and beverages and other unhealthy products (52), thereby contributing to high and rising global rates of NCDs. Decisions and habits formed around eating and drinking are made within these environments, created and reinforced by producers, retailers, marketers, and other commercial actors (7). These influences shape norms and cultural behaviour around consumption (53), impeding on personal choice. Marketing infiltrates these environments, making consumption or usage of unhealthy products seem normal and desirable despite the harmful effects. The soda industry has been particularly successful at selling the socially constructed idea that drinking soda regularly is a normal, and even celebrated, part of meals and daily activities (53).

Unhealthy environments are pervasive across child- and non-child specific environments, with ultra-processed and/or HFSS foods and beverages, including fizzy drinks, widely available in schools, sporting events and leisure venues. These foods and beverages are frequently among the cheaper options, making it acceptable and common to consume them over healthier alternatives (7). Affordability, availability and the intensive marketing of unhealthy products combine to create these unhealthy environments. Marketing practices change physical environments to increase the availability (psychological, physical, social, and financial) of these products and drive consumption. Examples include putting signage at bars for alcoholic beverages (2) or placing confectionery in supermarkets' checkout areas, a technique frequently accompanied by interactive displays, productive giveaways, price reductions, and other inducements, including during special seasons like 'back to school'.

The encroachment of marketing in our environments is particularly powerful as a determinant of health in low-income communities and among minority children, as marketers specifically target these geographies and populations to prey on existing vulnerabilities, worsening health outcomes and exaggerating health inequalities (53) (2). Such targeting happens both within and across national boundaries: one study found that McDonald's marketing team was specifically focusing on children in LMICs, with the company posting 154% more Instagram posts in LMICs than in high-income countries (HICs). 40% of posts offered a promotion or giveaway compared to only 14% in HICs (54). Unfortunately, this is not a new tactic by unhealthy commodity industries. US litigation in the 1990s exposed some of the largest tobacco companies as specifically targeting developing countries as sources of new markets to retain profits lost from growing restrictions in HICs. Alcohol, e-cigarettes and ultra-processed and/or HFSS foods companies have all followed suit, adopting this strategy from tobacco and aggressively advertising in LMICs (55).



Marketing tactics target children in child and non-child specific environments

Across industries and platforms, marketers use sophisticated tactics and strategies to appeal to children, enticing them to purchase, consume or use products for life. There has been an enduring and dangerous marriage between child psychology and marketing theory to target children as consumers. These tactics are designed to target children from a young age and keep them hooked as users for life (56). Tactics include toys with purchases, use of bright colours or cartoons, flavouring of products, contests and giveaways, branded merchandise and paraphernalia/memorabilia, gamification, company sponsorships/endorsements with celebrities and athletes, product placement, product bundling, and engagement or sharing on social media (see Figure 2 for some examples). These tactics are familiar and effective, often appealing to the emotion of ‘fun’ and presented as entertainment, social engagement or interactive games (13).

Figure 2. Examples of marketing targeting children and young people

A.



What's your name?

Coca-Cola labelled cans with personable and recognizable names

B.



24 FULL SET

Avengers toys offered with a 'Happy Meal' and part of a set

C.



SEXIBAR

1000+ PUFFS

5.0% NICOTINE

5.0% SALTIC

WARNING: This product contains Nicotine. Nicotine is an addictive chemical.

SEXIBAR

SEXIBAR

Vape called “SEXIBAR” flavoured cotton candy bubble-gum

D.



THE PERFECT MATCH

MESSI

Lay's Classic

pepsi

CHAMPIONS LEAGUE

Lionel Messi endorsing Lay's chips and Pepsi in football themed image

Manipulative tactics are used to target children as consumers. Smoking was normalised to such an extent during the peak of the child-friendly era of Joe Camel that the cartoon cigarette brand mascot was as recognisable as Mickey Mouse among 3-6-year-old American children (57). In a more recent study, 68% of 5- and 6-year-olds from a sample of 2,423 in Brazil, China, India, Nigeria, Pakistan and Russia could identify at least one cigarette brand logo, ranging from 50% in Russia to 86% in China (58). Similar tactics have been used across alcohol brands, with one UK study showing how slogans and commercials use youth- or generational-specific language, appealing to ideas of sex, partying, sociability and games to recruit young and newly legal drinkers (59). Fizzy drink brands have perhaps been the most successful at marketing to children, 'revolutionising' marketing by becoming part of pop culture and even leading cultural shifts. Coca-Cola and PepsiCo are some of the most recognised brands in the world, putting their logos on clothing and toys, hosting contests and giveaways on social media, and sponsoring large events and shows. Singers and athletes are in regular partnerships with soda or other unhealthy commodity brands, selling the idea of success, status and ironically, health and performance, to children and young people who are the main fans of these celebrities (53).

Many advertisements use a combination of tactics to engage and appeal to young people. In 2022, the popular live gaming platform 'Twitch' and the candy brand 'Sour Patch Kids' teamed up for the second time to launch limited-edition candy boxes and host competitions between users on the platform with the chance for viewers to win US\$10,000. This collaboration was specifically targeted towards Gen Z (young people currently 10-26-years-old) as this is the largest demographic of users on Twitch (60). Across industries, marketers use strategic methods to target children, exploiting their naivete, vulnerability and emotions. Children and young people in the focus groups were quite aware of these strategies, calling many advertising methods 'gimmicks', including the use of misleading language to sell tobacco products and partnerships between unhealthy commodity brands and celebrities (Table 1).

Corporate sponsorships are a specific marketing tactic that can be incredibly manipulative and effective for targeting children (13). Large companies with brand awareness often sponsor children's sports events or community activities under the guise of 'corporate social responsibility' (CSR), a voluntary commitment to supposedly give back in some way to the community to make a positive impact. However, many companies use CSR activities to further brand recognition, increase presence and distort the effects of their product, including amongst children and young people with products that can harm their health. In Indonesia, the tobacco company Djarum is heavily engaged in sport-specific CSR, giving badminton scholarships to children, with the effect of linking health, performance and success with Djarum's product – cigarettes (61). Similarly, in a study encompassing dozens of countries, gambling companies were found to be sponsoring children's sports with the company name or logo on jerseys and uniforms, with children perceiving these companies positively because they were helping their sports teams (20). CSR as a channel for marketing to children is excluded from many regulatory efforts, making this rampant practice a key way to expose children to harmful marketing.

Child influencers, also referred to as 'kidfluencers', are a rapidly growing industry on social media and are another child-specific tactic marketers use. Child content creators are often uninformed about the level of influence they have on their audience, nor do they necessarily understand commercial contracts; many are being used by their parents and companies for financial gain. Kidfluencers typically target other children, using child-friendly and relatable content to entice children to buy a product (62) (63). One study found that of the most popular kidfluencers on YouTube in 2019, 90% of the advertised products were unhealthy branded items (64). Coupled with the substantial evidence that digital marketing through influencers is extremely effective at getting children to consume unhealthy food and beverages, kidfluencers are an additional marketing tactic that threatens children and young people's health (65).

Children and young people in the focus groups also raised the issue of dishonest marketing as a tactic companies use to appeal to consumers. Participants were concerned with what they perceived as falsehoods in relation to the marketing of nicotine-containing e-cigarettes*, BMS** and diet sodas*** (Table 1).

* The promotion of e-cigarettes to young people and non-smokers is of great concern as they contain nicotine which is highly addictive, and there is emerging evidence that e-cigarettes promotion and use leads to greater uptake of tobacco smoking. E-cigarettes' aerosols can also contain many other toxic compounds. The evidence for harm from vaping alone is still emerging, and whilst likely to be less harmful than smoking, e-cigarettes use is not considered to be risk-free and it is important to prevent nicotine addiction in the young populations (151).

** See The Lancet Series on Breastfeeding (2023) (149).

*** WHO recommends against the use of non-sugar sweeteners (NSS) to control body weight or reduce NCD risk, based on a systemic review showing they do not confer any long-term benefit in reducing body fat in adults or children and suggesting potential undesirable health effects from long-term use (150).

Table 1. Major concerns about harmful commercial marketing expressed by children and young people in focus group discussions

Category	Sample quotes
Negative impact on mental health	<p>'It's especially tough for us ... girls. [w]e are often expected to conform to unrealistic beauty standards. And I do really think that we need to do something about this. We need to ... hold companies accountable for messages they are sending to young people and like, promote healthier options instead.'</p> <p>Female, aged 16, Vietnam</p>
	<p>'We're coming from Pakistan and ... I've been exposed since a very young age to a lot of harmful commercial marketing and a lot of them revolve around body image ... around fairness and beauty products and things that whiten your skin. [T]hey really link having ... your appearance to your confidence ... or how you should feel and how you shouldn't feel.'</p> <p>Female, aged 15, Pakistan / France</p>
Gimmicks prey on children	<p>'Gambling is a big thing in those [children's] games... it's not well-regulated, so often a way to earn extra points ... [is to] do a lucky dip and then the more you click on them, it gets more gambling pop-ups to the point where there are games that are literally just gambling and your whole goal is just to win money.... Putting those gambling things and hooking kids in when they're so young... I think that's really toxic.'</p> <p>Female, aged 16, Australia</p>
	<p>'They are also introducing something called tobacco accessories, something like tobacco filters, flavoured tobacco products and introducing ... 'light and mild' tobacco products and marketing them [as] less harmful for younger people, which is very attractive.'</p> <p>Female, aged 28, India</p>
	<p>'In Nigeria, Coca-Cola has used celebrities such as Davido and Tiwa Savage to promote its products to young people. This is especially disheartening as children from very poor backgrounds are very impressionable and lacking the necessary knowledge and exposure and would automatically assume that what they see on billboards and screens is the way that life should be lived.'</p> <p>Male, aged 30, Nigeria</p>
Dishonest marketing	<p>'Electronic vapes have become very popular, which is something that influences my friends and people my age. They were really marketed as very healthy... They have different colours and flavours like bubble gum flavour and fairy floss.'</p> <p>Female, aged 16, Australia</p>
	<p>'Sugar sweetened beverages are causing diabetes, which is proven across the world. How then does the sugar sweetened beverage company sponsor a diabetes campaign?'</p> <p>Female, aged 29, Ghana</p>
	<p>'Baby milk formula and like the artificial and very problematic ones, I know that obviously it's degrees of how counterfeit and authentic they are. Specifically targeting women and babies... that's a very big problem especially in a lot of I think Asian countries when [the products] are physically not nutritious enough for a baby... you [are] literally harming a child at its most vulnerable stage when they're a few months old.'</p> <p>Female, aged 16, Hong Kong / United Kingdom</p>

THE BARRIERS

Why it can be difficult to adopt and implement effective regulation

Common barriers to enacting effective national regulations include problems with data, resources, and political and public buy-in.

The barriers to developing, implementing and enforcing marketing regulation are significant. First, policymakers and other stakeholders report a **lack of available and useful data** to describe and convince decision-makers of the problem. In the UNICEF (2023) survey of policymakers about the marketing of unhealthy food and beverages to children, two-thirds of respondents said they did not have sufficient data about the problem to mobilise policy debates and proposals. This frustration was echoed in the focus group discussions, where at least one participant (female, aged 18-30, Mexico) mentioned the lack of data and evidence involved in the conversation around marketing of unhealthy products associated with NCD risk factors. The health science condemning harmful commercial marketing is sound, but rarely makes it into mainstream debates about regulation, which participants saw as a missed opportunity. Without data-driven arguments, advocating for regulation is less persuasive.

Another barrier reported by policymakers is the **insufficient resourcing of monitoring and enforcement of compliance**. Ninety percent of respondents in the survey (31) said their government did not have financial resources to develop a legal response to non-compliance, with nearly half of respondents also saying they lacked the technical and human expertise to develop policy, implement regulations, and maintain its functioning through adequate monitoring and enforcement. This complaint is also evidenced by Lacy-Nichols, et al., (2023), who noted that there is little systematic monitoring of commercial practices and that current monitoring is conducted by NGOs or research teams, rather than governments, posing a huge challenge to enforcement. In this context, industry self-regulation has frequently been the standard, despite the overwhelming evidence that self-regulation is ineffective, as demonstrated by case studies in Mexico (66), Canada (67), New Zealand (68), Australia, Spain, Sri Lanka, and the US (69), and in Europe (70).

Panel 4. 'Big Tobacco' and alcohol companies marketing to children and young people in LMICs

Across industries, it is becoming increasingly clear that as regulatory practices become more robust in high-income countries, unhealthy commodity industries are increasingly shifting their focus to targeting children and young people in LMICs, including instances of gross misconduct from commercial actors (71) (2).

A recent and robust study on tobacco companies' advertising practices in 42 LMICs identified four tobacco marketing strategies that specifically target children: 1) displaying cigarettes near snacks, candy and sugary drinks, 2) placing cigarette advertisements at children's eye-level, 3) marketing flavoured cigarettes, and 4) marketing and selling single cigarettes as opposed to a pack. These tactics purposefully appeal to children through physical product placement, flavouring, convenience and affordability, and are devised by large multinational corporations including British American Tobacco, Imperial Brands, Japan Tobacco International, and Philip Morris International (71) – Global North-based companies who reap enormous profits preying on children in the Global South.

The alcohol industry uses similar tactics. A study of deprived urban neighbourhoods in Ghana and Kenya found incredibly high exposure to alcohol advertisements, which were observed more frequently than staple foods and beverages like milk, eggs, fruit, vegetables and fresh meat and fish. Active marketing promotion of alcohol across Asian countries is also linked to significant increases in alcohol consumption among youth (72), contributing to the growing burden of NCDs among these populations.

Marketers see children and LMICs as untapped markets, not constrained by regulation, who they can advertise and sell harmful products to, resulting in an increasing global, but geographically unequal, burden of NCDs (2). Indeed around 80% of NCDs occur in LMICs with an increasing burden in Africa and among children (73). Further research is needed to understand how, across industries, commercial entities shift tactics according to evolving regulation and target vulnerable consumers in less regulated jurisdictions.

The **complexity and global nature of digital media** was consistently reported as a barrier to effective regulation, both by policymakers and participants in focus group discussions. Over half of policymakers responding to a survey (31) ranked online media as one of the least feasible settings to enact regulation of unhealthy food and beverage marketing to children. Monitoring of such a complex and far-reaching platform is extremely difficult in practice. Children and young people confirmed this, describing the harmful advertisements they see on social media constantly. One participant (female, aged 16, Hong Kong/UK) recalled getting ads on Deliveroo (a U.K. food delivery service) for vapes and e-cigarettes, despite the app knowing her age and birthday. Others recalled times they were fed gambling, alcohol and skin-whitening ads online, often endorsed by their favourite actors or athletes. Participants were in agreement that based on what they observed, the digital space seemed wholly unregulated and showed no signs of improvement in this regard.

While there have been genuine attempts to regulate the digital space for children, there is currently **no effective method for verifying age** of users/buyers online. Many regulations and voluntary commitments have age thresholds in which advertisements are prohibited to young people under a certain age. However, users can easily enter a different birthday (74). When more legitimate forms of identification are required for verification, privacy rights are potentially infringed upon, making children especially vulnerable when they do not fully understand the information they are sharing or how it could be used.

Another major barrier reported by policymakers was a general **lack of political support and public awareness and buy-in** on the importance of regulating harmful commercial marketing to children and young people. Notably, there were no differences between regions in policymakers ranking this as one of the biggest barriers (31). Focus group participants echoed some of these challenges, noting that parents are key stakeholders who have been largely excluded from the conversation but are potential champions on this issue (female, aged 16, Hong Kong/UK). Other participants (female, aged 29, Ghana; female, aged 28, India) called for civil society to take on this problem and serve as a bridge between children's needs and policymakers' actions. Overall, there was consensus that more voices were needed in the conversation, as well as greater collaboration between stakeholders.

While marketing regulation is intended to protect children, young people and the general public from misleading or harmful advertisements, **poor design and implementation of policy** can be a barrier, occasionally resulting in unintended consequences. In Kenya, following implementation of policy restricting the commercialisation, including the marketing, of BMS, the government arguably used 'scare tactics' and added a tax to formula milk, negatively affecting low-income and informally employed mothers most in need of BMS due to work commitments and lack of formal maternity support (75). Similarly, in Latin America, the use of food labelling laws to decrease marketing appeal and convey nutritional information led to an 'inaccurate portrayal of nutritional content' with consumers falsely assuming a product without a label was healthy. One survey in Chile found that over 68% of respondents believed a product without an ingredient warning was indicative of high nutritional value (76). Diet sodas may also be marketed without a label because they are low calorie and low enough in sugar and sodium content, though they can contribute to NCDs and should not be considered as a healthy alternative by consumers (76).



Efforts at regulating marketing are stymied by powerful industry groups using a common playbook.

Government efforts at enacting more effective regulation have frequently been hindered by industry action to block regulatory attempts or shape regulation to their benefit. Just as all industries market to children and young people using similar methods, marketers also have a common playbook to counter regulation to prevent restrictions that would otherwise constrain their commercial activities. Building on Lacy-Nichols, et al.'s (2022) public health playbook, this policy report identifies five major elements of an industry playbook as commercial determinants of health specific to the marketing of NCD risk factors to children and young people.

First, companies **influence and undermine regulation** through highly effective lobbying, use of front groups, and flooding of consultations, thereby promoting favourable and weak legislation that ensures their marketing practices are not constrained and profit margins are not threatened (55) (77) (78) (2). The tobacco industry has a long history of undermining tobacco control measures worldwide (55). British American Tobacco was found guilty of paying off politicians, civil servants and other stakeholders in Burundi, Thailand and Zambia, which resulted in successfully changing tobacco legislation (2).

Second, industry players **instil doubt about the severity of the problem** through misleading marketing and biased research. Alcohol, tobacco, ultra-processed and/or HFSS foods and fizzy drink companies have successfully distanced their responsibility from the problem and created doubt among the public about the severity of the problem and its relationship with consumption and usage of unhealthy commodities (55) (77) (78) (2). As an example, Coca-Cola directly funds research to argue that obesity is caused by lack of exercise, rather than soda consumption or diet in general (79). In the case of commercial milk formula, these products are often portrayed as solving common infant health problems and developmental challenges (39). The alcohol and gambling industries are similarly strategic, with robust evidence showing how both industries use rhetoric to shift the problem away from population health and onto a subset of 'irresponsible' drinkers and gamblers (77) (20).

Third, unhealthy commodity industries **argue in favour of individual choice and 'consumer rights'**. Goods consumption and usage is framed as an individual decision, as are marketing practices by private companies, allowing industry stakeholders to argue that state regulation interferes with and hampers rights (53) (80). Tobacco companies in particular have a long history of appealing to ethos of 'civil liberties', arguing that the choice to smoke is a right, and should not be controlled or influenced by the government through regulation (55). However, the detrimental effects of cigarettes are so great that they actually limit lifetime personal freedom and worsen the unequal distribution of freedom between individuals (81). Indeed, one focus group participant commented that the tobacco industry's marketing misinformation infringed on individual choice and consumer rights (female, aged 16, Hong Kong/United Kingdom).

Fourth, companies **shift marketing practices to evade regulation**, constantly adapting to avoid regulatory constraints. Technology's progress provides a constant opportunity for companies to shift marketing techniques faster than regulation can keep pace, by utilising media and tactics that regulation has not yet addressed. One recent example can be found in industry's response to stricter data privacy and protection laws, which effectively limited targeted digital marketing. Marketers have in part responded by moving towards contextual advertising/OBA which does not rely on personal data, allowing for equally if not more sophisticated targeting of children and young people (82) (7) (30). Another strategic way marketers evade regulation is through 'surrogate marketing', for example when tobacco companies' non-tobacco products are marketed with similar branding to their tobacco products (83), or when non-alcoholic 'Guinness 0.0' serves as the title sponsor of the Six Nations rugby tournament (84). Surrogate marketing is a powerful way to establish the same brand recognition and emotional appeal to a harmful product while still complying with regulation.

Fifth, industry players **promote vague or voluntary commitments** to reduce the strength of regulation. Companies are strategic in supporting and in some cases play a leading role in writing legislation that lacks definitive terms and commitments; they also promote the adoption of voluntary commitments around marketing practices rather than statutory law. For example, when legislation dictates rules about children's audiences, the age below which one is considered a child is regularly undefined. Another common tendency is that an audience is considered a children's environment if more than 20-35% of the audience is made up of children, but there is no formal mechanism to monitor audience age, leaving it to companies' discretion. And across legislation, nutritional guidelines vary considerably or are not explicitly stated when it comes to regulating the marketing of unhealthy food. Without clear consensus on these terms and rules, companies successfully evade regulation to their benefit (55) (53) (7) (77) (2).

SOLUTIONS

Policy design elements to best protect children and young people

Both the marketing of unhealthy products across NCD risk factors to children and young people and the regulation thereof varies considerably across countries and industries, constraining or allowing harmful marketing to different extents. In a few countries, there are strict and broad regulations on advertisements to children, with Quebec (Canada), Sweden and Norway imposing total bans on advertising to children under the age of 12. Such restrictions are relatively rare.

Tobacco is the most highly regulated unhealthy commodity industry, the result of decades of incremental progress, including through a legally binding instrument: the WHO FCTC. Despite FCTC Parties also having responsibilities towards preventing and reducing nicotine addiction, tobacco regulations frequently do not apply to nicotine-containing e-cigarettes, which the tobacco industry heavily advertises and promotes towards younger people, recruiting new users rather than marketing them for use for tobacco cessation purposes (55). The marketing of alcohol is less heavily regulated than tobacco and is growing in influence on young people through the rise in digital marketing and the prevalence of cross-border advertising (85); for example, while tobacco advertising has been largely banned from sporting events, alcohol marketing remains at the centre of the world's largest sporting events in the form of sponsorships (86).

In recent years, attention has turned towards restricting unhealthy food marketing, including limitations on HFSS or ultra-processed foods and beverages. There is growing recognition of unhealthy food as a key driver of NCDs (the Global Nutrition Report 2021 reported that poor, unhealthy diets are associated with 12 million deaths per year, making unhealthy diets the most deadly NCD risk factor), highlighting the need for the food industry to be further regulated (70) (12) (31). The harmful marketing of BMS has also received renewed attention as a public health concern (87) with more countries adopting marketing regulations including Brazil (88), Chile (89), China (90) and Kenya (91).

Gambling marketing is fairly unregulated or with poorly enforced regulations in most countries from the limited studies available (92) (20). Gambling, particularly online gambling, has grown in popularity but is frequently not subject to direct regulations and, in most cases, does not fall under the same regulatory umbrella as social media or other digital platforms. Furthermore, gambling causes mental health harms (38), not physical harms, which has only recently been recognised as an NCD and given global attention as a health priority (93).



Technological and geographical trends

Regulation across countries has tried to keep pace with technology, with the strengthening of data protection and privacy laws, limiting the ability to market to children (30). To date, the EU Digital Services Act (coming into full effect in 2024) is the most ambitious and comprehensive package of policies regulating social media, online marketplaces, large online platforms and large online search engines. This Act gives special consideration to minors, prohibiting platforms from using targeted advertising based on minors' personal data and requiring a commitment to ensuring a high level of privacy, security and safety of minors. This commitment will be assessed four months after implementation and made public within one year, making it a leading example of marketing and complementary policy aiming to protect children and young people.

There is also a rise in digital platforms (e.g., Meta, YouTube, Apple) instituting their own marketing guidelines, particularly with influencers and paid advertising (94). For example, after several advertising scandals of misinformation and false advertising, Instagram implemented a rule where users must explicitly state if their video or photo is an advertisement, paid for by a company, or if any products/services shown in the content were gifted by a company (95). This is monitored and enforced solely by Meta (Instagram's parent company), and it has not been adopted across all social media and gaming platforms. Early studies of self-regulation in the digital space show that while there is self-reported compliance with voluntary codes, it is not effective at limiting children's exposure to unhealthy products because 'media' and 'marketing' are often undefined and there is no independent monitoring and enforcement (96). Similar to Instagram, Apple banned data tracking on all apps directed at children, but then revoked the ban following backlash from the private sector to allow for 'benign' analytics software for advertising purposes (97). Although evidence is limited on the effectiveness of company self-regulation in the digital sphere, there is overwhelming evidence from other areas of commercial activity that self-regulation is ineffective at protecting people from the harms of commercial marketing (13).

Industry and technology trends tend to be concentrated in certain geographies. In response to rising obesity and other NCDs in Latin America, HFSS marketing in this region is becoming much stricter (98). In Europe and the US, data privacy and protection laws, General Data Protection Regulation (GDPR) and Children's Online Privacy Protection Rule (COPPA) respectively, have become stricter and better enforced, somewhat limiting the power of marketing in the digital sphere. On the flip side, the UK and Australia, who have two of the largest gambling industries, have actually liberalised some formerly stricter regulations on gambling marketing, with widespread targeting of children (92).

Overall, there is lack of consistency across contexts as far as marketing regulation, which poses a challenge in protecting children and young people from these harms as exposure is increasingly digital, and therefore global. Despite national policy that may limit the harms of commercial marketing, children and young people are constantly exposed to commercial content from other countries, outside the jurisdiction of their legal system and not subject to the same regulations – for example, viewing programs on foreign TV channels, an increasingly common experience. This loophole calls for greater policy attention to marketing platforms themselves, in addition to regulating unhealthy commodity industries.

Seven policy design elements to protect children and young people from marketing across industries.

Countries' experiences with regulating and attempting to limit the harms of commercial marketing, particularly to children and young people, have achieved varying levels of success. We identify seven main design elements that policymakers should consider when devising regulations on harmful commercial marketing to which children and young people are exposed: 1) product 2) content, 3) age, 4) environment, 5) power 6) exposure, and 7) technique (Table 2). This grouping was developed through analysis of case studies to understand how existing regulations target marketing, which highlighted the main angles policymakers have used so far, as well as the effectiveness and shortcomings of specific regulatory approaches.

Regulating by **product** is the most common way of limiting marketing, and historically the strictest and best enforced. Marketing regulations on tobacco, while imperfect, have become commonplace across countries over recent decades. Marketing restrictions on nicotine products, alcohol, ultra-processed and/or HFSS foods and BMS are less common. However, this is beginning to change with more awareness about the health and well-being problems linked to consumption of these products, or a lack of evidence on their safety (especially for novel nicotine products). The development of nutrient profile models by WHO regional offices has supported marketing regulation by providing region-specific nutritional guidance on food and non-alcoholic beverages that can be used to define healthy foods and beverages, (99) (100) (101) (102) (103) (104). The same attention is still needed for other products, especially gambling advertisements, which are the least restricted products. Children and young people in the focus groups specifically expressed a desire to ban marketing of unhealthy food, saying it can be as harmful as alcohol and tobacco (Table 3).

Regulators also frequently target audio or visual marketing **content**, including restricting suggestive, exploitative, violent, or pornographic content. Content regulations also include digital content, where marketing is often presented as a form of entertainment, social engagement or interactive games. Furthermore, marketing regulation can set obligations to provide disclosure-related content. This typically takes the form of mandating producers/creators of social media marketing,

influencer content and other digital content including pictures, videos or posts to disclose any sponsorships or financial partnerships they have with a brand (105). These types of regulation aim for greater transparency by allowing the person watching or engaging with the content to know it is a form of marketing, not an unbiased source of information.

Regulating by **age** and **environment** is also common, but often falls short in enforceability, as it is challenging to verify audience age or consistently monitor specific spaces. Typical age regulations protect children at specific thresholds without uniformity across countries, with the most common ones being 12, 16 or 18 years. Age-based regulations are often paired with certain products and environments. Marketing regulations that take a life-course approach and consider the impact of exposure and habit formation on health may extend these age thresholds even beyond 18, as in Sweden, which proscribes alcohol marketing from being aimed at or featuring anyone under the age of 25, despite a drinking age of 18 (Table 3). Regulating marketing within certain environments is challenging as children frequently inhabit non-child specific or adult environments, exposing them to harmful marketing content supposedly targeting adults – whether in physical or virtual spaces. The variation in age criteria for public spaces poses a challenge for lawmakers to enact regulations and define an ideal age category for marketing regulations, as restricting marketing in these environments would mean placing restrictions on adults. Schools are largely agreed upon as the most crucial environment to regulate harmful marketing due to the quantity of children in that environment and the high level of exposure (i.e., most children spend most of their day in school) (106) (31). Children and young people in focus groups also expressed a strong need for greater regulation in the digital environment, reporting it as seemingly unregulated and flooded with advertisements, with the level of exposure to misleading or unverified content of particular concern (Table 3).

Less common but potentially among the most impactful regulations are those focusing on **exposure** (frequency and reach of marketing/advertisements) and **power** (the nature, creative content, design and execution of the marketing message) (7) (26). These aspects go straight to the persuasive nature of advertisements and marketing and can therefore be the most harmful to children and young people. Regulations of **exposure** include any restrictions on reach or frequency of watching/engaging with advertising (for example, hours during which certain ads can appear on TV), whereas regulating on **power** limits the creative or convincing nature of content. The child-specific marketing tactics discussed earlier are power tactics, as they enhance the creative and compelling nature of the content to younger audiences (Panel 5). Focus group participants regarded regulating power tactics used by companies to target children and young people as a priority area for policy, saying that misleading advertisements and marketing ‘gimmicks’ should be banned (Table 3).

Lastly, marketing **techniques** refer to the technical methods that companies rely on to deliver an advertisement or tailor content to a user/customer. The three dominant techniques are traditional people- and place-based advertising, targeted digital marketing and contextual advertising/OBA, which are increasingly used in combination with each other. Newer techniques include AI-generated and VR marketing. Regulations can restrict a marketing technique in totality, limit its use on certain populations or in certain environments, or put boundaries on methods the technique relies on to deliver content.

Given the multifaceted nature of marketing and its ability to create unhealthy environments, a **package of complementary policies** addressing each of these elements will have the greatest impact on protecting children and young people. Existing policies tend to address one facet or element of marketing harms and are fragmented from one another on domestic and international levels. It is increasingly important to align existing and new regulations with frameworks that provide evidence and models of implementation for effective regulation.

Panel 5. Marketing tactics targeting children

			
Toys with purchase	Use of bright colours	Use of cartoons & characters	Flavoured products
			
Contests & giveaways	Sponsorships & endorsements	Gamification	Product placement
			
Product bundling	Branded merchandise	Partnerships with celebrities & athletes	

Table 2. Elements of comprehensive marketing policy design with country examples

Category	Definition	Country examples
Product	Restrictions on the marketing of specific products (i.e., goods, commodities, services)	In Kenya, no food can be presented as a complement to breastmilk for infants aged 6-24 months (91)
		In 2003, the EU extended its advertising ban of tobacco on television to all forms of advertising, including print, radio, and internet (107)
		In France, the 1991 “Evin Law” (Loi Evin) imposes specific rules on the marketing of beverages with an alcohol content above 1.2%, although various provisions have been weakened in subsequent reforms (108)
Content	Restrictions on the marketing of certain kinds of content or the obligation to provide disclosure-related content	In Denmark, the participation of children in alcohol advertising is illegal, including the marketing of alcohol in any connection with children’s films (36)
		India passed a new regulation requiring all streaming platforms to display content warnings about smoking and tobacco use in any show depicting such scenes, defending the regulation as a way to ensure Big Tobacco cannot aggressively target youth (109)
Age	Restrictions of marketing based on age of audience or user	In South Korea, TV advertising of unhealthy food is prohibited to all children under the age of 18 before, during and after programmes shown between 5:00pm and 7:00pm (110)
		Despite a drinking age of 18 in Sweden, marketing must not aim or feature people under the age of 25 to prevent habit forming (111)
Environment	Restrictions on where marketing can be displayed or delivered	In 2015, China reinstated a law banning all advertising in kindergartens and middle schools, as well as on textbooks, school uniforms and school buses (90)
		Australia recently extended its gambling laws that restricts gambling advertising and odds promotion during live sports broadcasting and online streaming of live sports, with the law’s objective being to limit gambling exposure to children (112)
		In Chile, “high-in” products cannot be marketed, sold or offered for free at kiosks, cafeterias or feeding programmes at schools and nurseries, nor on children’s TV, cinema or online when the audience is more than 20% children (113)
		In 2019, the Philippines Food and Drug Administration enacted a new rule that states “regardless of type of packaging, all alcoholic beverages shall only be displayed in a designated conspicuous area in all convenience stores, supermarkets, hypermarkets, groceries, and other food retailing stores with prominent signage ‘ALCOHOLIC BEVERAGES’ to reduce accessibility to youth and children (114)

Category	Definition	Country examples
Power	Restrictions on the power of marketing, including but not limited to the creative and convincing nature of an advertisement	In Chile, McDonald’s was sued, found noncompliant and fined for providing toys aimed at children in Happy Meals, which is an illegal type of advertising tactic in Chile (115)
		In 2010, Australia became the first country to pass a law requiring plain, standardised packaging on cigarette cartons (55), as opposed to labelling with brand designs or appealing images such as Joe Camel (of Camel cigarettes)
		The UK enacted stricter gambling advertisement regulations in October 2022, stating that adverts must not “be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture” (116)
		In Turkey, advertisements that imply usage or consumption of a product will give a child physical, social or psychological advantage over other children are prohibited and subjected to monetary fines (117)
Exposure	Restrictions on marketing frequency or reach	In the UK, advertisements are not allowed on children’s programmes of less than 30 minutes to ensure content ‘breaks’ (118)
		In 2014, Mexico outlawed TV ads for HFSS foods and beverages during peaks times throughout the week, with fines up to ~US\$83,000 for noncompliance (119)
		In Cyprus, casino advertisements on radio and TV are prohibited from 6:00am to 11:00pm as well as not being allowed to run during children’s programme at any time of day (120)
Technique	Restrictions of a specific method marketers may use to reach or tailor content to a user/buyer	As of January 2022, EU’s GDPR prohibits Meta from targeted advertisements based on users’ online activity with affirmative, opt-in consent mandatory for personalised advertisements with a clear yes/no option (121)
		In the US, COPPA prohibits the collection of personal data from children under the age of 13, citing this population as particularly vulnerable to overreach from marketers (122)

Note: Country examples serve to highlight policy design elements of specific marketing regulations that may have policy design elements across several of these sections. Comprehensive approaches will include multiple design elements to provide broad protection.

Table 3. Policy recommendations expressed by children and young people in focus group discussions

Policy	Sample quotes
Ban marketing of unhealthy food	<p>‘As well as alcohol, products of poor nutritional value also shouldn’t be marketed towards [children], such as fast food. A great example of this issue is in my own country, where instant pasta (a product extremely high in sodium) is often advertised towards kids, with the addition of cartoon characters in their packaging and ads.’</p> <p>Female, aged 17, Brazil</p>
	<p>‘Targeting all these fast foods... They are not seen as bad. They are not considered harmful to anybody. It’s at a kid’s party. Something nice, something sweet. Like the acceptability is just so high. And I think if we really, really want to do something... in my country, I think we would have to target all these cultural endorsements, like ‘parties must have drinks’ and ‘naming ceremonies must have drinks’... So, we must move beyond tobacco and alcohol as the evil ones and extend to junk foods. They’re equally evil.’</p> <p>Female, aged 29, Ghana</p>
Regulate digital spaces	<p>‘Like as of now, as far as I know, everyone wants to be an influencer. So now what companies are doing is they’re reaching out to influencers... and they are sending them free products to review... they are giving good or positive reviews, so that needs to be regulated, like... on what basis they are saying [that]. So, it’s really complex but there should be some regulation for influencers as well on social media.’</p> <p>Female, aged 23, India</p>
	<p>‘I think one way with which we can limit the frequency of ads is through social media... [E]verything just comes together into one thing where everybody in every part of the world can access social media and I think one of the big ways that a lot of social media companies... create money and revenue is through advertisement and a lot of companies pay to have their ads shown... So, I think they also need to come up with a policy or regulation.’</p> <p>Female, aged 15, Pakistan/France</p>
Regulate marketing power	<p>‘For me, I think I will actually do something in the section of advertising appeals. So basically, for the children, they are including characters, toys, and there are various other strategies which are very eye-catching for youth mostly. So, some [regulation] which is like ‘the gimmicks which are directed exactly to children should be restricted.’</p> <p>Female, aged 28, India</p>
	<p>‘The biggest problem I personally see when it comes to harmful commercial marketing is the lack of honesty and authenticity when it comes to how a product is being displayed to the audience... So, I think pushing companies or enforcing this regulation or a policy would probably be something along the lines of... whenever you’re advertising a product... put in the full ingredient lists and you know, talk about how you got the products. So, you break that barrier of the lack of honesty between the audience, the consumers and the companies.’</p> <p>Female, aged 15, Pakistan/France</p>

Enablers to effective regulation include an engaged public, active civil society, and transnational collaboration.

Identifying enablers to enact and enforce effective national marketing regulation is challenging due to the variation in approaches across countries and sectors, and particularly the lack of rigorous policy evaluations. As such, it is difficult even to define what makes a 'successful' policy, since there is little evidence of effectiveness in reducing exposure to marketing of NCD risk factors, much less documented harms to health and well-being. However, some shortcomings of existing policies are fairly well-documented and therefore provide a foundation for understanding which types of environments, systems and actors might successfully protect children and young people from harmful marketing of NCD risk factors.

Effective regulation is opposed by powerful and extremely well-funded commercial entities, who have successfully blocked policies that would threaten their interests and profits. **Collaboration across sectors and stakeholders** is thus needed to develop, implement and enforce effective regulation that protects children and young people from harmful commercial marketing. Currently, health and child-related sectors are the primary advocates for marketing regulation. Instead, policy must be co-designed and advocated for by experts and practitioners within health, law, social protection, education, and related sectors to ensure that the content of regulation is comprehensive – and that there is sufficient political support to adopt and enforce new policies.

Engagement with children and young people is underappreciated as a key enabler of effective policy. In addition to being a right enshrined in the UN Convention on the Rights of the Child and other international and national agreements, it is crucial to include the concerns and suggestions of children and young people to understand and reflect the needs of some of the primary targets of harmful commercial marketing. Young people offer valuable insights that cannot be overlooked, and this policy report sought to bring their voices into the conversation through focus group discussions and review of drafts. Their experiences and perspectives were an important source of information, suggesting the potential benefits of using participatory approaches and co-development in policy design around the marketing of unhealthy products.

Another enabler is the **social and cultural expectation that children deserve specific protection** when it comes to commercial marketing. A small number of countries have enacted comprehensive bans on marketing to children (*Panel 6*), which potentially provides a strong legal framework for policy and enforcement action. However, the experience of these countries shows that bans are no panacea. Children are recognised as a protected class in most if not all cultural contexts, and these strongly held social beliefs can be mobilised to support more rigorous policy and regulation, which can potentially be extended to protections for young people as well, for example using arguments about habit formation and life-course effects. These social norms can also be fostered via public education campaigns and policymakers who speak out about the issue.



Panel 6. Youth-led organisation 'Bite Back' contributes to newly passed food advertising ban to children in the UK

In 2022, lawmakers in the United Kingdom adopted the Health and Care Act 2022 prohibiting the advertising of HFSS foods and beverages on television and all on-demand programme services before 9:00pm, as well as all paid-for advertising of unhealthy food and drink products online (123). The new law is considered one of the strictest in the world, clamping down on an industry that spends more than £600 million annually on advertising online and on TV (124). One of the leaders of this campaign was the UK's youth-led organisation 'Bite Back 2030'.

Bite Back is a youth-led charity and campaigning organisation focusing on sharing information about the UK food system and advocating for its redesign in a way that prioritises children's health. Bite Back has been a pioneer in the space of children's participation in policymaking. During the Health and Care Act's debate in the House of Commons, several ministers quoted Bite Back's research publications and attributed legislative updates to the youth involved in this organisation (125). Furthermore, Bite Back was an integral contributor to the UK government's Office of Communications (Ofcom)'s brief on implementing new advertising and sponsorship regulations, with youth putting forth bold calls to limit marketing to children and reduce the influence of unhealthy commodity industries in policymaking – alongside contrasting consultations with multi-billion US dollar companies and powerful lobbying organisations.

These youth consultations have impacted the interpretation of the Health and Care Act 2022 and its forthcoming implementation (126), yet implementation has been stifled by the private sector. The law was supposed to come into effect 1 January 2023, but the government has delayed it until 1 October 2025 in response to backlash from companies and groups such as the Committee of Advertising Practice and Internet Advertising Bureau (123) (127). The UK government has also allowed for numerous exceptions, including allowing companies to market unhealthy food and beverages on their own websites and social media accounts (128). Further exemptions are expected given the aggressive push back from unhealthy commodity industries. The government's backtracking on what was celebrated as a monumental win for children's health and well-being has been called a "betrayal" by the Bite Back youth (129).

Regional blocs may find greater success working together to counter powerful industries and corporations than countries working alone. The European Union has enacted some of the world's most stringent data protection laws, including for children, and has also imposed meaningful fines on companies that violate them. Although the same types of unified action may not be available in all settings, a variety of regional groupings could potentially support national regulation by convening policymakers to discuss common problems and possible solutions, which may gain additional effectiveness through the use of common definitions and approaches. Regional and global cooperation is increasingly required to combat cross-border marketing, and integration of regional, multilateral and unilateral marketing policies strengthens public health efforts and increases policy coherence (28).

A number of **international agreements, guidance and frameworks** are available to support national efforts to regulate harmful commercial marketing, including international human rights agreements and the UN Guiding Principles on Businesses and Human Rights (2011), as well as sector-specific frameworks such as the WHO Framework Convention on Tobacco Control (FCTC) (2003), WHO International Code of Marketing of Breastmilk Substitutes (1981), the WHO SAFER (alcohol) technical package (2018), WHO Global Strategy for Food Safety (2022), and WHO 'Best Buys' on Tackling NCDs (2017, 2023). Further guidance specifically on marketing has recently included the WHO guideline on Policies to protect children from the harmful impact of food marketing (2023), WHO/UNICEF implementation toolkit on these guidelines (2023), and WHO Set of Recommendations on the marketing of foods and non-alcoholic beverages to children (2012), among other guidance, including forthcoming cross-factor guidance on digital marketing from WHO.

Another enabler to consider is the **direct regulation of social media and technology companies** as industry groups. The boom in digital marketing and the emerging forms of marketing through AI and VR are demanding greater policy attention on these platforms, including as they contribute to and facilitate harmful commercial marketing. Additional regulatory approaches focusing on these platforms would decrease the likelihood of children and young people being exposed to harmful products and content as it would place responsibility for protection on the marketers, the industries, and the marketing platforms. Direct regulations of digital platforms can also help combat the regulatory challenge of cross-border marketing that often allows companies to evade restrictions.

The way forward is through excluding private companies; writing specific, technology-neutral regulations; and ensuring robust monitoring and enforcement.

Industry influence is pervasive and undermines regulation. Policymakers must **rid private companies from decision-making processes**, as they historically undermine progressive legislation and policies, and should **replace self-regulation with statutory law**. The evidence is well established that self-regulation does not yield its intended impact, and therefore a shift to statutory law could produce more effective policy, as some studies show there is a decrease in purchasing of unhealthy foods and more favourable consequences for public health when marketing is regulated through policy (130). This change would be well paired with improved monitoring and evaluation capacities. Additionally, any real attempt at removing unhealthy commodity industries from decision-making processes must adequately manage conflict of interests (COI) among policymakers and all stakeholders, which to date has been insufficient. There is an inherent conflict between private companies' profit motives and accountability to shareholders, and public health interests (131). Marketing regulation must be designed and monitored without industry influence through strict COI disclosure and management, which can be modelled on existing global guidance on implementation (131) (132).

Terms are not well defined in current legislation or guidelines, allowing for loopholes and evasion – in part due to industry interference. Thus, effective policy must be **specific and defined**. The need for clear and specific definitions creates the opportunity for national policymakers to work with regional or global bodies to define terms in a more airtight manner and maintain consistency across countries, to effectively counter the global nature of marketing. In the area of food marketing, the use of government led or WHO regional nutrient profiles is crucial when defining which foods are subject to marketing restrictions.

Technology is moving faster than regulation can keep pace, requiring policy to be **technology-neutral** in its language. Technology-neutral legislation means that regulations are applicable to marketing practices across all existing media and to any new and emerging media as well (133). While technology-neutral language is new to marketing policy, this approach has had success in other policy domains. Canada's Anti-Spam Legislation uses technology-neutral language by focusing on the nature of communication as opposed to regulating certain platforms (134). The same is true of a New Zealand law on harmful online communication which focuses on regulating behaviours as opposed to techniques or technologies involved in the communication (135). The use of technology-neutral language represents a key opportunity to improve regulation, in that carefully crafted language can enable policy to remain relevant as technology and marketing moves forward.

The **monitoring and evaluation** of marketing practices and enforcement of compliance with regulation are often wholly lacking, requiring improved government capacity, collaboration with civil society, and transparency to allow the media to serve an accountability function. Civil society can also be a component of effective monitoring, holding industries accountable when other mechanisms are not in place, as Vital Strategies' Tobacco Enforcement Reporting Movement has successfully done to track digital tobacco marketing (136). Monitoring and evaluation can be critically supported by increased **public awareness**, boosted by programmes to increase commercial literacy, particularly amongst youth. Changing social norms can alter the public's perception of what are acceptable marketing processes, and therefore be powerfully supportive of regulatory processes (137). For example, in Australia, two universities invited youth citizen scientists (aged 16-25) to share examples and their perceptions of ads they see. They sent over 5000 examples of unhealthy food, alcohol and gambling advertising in a mere two-week period (138). This innovative way of facilitating collaboration between academia and youth served also as an informative exercise for researchers to understand how marketers target young people directly.

Data and behavioural privacy is a key area where children's rights are currently being violated, allowing for harmful commercial marketing to be targeted directly at them (139). Marketing would likely be less effective and therefore less harmful if there were bans on the collection of this information from children, reducing the power of both targeted digital marketing and contextual advertising/OBA. If not a complete ban, other countries should follow the EU's example of implementing a **mandatory opt-in, rather than opt-out protocol**, for all data collection, and extend this to digital behaviour collection as well in order to combat contextual advertising (140) (121).

Panel 7. Policy innovations in HFSS food marketing regulations in Latin America

Latin American countries have enacted some of the most ambitious legislation to regulate the marketing of HFSS foods and beverages. In 2020, Mexico passed stringent new HFSS foods and beverage marketing regulations as a response to the country's high death burden associated with obesity and overweight. As of April 2021, labels on foods or beverages cannot include cartoons or animal characters to avoid targeting children, and warning labels must be placed on all products containing excess sugars, total fats, saturated fats, sodium and calories, a policy that can accompany and help strengthen marketing regulations.

In October 2021, Argentina followed in enacting one of the strongest food policy laws in the world, requiring black octagon warnings on foods and beverages with excess levels of sodium, sugar, fats and calories, as well as a prohibition of these products being advertised to children or sold on school grounds. Additionally, the law prohibits any food labels to depict pets, children's characters, sports or children's figures, promotions, contests or 'surprises', specifically aiming to reduce advertising to children and adolescents (141) (142) (143). While not yet in effect, this law is more comprehensive than Mexico's in that it restricts a wide range of child-friendly labels, addresses the issue of child-directed marketing, and targets child-specific environments (144). As in Mexico, the parameter being used to determine which products must be labelled is the WHO/PAHO nutrient profile mode (145).

As an accompaniment to stricter marketing laws, front-of-package warning labels have been adopted across Latin America since Chile first implemented food labelling laws in 2012, with Colombia, Peru and Uruguay following suit (145). Latin American countries have explicitly tied policies to the goal of reducing diet-related NCDs and achieving population health objectives – with notable learning across countries. For example, Argentina's newly adopted marketing regulations in school environments took inspiration from lessons learned in Chile, making it impressively 'comprehensive and systemic' (145).

Despite some shortcomings, there have been notable successes. In Chile, evaluations show that food labels reduced the purchase of sugary beverages by 25% (146). Despite initial pushback, the food industry adapted to the laws by reducing the amount of sugar and sodium in their products to avoid having a black octagon placed on their label. There was no reported impact on jobs, salaries or production from any of the companies affected by the food policies (146). In Peru, when an evaluation showed that 70% of schools were still selling HFSS foods and beverages to children, the law was amended to prohibit the commercialisation of these products in a 200-metre radius around schools (147). Latin America's approach to food policy has been an iterative process, exemplifying evidence-backed and responsive policymaking.

Before the law was passed, Mexico faced surmounting pressure from the US to loosen the proposed regulations so as not to hinder American food companies' sales. The US used agreed upon terms-of-trade in the NAFTA (now replaced with the USMCA) as a mechanism to prevent Mexico from implementing these regulations (148). While the law was still passed, the US influence and lobbying against it highlights the cross-border complications of marketing regulation, even at a national level.



RECOMMENDATIONS

Commercial marketing causes multiple harms to children and young people immediately and across the life course, contributing to the global epidemic of NCDs and deteriorating mental health and well-being. Harmful commercial marketing threatens the rights of children and young people, and governments have a responsibility to protect these rights and fulfil entitlements by regulating different areas of commercial activity, including marketing. Children and young people themselves are acutely aware of the problem of harmful marketing and have contributed productively to policy discussions on this topic.

Call to action

Commercial marketing threatens human rights and is a major factor behind the global rise of NCDs, which cause 41 million deaths annually (74% of global mortality), with rising rates among children and young people in countries of all resource levels. **In this policy report, we call on national policymakers to urgently enact comprehensive, robust regulation to protect children and young people from being targeted by and exposed to harmful commercial marketing, ideally extending to banning all forms of marketing of unhealthy products that can reach these groups, including in and beyond child-specific environments.**

Policymakers, alongside civil society stakeholders, experts and advocates from diverse sectors, parents, and children and young people themselves should use every opportunity to speak out against harmful marketing and institute strong mechanisms of monitoring, enforcement and accountability, including by adopting strong conflict of interest policies to prevent commercial interests from interfering with policy action. When possible, national policymakers should collaborate at regional and international levels to address the transnational aspects of harmful commercial marketing.

The following recommendations aim to help policymakers to fulfil their duties and this paper's call to action. They have been informed by a literature review, focus group discussions with children and young people, and consultations with an expert Advisory Group and people living with NCDs. In addition to national policymakers, other stakeholders such as civil society organisations, academics and advocates may find the suggestions helpful in coordinating action around harmful commercial marketing of unhealthy products across NCD risk factors, to children and young people and more broadly.



Recommendations for national policymakers

1

Promote mandatory marketing regulation over self-regulation and voluntary industry commitments, as the latter are ineffective and counterproductive.

2

Support comprehensive approaches to marketing regulation that cover the widest possible scope of ages, environments, channels, techniques, products and industries, as these are the most effective in reducing harm and protecting rights, especially when complemented with other supportive policies, such as front-of-package labelling laws based on government-led nutrient profiles; content, spending and benefits disclosure obligations by industries and advertising platforms; and certifications specifying that no benefits were received for depiction of unhealthy brands in media.

3

Ensure environments in and around schools, as well as at off-campus school events, are given special protection in marketing regulations given that school environments constitute a major source of exposure for children and young people, and that these regulations are potentially well-accepted by policymakers and the public and are feasible to implement even in low-resource settings.

4

Craft regulations to address the 'power' of marketing (i.e., the creative and convincing tactics that target children and young people), as this aspect of marketing is currently under-regulated.

5

Use specific definitions, technology-neutral language, and opt-in protocols for data collection to ensure regulations are not easily avoided and to reduce the need for legislative updates when new technologies emerge.

6

Plan for regular policy reviews and embedded evaluations, as companies manoeuvre quickly to overcome regulations, reformulate products, and evade attempts to control their activity.

7

Allocate sufficient funds to implement robust monitoring, evaluation and enforcement of policies and regulations, by means that may include promoting citizen participation in denouncing non-compliance via public education campaigns; directly engaging with academia, civil society and youth groups in monitoring and evaluation; designating or establishing a government body devoted to enforcement; and imposing financial penalties on violators and making reported violations public.

8

Mobilise the strong existing scientific evidence on marketing harms, and support research to build on the evidence base where it is lacking, to convince fellow policymakers, decision-makers, and other stakeholders, including media and the general public, that commercial marketing is a significant health and human rights issue.

9

Include children and young people in policymaking processes through meaningful and inclusive engagement, as is their right, by raising their awareness about harmful marketing and bringing in their perspectives via consultations, surveys, direct involvement in committees or bodies set up to address marketing, or other appropriate means.

10

Keep unhealthy commodity industries out of policy consultations, prohibiting them from also using lobbies or front groups to influence public policy by using robust conflict of interest and disclosure policies and developing and implementing transparency mechanisms around industry relations with government officials.

REFERENCES

1. **World Health Organization.** *International Code of Marketing of Breast-milk Substitutes*. Geneva: World Health Organization, 1981.
2. *Defining and conceptualising the commercial determinants of health.* **Gilmore, Anna B, et al.** 10383, 2023, *The Lancet*, Vol. 401, pp. 1194-1213.
3. **World Health Organization.** Commercial determinants of health. [Online] 2023. [Cited: 12 July 2023.] <https://www.who.int/news-room/fact-sheets/detail/commercial-determinants-of-health>.
4. **Andreasen, Alan R.** Georgetown University Center for Social Impact Communication. [Online] [Cited: 12 July 2023.] <https://csic.georgetown.edu/magazine/commercial-marketing-social-change/#:~:text=Commercial%20marketing%20is%20a%20set,the%20long%20run%5B1%5D>.
5. **World Cancer Research Fund International.** *The link between food, nutrition, diet and non-communicable disease*. London: World Cancer Research Fund International, 2014.
6. *Health effects of dietary risks in 195 countries, 1990–2017: a systematic analysis for the Global Burden of Disease Study 2017.* **GBD 2017 Diet Collaborators.** 10184, 2019, *The Lancet*, Vol. 393, pp. 1958-1972.
7. **World Health Organization.** *Tackling food marketing to children in a digital world: trans-disciplinary perspectives*. Copenhagen: WHO, 2016.
8. **NCD Alliance.** NCDs. [Online] [Cited: 4 May 2023.] <https://ncdalliance.org/why-ncds/NCDs>.
9. *NCD Alliance Annual Report 2021: Promote Health, Protect Rights, Save Lives*. Geneva: NCD Alliance, 2022.
10. **Laux, Johann.** *Should we worry about the government nudging us with personalised advertising?* Oxford, UK: Oxford Internet Institute, 2021.
11. **Monteiro, Carlos A., et al.** *The Food System: NOVA*. Sao Paulo, Brazil: School of Public Health, University of Sao Paulo, 2016.
12. **World Health Organization.** Noncommunicable diseases. [Online] 2022. [Cited: 3 May 2023.] <https://www.who.int/news-room/fact-sheets/detail/noncommunicable-diseases>.
13. **Clark, Helen, et al.** *A future for the world's children? A WHO–UNICEF–Lancet Commission*. London: The Lancet, 2020.
14. **United Nations General Assembly.** *Convention on the Rights of the Child*. New York: UN, 1989.
15. **Universal Nations.** *Universal Declaration of Human Rights*. New York: UN General Assembly, 1948.
16. **UNICEF.** *A child rights-based approach to food marketing: a guide for policy makers*. New York: United Nations Children's Fund, 2018.
17. *Advertising regulation and the protection of children-consumers in the European Union: In the best interests of ... commercial operators?* **Garde, Amandine.** 3, 2011, *Int J Child Rights*, Vol. 19, pp. 523–45.
18. **Alcohol Focus Scotland.** *Realising Our Rights: How to protect people from alcohol marketing*. Glasgow: AFS, 2022.
19. *A missing voice: the human rights of children to a tobacco-free environment.* **Toebes, Brigit, et al.** 1, 2018, *BMJ*, Vol. 27.
20. *Protecting children and young people from contemporary marketing for gambling.* **Thomas, Samantha, et al.** 2, 2023, *Health Promotion International*, Vol. 38, pp. 1-14.
21. **Grover, Anand.** **UN Special Rapporteur.** *Unhealthy foods, non-communicable diseases and the right to health*. Geneva: UN Human Rights Council, 2014.
22. **World Health Organization.** *WHO Framework Convention on Tobacco Control*. Geneva: WHO, 2003.
23. *The SAFER technical package: five areas of intervention at national and subnational levels*. Geneva: WHO, 2019.

24. WHO *Global Strategy for Food Safety 2022-2030*. Geneva: WHO, 2022.
25. *Tackling NCDs, Best Buys*. Geneva: WHO, 2017.
26. *Policies to protect children from the harmful impact of food marketing*. Geneva: WHO, 2023.
27. **WHO/UNICEF**. *Taking action to protect children from the harmful impact of food marketing*. Geneva: WHO/UNICEF, 2023.
28. **World Health Organization**. *A FRAMEWORK FOR IMPLEMENTING THE SET OF RECOMMENDATIONS on the marketing of foods and non-alcoholic beverages to children*. Geneva: WHO, 2012.
29. **WHO/UNICEF**. *Protecting children from the harmful impact of food marketing: policy brief*. Geneva: WHO/UNICEF, 2022.
30. **Schiff, Allison**. The FTC's Review Of COPPA Could Transform How Kids Content Is Monetized Online. *AD Exchanger*. 8 October 2019, pp. <https://www.adexchanger.com/privacy/the-ftcs-review-of-coppa-could-transform-how-kids-content-is-monetized-online/>.
31. **UNICEF**. *Key Barriers to Food Marketing Regulation: Global Survey Results of 24 Countries*. New York: UN Children's Fund, 2023.
32. **Guariguata, Leonor and Jeyaseelan, Selvi**. *Children and Non-communicable Disease*. Toronto: NCD Child, 2019.
33. *To Protect Young Children's Health, Limit Marketing and Ubiquity of Unhealthy Foods and Beverages*. **Krieger, James and Freudenberg, Nicholas**. Washington, D.C.: American Journal of Public Health, 2022.
34. *Marketing of commercial milk formula: a system to capture parents, communities, science, and policy*. **Rollins, Nigel, et al.** 10375, 2023, *The Lancet*, Vol. 401, pp. 486-502.
35. **Committee on the Rights of the Child**. *General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights*. Geneva: UN Convention on the Rights of the Child, 2013.
36. **Strandgaard, Jacob**. *UN Special Rapporteur in the field of cultural rights, Report on the impact of advertising and marketing practices on the enjoyment of cultural rights: response from Denmark*. s.l.: Culture Ministry, 2014.
37. *Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008*. **Jernigan, David, et al.** 1, 2016, *Society for the Study of Addiction*, Vol. 112, pp. 7-20.
38. **Ipsos MORI**. *The effect of gambling marketing and advertising on children, young people and vulnerable adults*. UK: Ipsos MORI and GableAware, 2020.
39. *Marketing of commercial milk formula: a system to capture parents, communities, science, and policy*. **Rollins, N., et al.** 10375, 2023, *The Lancet*, Vol. 401, pp. 486-502.
40. *Ultra-Processed Food Consumption and Mental Health: A Systematic Review and Meta-Analysis of Observational Studies*. **Lane, MM, et al.** 13, 2022, *Nutrients*, Vol. 14.
41. **McCarthy, E Jerome**. *Basic Marketing: A Managerial Approach*. 1. New York: McGraw-Hill Irwin, 1960.
42. *Marketing Services by Managing the Environment*. **Booms, Bernard H and Bitner, Mary J.** 1, 1982, *Cornell Hotel and Restaurant Administration Quarterly*, Vol. 23, pp. 35-40.
43. **Global Food Research Program**. *Countries with national policies regulating food marketing to children*. University of North Carolina at Chapel Hill, USA: https://www.globalfoodresearchprogram.org/wp-content/uploads/2022/05/Marketing_maps_upload.pdf, 2022.
44. **Statista**. Statista. [Online] 2023. [Cited: 9 May 2023.] <https://www.statista.com/statistics/750865/kids-advertising-spending-worldwide/#:~:text=In%202018%2C%20kids%20advertising%20spending,stem%20from%20digital%20advertising%20formats>.
45. **CSP Global**. Concordia University. [Online] [Cited: 25 May 2023.] <https://online.csp.edu/resources/article/marketing-to-children/>.
46. **ASA News**. ASA calls on advertisers to make better use of online targeting tools to minimise children's exposure to age-restricted ads in mixed-age audience sites. [Online] 2021. [Cited: 26 April 2023.] <https://www.asa.org.uk/news/calling-on-advertisers-to-make-better-use-of-online-targeting-tools-to-minimise-children-s-exposure-to-age-restricted-ads.html>.

47. **Vital Strategies.** *The Sobering Truth: Incentivizing Alcohol Death and Disability.* New York: Vital Strategies, 2021.
48. **Global Industry Analysts.** *Contextual Advertising: Global Strategic Business Report.* San Jose, CA: Global Industry Analysts, Inc, 2023.
49. **Kirwan, Dennis.** AI-Generated Content In Digital Marketing: Separating Hype From Reality. [Online] 7 April 2023. [Cited: 28 July 2023.] <https://www.forbes.com/sites/forbesagencycouncil/2023/04/07/ai-generated-content-in-digital-marketing-separating-hype-from-reality/?sh=546686b570f7>.
50. *The Problems with Immersive Advertising: In AR/VR, Nobody Knows You Are an Ad.* **Heller, B and Bar-Zeev, A.** 1, 2021, Journal of Online Trust and Safety, Vol. 1.
51. **VicHealth.** *Under the radar: Harmful industries' digital marketing to Australian children.* Melbourne: Victorian Health Promotion Foundation, 2020.
52. *Advertising as a cue to consume: a systematic review and meta-analysis of the effects of acute exposure to unhealthy food and nonalcoholic beverage advertising on intake in children and adults*12. **Boyland, Emma J, et al.** 2, 2016, The American Journal of Clinical Nutrition, Vol. 103, pp. 519-533.
53. **Nestle, Marion.** *Soda Politics: taking on big soda (and winning).* digital. USA: OUP , 2015.
54. **BMJ Newsroom.** McDonald's seems to be focusing on kids in lower-middle income countries, social media posts suggest. [Online] 2021. [Cited: 12 June 2023.] <https://www.bmj.com/company/newsroom/mcdonalds-seems-to-be-focusing-on-kids-in-lower-middle-income-countries-social-media-posts-suggest/>.
55. **Cairney, Paul, Studlar, Donley T and Mamudu, Hadii M.** *Global Tobacco Control: Power, Policy, Governance and Transfer.* London: Palgrave Macmillan, 2012.
56. **APA.** *Report of the APA Task Force on Advertising and Children.* Washington D.C.: American Psychological Association, 2004.
57. *Brand logo recognition by children aged 3 to 6 years. Mickey Mouse and Old Joe the Camel.* **Fischer, P. M., et al.** 22, 1991, JAMA, Vol. 266, pp. 3145-3148.
58. *International reach of tobacco marketing among young children.* **Borzekowski, Dina L G and Cohen, Joanna E.** 4, 2013, American Academy of Pediatrics Publications, Vol. 132, pp. 825-831.
59. **Hastings, Gerard.** "They'll drink bucket loads of the stuff" An analysis of internal alcohol industry advertising documents. London: Institute for Social Marketing, University of Stirling & the Open University, 2009. pp. 1-61.
60. **Kemp, Audrey.** Sour Patch Kids targets Gen Z in new campaign with Twitch. [Online] 13 June 2022. [Cited: 20 July 2023.] <https://www.thedrum.com/news/2022/06/13/sour-patch-kids-targets-gen-z-new-campaign-with-twitch>.
61. *Sport CSR as a hidden marketing strategy? A study of Djarum, an Indonesian tobacco company.* **Siahaya, Isabella Astrid and Smits, Tim.** 2021, Cultures, Commerce, Media, Politics, Vol. 24, pp. 1609-1632.
62. **Maheshwari, Sapna.** Online and Earnings Thousands at Age 4: Meet the Kidfluencers. *The New York Times.* 1 March 2019, pp. <https://www.nytimes.com/2019/03/01/business/media/social-media-influencers-kids.html?searchResultPosition=1>.
63. **Milmo, Dan.** UK must protect child influencers from exploitation, MPs say. *The Guardian.* 9 May 2022, pp. <https://www.theguardian.com/media/2022/may/09/uk-must-protect-child-influencers-exploitation-social-media>.
64. *Child Socila Media Influencers and Unhealthy Food Product.* **Alruwaily, A, et al.** 5, 2020, Pediatrics, Vol. 146.
65. *Kid influencers - a new arena of social media food marketing.* **Coates, Anna and Boyland, Emma.** 3, 2020, Nature Reviews Endocrinology, Vol. 17, pp. 133-134.
66. *Pitfalls of the self-regulation of advertisements directed at children on Mexican television.* **Théodore, F L, et al.** 4, 2017, Pediatr Obes, Vol. 12, pp. 312-319.
67. *The effectiveness of the food and beverage industry's self-established uniform nutrition criteria at improving the healthfulness of food advertising viewed by Canadian children on television.* **Kent, Monique Potvin, et al.** 1, 2018, Int J Behav Nutr Phys Act, Vol. 15, p. 57.
68. *Unhealthy food advertising directed to children on New Zealand television: extent, nature, impact and policy implications.* **Vandevijvere, Stefanie, Soupen, Alanna and Swinburn, Boyd.** 17, 2017, Public Health Nutrition, Vol. 20, pp. 3029-3040.

69. *Advertising of fast food to children on Australian television: the impact of industry self-regulation.* **Hebden, Lana A, et al.** 1, 2011, *Medical Journal Australia*, Vol. 195, pp. 20-4.
70. **Calvert, Emma.** *Food Marketing to Children Needs Rules with Teeth.* Bruxelles: BEUC, 2021.
71. *Spinning a global web: tactics used by Big Tobacco to attract children at tobacco points-of-sale.* **Brown, Jennifer L, et al.** 2022, *BMJ*, pp. 1-7.
72. *Addressing NCDs: Challenges From Industry Market Promotion and Interferences.* **Tangcharoensathien, Viroj, et al.** 5, 2019, *International Journal of Health Policy and Management*, Vol. 8, pp. 256-260.
73. *Investigating foods and beverages sold and advertised in deprived urban neighbourhoods in Ghana and Kenya: a cross-sectional study.* **Green, Mark Alan, et al.** 2020, *BMJ Open*, Vol. 10, pp. 1-8.
74. **Information Commissioner's Office.** *Information Commissioner's opinion: Age Assurance for the Children's Code.* London: UK: Department for Digital, Culture, Media and Sport, 2021.
75. **Mwendwa, Debra.** The Unintended Consequences of Kenya's Policy Against Substitutes for Breast Milk. [Online] 7 September 2022. [Cited: 18 July 2023.] <https://ieakenya.or.ke/blog/the-unintended-consequences-of-kenyas-policy-against-substitutes-for-breast-milk/>.
76. **Palacios, Francisca Saldivar.** NOM NOM NOM-051: A look into the motivations and limitations of Mexico's new food label law. [Online] 10 February 2022. [Cited: 19 July 2023.] <https://brownpoliticalreview.org/2022/02/nom-nom-nom-051/>.
77. *Alcohol industry involvement in policymaking: a systematic review.* **McCambridge, Jim, Mialon, Melissa and Hawkins, Ben.** 2018, *Society for the Study of Addiction*, pp. 1571-1584.
78. *Alcohol: global health's blind spot.* **Marten, Robert, Amul, Gianna Gayle Herrera and Casswell, Sally.** 3, 2020, *The Lancet*, Vol. 8, pp. 329-330.
79. *Coca-Cola sought to shift blame for obesity by funding public health conferences, study reports.* **Griffin, Shaun.** 4718, 2020, *BMJ*, Vol. 371.
80. **International Chamber of Commerce.** *ICC Policy Statement on the Freedom of Commercial Communication.* Paris: International Chamber of Commerce, 2015.
81. *Freedom of choice and the tobacco endgame.* **Schmidt, Andreas T.** 1, s.l.: Bioethics, 2022, Vol. 36.
82. **Shaheed, Farida.** A/69/286: Report on the impact of advertising and marketing practices on the enjoyment of cultural rights. Geneva: UN Human Rights Office of the High Commissioner, 2014.
83. **Vital Strategies.** Hidden in Plain Sight: Surrogate Marketing of Tobacco Products on Social Media in India. [Online] 13 December 2022. [Cited: 17 July 2023.] <https://termcommunity.com/issue-brief/67/hidden-in-plain-sight-surrogate-marketing-of-tobacco-products-on-social-media-in-india>.
84. **Harrison, Bernice.** Marketing non-alcoholic drinks – it's the zero zero that makes the difference. [Online] 20 February 2023. [Cited: 20 July 2023.] <https://www.irishtimes.com/business/2023/02/20/marketing-non-alcoholic-drinks-its-the-zero-zero-that-makes-the-difference/>.
85. **World Health Organization.** *Reducing the harm from alcohol – by regulating cross-border alcohol marketing, advertising and promotion: a technical report.* Geneva: WHO, 2022.
86. *Commercial determinants of health: advertising of alcohol and unhealthy foods during sporting events.* **Ireland, Robin, et al.** 4, 2019, *BULLETIN OF THE WORLD HEALTH ORGANIZATION*, Vol. 97, pp. 290-295.
87. *Breastfeeding: crucially important, but increasingly challenged in a market-driven world.* **Pérez-Escamilla, Rafael, et al.** 10375, 2023, *The Lancet*, Vol. 401, pp. 572-485.
88. **Alana Institute.** *Answers to the questionnaire on the impact of advertising and marketing practices on the enjoyment of cultural rights.* Sao Paulo: Alana Institute, 2014.
89. **MINISTERIO DE SALUD.** *LEY 20606: SOBRE COMPOSICIÓN NUTRICIONAL DE LOS ALIMENTOS Y SU PUBLICIDAD.* Santiago: MINISTERIO DE SALUD, 2012.
90. **De Marco Lawyers.** *International Advertising Law: Advertising Regulation in China.* Melbourne, Australia: <https://demarco.com.au/about-dml/about-us>.

91. **Ministry of Health, Kenya.** *The Breast Milk Substitutes (Regulation and Control) (General) Regulations, 2021.* Nairobi: Ministry of Health, Kenya, 2021.
92. *Emergent gambling advertising; a rapid review of marketing content, delivery and structural features.* **Torrance, Jamie, et al.** 718, 2021, *BMJ Public Health*, Vol. 21.
93. *Mental health and global strategies to reduce NCDs and premature mortality.* **Pryor, Laura, Silva, Marine Azevedo Da and Melchior, Maria.** 8, 2017, *The Lancet*, Vol. 2, pp. 350-351.
94. **Myers, Matthew L.** New Facebook/Instagram Policy on Tobacco Marketing Must Be Immediately Implemented and Strictly Enforced. *Campaign for Tobacco-Free Kids.* 18 December 2019, pp. https://www.tobaccofreekids.org/press-releases/2019_12_18_facebook_instagram_marketing_policy.
95. **Instagram.** Deconstructing Disclosures: Do Creators Need to Say When They're Getting Paid? [Online] 2020. [Cited: 13 May 2023.] https://business.instagram.com/blog/deconstructing-disclosures-do-creators-need-to-say-when-theyre-getting-paid?locale=en_GB.
96. *The impact of initiatives to limit the advertising of food and beverage products to children: a systematic review.* **Galbraith-Emami, S and Lobstein, T.** 2013, *International Association for the Study of Obesity*, Vol. 14, pp. 960-974.
97. **Albergotti, Reed.** Apple makes changes to kids app guidelines after criticism from developers. *The Washington Post.* 12 September 2019, pp. <https://www.washingtonpost.com/technology/2019/09/12/apple-makes-changes-kids-app-guidelines-following-criticism-developers/>.
98. **Pan American Health Organization.** *Report on the regional workshop on regulation of the marketing of unhealthy food products. Washington, D.C., 15-17 October 2019.* Washington, D.C.: PAHO, WHO, 2020.
99. **World Health Organization.** *WHO Regional Office for Europe nutrient profile model.* Copenhagen: WHO, 2023.
100. **Pan American Health Organization.** *Pan American Health Organization Nutrient Profile Model.* Washington, DC: PAHO, 2016.
101. **World Health Organization.** *WHO Nutrient Profile Model for South-East Asia Region.* New Delhi: WHO, 2017.
102. *Nutrient Profile Model for the WHO African Region.* Brazzaville: WHO, 2019.
103. *WHO Nutrient Profile Model for the Western Pacific Region.* Geneva: WHO, 2016.
104. *Nutrient profile model for the marketing of food and non-alcoholic beverages to children in the WHO Eastern Mediterranean Region.* Cairo: WHO, 2017.
105. *Sponsorship Disclosure on social media: literature review and future research agenda.* **Jhavar, Anand, Varshney, Sanjeev and Kumar, Prashant.** 2023, *Management Review Quarterly*.
106. **Healthy Caribbean Coalition.** *Regulating the Availability and Marketing of Unhealthy Beverages and Food Products In And Around Schools in the Caribbean.* s.l.: HCC, 2022.
107. *EU warns four countries over tobacco advertising.* **Watson, Rory.** 2005, *BMJ News*, Vol. 332, p. 872.
108. *La loi Évin relative au contrôle de la publicité en faveur de l'alcool appliquée en France : contenu, efficacité et limites.* **Gallopel-Morvan, Karine, et al.** 2016, *EHESP École des hautes études en santé publique*, pp. 1-13.
109. **Das, Biplob Kumas and Kalra, Aditya.** Reuters: India makes tobacco warnings mandatory for streaming sites. [Online] 2023. [Cited: 12 July 2023.] <https://www.reuters.com/world/india/india-makes-tobacco-warnings-mandatory-streaming-sites-2023-05-31/>.
110. **European Commission.** Food and non-alcoholic beverage marketing to children and adolescents - examples of implemented policies addressing food and non-alcoholic beverage marketing to children and adolescents. [Online] 8 April 2021. [Cited: 20 July 2023.] https://knowledge4policy.ec.europa.eu/health-promotion-knowledge-gateway/food-non-alcoholic-beverage-marketing-children-adolescents-implemented-4_en.
111. **Purves, Richard I, et al.** *Alcohol Marketing Restrictions: Learning from International Implementation.* Stirling, Scotland : University of Stirling, 2022.
112. *The Gambling Law Review: Australia.* **Hoskins, Julian, et al.** 2023, *The Law Reviews*, pp. <https://thelawreviews.co.uk/title/the-gambling-law-review/australia>.

113. **Global Food Research Program.** *Marketing Regulations: Chile.* University of North Carolina at Chapel Hill, USA: <https://www.globalfoodresearchprogram.org/policy-research/marketing-regulations/>.
114. **Movendi International.** Philippines: Supermarkets Get New Alcohol Accessibility Rules. [Online] 8 October 2019. [Cited: 20 July 2023.] <https://movendi.ngo/news/2019/10/08/philippines-supermarkets-get-new-alcohol-accessibility-rules/>.
115. **Pan American Health Organization.** *Report on the regional workshop on regulation of the marketing of unhealthy food products.* Washington, DC: PAHO, WHO, 2019.
116. **Barker, Coralie.** A “strong” shift for gambling advertising rules. [Online] 22 December 2022. [Cited: 19 July 2023.] <https://cms-lawnow.com/en/ealerts/2022/12/a-strong-shift-for-gambling-advertising-rules>.
117. **Gün + Partners.** *Media and Advertising Law in Turkey.* Istanbul: Gun + Partners, 2020.
118. **Ofcom.** *Rules on the amount of distribution of advertising.* London, UK: Office of Communications.
119. **Brugada, Montserrat.** De que trata Ley contra publicidad de alimentos ‘chatarra’? *El Oriente.* 19 July 2014, pp. <http://www.elorienten.net/home/2014/07/29/de-que-trata-ley-contra-publicidad-de-alimentos-chatarra?fbclid=IwAR33ZnTeqT2z6aOg4vHmjVqbPPkP2a1AhJ-XNjmObxxpdZ8TcJJBui2AC-Q>.
120. **Law & Trust International.** REGULATION OF GAMBLING ADVERTISING IN EUROPE. [Online] [Cited: 20 July 2023.] <https://lawstrust.com/en/autor/klymenko/regulation-gambling-advertising-europe>.
121. **NOYB.** BREAKING: Meta prohibited from use of personal data for advertising. [Online] 2023. [Cited: 3 May 2023.] <https://noyb.eu/en/breaking-meta-prohibited-use-personal-data-advertising>.
122. **Federal Trade Commission.** Complying with COPPA: Frequently Asked Questions. [Online] 2020. [Cited: 13 July 2023.] <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>.
123. **Conway, Lorraine.** *Advertising to children.* London: House of Commons, 2023.
124. **Sweney, Mark.** UK to ban junk food advertising online and before 9pm on TV from 2023. *The Guardian.* 23 June 2021, pp. <https://www.theguardian.com/media/2021/jun/23/uk-to-ban-junk-food-advertising-online-and-before-9pm-on-tv-from-2023>.
125. **Commons Chamber.** Health and Care Bill: 2nd Reading. London: HM Government, 2021.
126. **Ofcom.** *Regulation of advertising for less health food and drink.* London: Office of Communications, HM Government, 2023.
127. **Askew, Katy.** Will the UK’s junk food marketing clampdown combat childhood obesity? *Bakery&Snacks.* 29 June 2021, pp. https://www.bakeryandsnacks.com/Article/2021/06/29/Will-the-UK-s-junk-food-marketing-clampdown-combat-childhood-obesity?utm_source=newsletter_daily&utm_medium=email&utm_campaign=30-Jun-2021&cid=DM971215&bid=1636576186.
128. **Nestle, Marion.** UK Government to restrict TV and online junk food ads to kids (by the end of 2022). *Food Politics.* 2022, pp. <https://www.foodpolitics.com/2021/07/uk-government-to-restrict-tv-and-online-junk-food-ads-to-kids-by-the-end-of-2022/>.
129. **Health Europa.** Bite Back 2030: ‘The food system is rigged against us’. *Health Europa.* 27 June 2022, pp. <https://www.healtheuropa.com/bite-back-2030-the-food-system-is-rigged-against-us/116335/>.
130. *Systematic review of the effect of policies to restrict the marketing of foods and non-alcoholic beverages to which children are exposed.* **Boyland, Emma, et al.** 8, 2022, *Obesity Reviews*, Vol. 23.
131. *Implementing the WHO Recommendations whilst Avoiding Real, Perceived or Potential Conflicts of Interest.* **Garde, Amandine, Jeffery, Bill and Rigby, Neville.** 2017, *European Journal of Risk Regulation*, Vol. 8, pp. 237-250.
132. **UNICEF.** *Protecting Infant and Young Child Nutrition from Industry Interference and Conflicts of Interest.* New York: UNICEF, 2023.
133. **Danish Competition and Consumer Authority.** *The Danish Marketing Practices Act Has Been Given A Complete Overhaul And Is Now More User-Friendly.* s.l.: Danish Competition and Consumer Authority, 2017.
134. **Innovation, Science and Economic Development Canada.** *CANADA’S ANTI-SPAM LEGISLATION (CASL).* Ottawa: HM Canada, 2023.

135. **Law Commission.** *Harmful Digital Communications: the adequacy of the current sanctions and remedies.* Wellington: Law Commission of New Zealand, 2012.
136. **Murukutla, Nandita, et al.** The Tobacco Enforcement Reporting Movement (TERM): An Early Warning System to Track Digital Tobacco Marketing. [Online] 8 March 2022. [Cited: 28 July 2023.] <https://blogs.bmj.com/tc/2022/03/08/the-tobacco-enforcement-reporting-movement-term-an-early-warning-system-to-track-digital-tobacco-marketing/>.
137. *The Instrumental Role of Strategic Communication to Counter Industry Marketing Responses to Sugary Drink Taxes; Comment on "Understanding Marketing Responses to a Tax on Sugary Drinks: A Qualitative Interview Study in the United Kingdom, 2019".* **Murukutla, Nandita, Cotter, Trish and Kotov, Alexey.** 1, 2023, International Journal of Health Policy and Management, Vol. 12, pp. 1-4.
138. **VicHealth.** Dark marketing tactics of harmful industries exposed by young citizen scientists. [Online] 21 June 2022. [Cited: 27 July 2023.] <https://www.vichealth.vic.gov.au/resources/resource-download/citizen-voices-against-harmful-marketing>.
139. *Digital food marketing to children: Exploitation, surveillance and rights violations.* **Tatlow-Golden, Mimi and Garde, Amandine.** 2020, Global Food Security, Vol. 27, pp. 1-9.
140. **Lomas, Natasha.** EU parliament backs tighter rules on behavioural ads. *TechCrunch.* 21 October 2020, pp. https://techcrunch.com/2020/10/21/eu-parliament-backs-tighter-rules-on-behavioural-ads/?guce_referrer=aHR0cHM6Ly9kdWNrZHVja2dvLmNvbS8&guce_referrer_sig=AQAAAJgrPt3_FAn_wQ32oXzs7T-H7O_BdSAAxgyklZed96KulY9XwF7Dw3OEnjnCBhTtDguOQWhlgzFtD2IRvhnAwYnYzLGJvvUgxo.
141. **Santa Maria, Maria Luisa, Peruzzotti, Mariano and Balbo, Antonella.** Argentine Congress passed the Front-of-Package Labelling Law. *Ojam Bullrich Flanzbaum.* 2021, pp. <https://www.ojambf.com/en/the-front-of-package-labelling-law-was-passed/>.
142. **Stockdalehomick, Renee.** Argentina's Parliament Passes Front Labeling Law for Food Products. *3E.* 9 December 2021, pp. <https://www.3eco.com/resource-center/blog/argentinas-parliament-passes-front-labeling-law-food-products>.
143. **Santos, Raisa.** Argentina Now Requires Big Food to Add Warning Labels to Ultra-Processed Foods. [Online] 6 September 2022. [Cited: 19 July 2023.] <https://healthpolicy-watch.news/argentina-warning-labels-processed-foods/>.
144. **International Trade Administration.** ARGENTINA: NEW NUTRITIONAL LABELING REQUIREMENTS. [Online] 2022. [Cited: 25 May 2023.] <https://www.trade.gov/market-intelligence/argentina-new-nutritional-labeling-requirements#:~:text=On%20March%202023%2C%202022%2C%20the,%2C%20hypertension%2C%20and%20cardiac%20risks>.
145. **Pan American Health Organization.** PAHO/WHO celebrates the regulation of the law to promote healthy eating in Argentina. [Online] 2022. [Cited: 13 July 2023.] <https://www.paho.org/en/news/29-3-2022-pahowho-celebrates-regulation-law-promote-healthy-eating-argentina>.
146. **Organización de las Naciones Unidas para la Alimentación y la Agricultura.** *Impacto de la ley Chilena de etiquetado en el sector productivo alimentario.* Santiago: FAO and INTA, 2021.
147. **Slow Food.** Argentina takes a step forward with new law on front-of-package labeling. [Online] 22 November 2021. [Cited: 19 July 2023.] <https://www.slowfood.com/argentina-approves-a-law-regarding-front-of-package-labeling/>.
148. **Treat, Sharon Anglin.** The bully in the lunchroom: The U.S. moves to weaken Mexico's new junk food labeling law. [Online] 2020. [Cited: 19 July 2023.] <https://www.iatp.org/blog/202001/bully-lunchroom-us-moves-weaken-mexicos-new-junk-food-labeling-law>.
149. *Unveiling the predatory tactics of the formula milk industry.* **The Lancet.** 10375, 2023, The Lancet, Vol. 401.
150. **World Health Organization.** *Use of non-sugar sweeteners: WHO guideline.* Geneva: WHO, 2023.
151. **Stratton, Kathleen, Kwan, Leslie Y and Eaton, David L.** *Public Health Consequences of E-Cigarettes.* Washington, DC: National Academies of Sciences, Engineering, and Medicine, 2018.

ANNEX 1

Focus group discussion participants

Focus group session	Age	Gender	Home country / current residence
1	16	F	Australia
1	29	F	Ghana
1	17	M	India
1	23	F	India
1	28	F	India
2	16	F	Afghanistan
2	16	F	Hong Kong / UK
2	30	F	Mexico
2	15	F	Pakistan / France
2	16	F	Vietnam
Written feedback	17	F	Brazil
Written feedback	30	M	Nigeria
Written feedback	17	F	UK
Written feedback	16	M	UK



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