

21 June 2024

Director – Strategy and Research  
Online Safety, Media and Platforms Division  
Department of Infrastructure, Transport, Regional Development, Communications and the Arts

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Dear Director of Strategy and Research,

Food for Health Alliance (formerly the Obesity Policy Coalition) works to improve diets and prevent overweight and obesity in Australia. We do this by identifying how governments can change laws and policies to improve our food environment – the way our food is made, labelled, sold and advertised.

We welcome the opportunity to comment on the review of the *Online Safety Act 2021* (The Act). A key focus area for Food for Health Alliance is action to protect children from unhealthy food marketing in Australia – and in our view this is an important element of online safety.

**The Online Safety Act should be expanded to protect Australians, particularly children, from harmful online marketing, including unhealthy food marketing.**

The Australian Government has an important role to play in protecting children online and creating a safe environment that restricts commercial exploitation of children and enables them to participate as digital citizens, while having their best interests protected. Ensuring that Australians, particularly children, can go online without exposure to harmful marketing content that undermines their health and wellbeing, is an important element of online safety and should be captured by the Act.

Australian children are exposed to high amounts of marketing for harmful products, including unhealthy food, when they go online. For example, an Australian study found that Australian teens aged 13-17 years are exposed to almost 100 online promotions for unhealthy food every week.<sup>1</sup> Unhealthy food marketing online can take many forms, including posts by influencers, sponsored ad campaigns in social media feeds, branded content shared directly by brands or through users' social networks, apps and games that feature unhealthy food or associated brands and online gaming with product placement.

Online environments also provide platforms and advertisers with unprecedented access to children's information, allowing advertisers to collect extensive information about children's online behaviour, demographic characteristics, interests and social networks, and then use it to target them with harmful advertising. This poses a significant risk to children's privacy, health and wellbeing, particularly as it is difficult to monitor and to prevent.

Protecting children from the exposure to and influence of this marketing is important because we know it is harmful to children's health. Clear evidence shows that exposure to unhealthy food marketing influences the foods that children prefer, want and eat.<sup>2</sup> At a time when around one in four Australian children is above a healthy weight,<sup>3</sup> and the vast majority do not eat a healthy diet,<sup>4</sup> urgent action is needed. This action is also strongly supported by the Australian public, with 7 out of 10 adults supporting government action to protect children from unhealthy food marketing.<sup>5</sup>

In light of its prevalence and impact, harmful online marketing, including unhealthy food marketing, should be captured by the Online Safety Act. We support regulation to remove all unhealthy food marketing online, as this broad approach is most likely to be effective in protecting children.

We understand that introducing a new protection from harmful online marketing will require further changes to the Act and we support further consultation on the development of this protection. It is important that the detail of the protection, its design, application and enforcement is developed by government in consultation with public health experts, and not by harmful industries or the advertising industry.

## **Recommendations:**

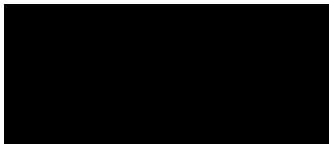
**1. Expand the scope of online harms addressed by the Act to include harmful online marketing, including unhealthy food marketing.**

**2. Ensure there is no unhealthy food marketing online.**

**3. Consult further with public health experts to develop the detail of the regulation, including key definitions.**

Expanding the Online Safety Act to include harmful online marketing and remove unhealthy food marketing is an important step in creating a safe online environment that promotes children's health and wellbeing.

Please contact me if you would like any further information.



Jane Martin  
Executive Manager

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<sup>1</sup> Kelly B, Bosward R, Freeman B. Australian Children's Exposure to, and Engagement With, Web-Based Marketing of Food and Drink Brands: Cross-sectional Observational Study. *J Med Internet Res.* 2021 Jul 12;23(7):e28144. doi: 10.2196/28144. PMID: 34255675; PMCID: PMC8314155

<sup>2</sup> Boyland E, McGale L, Maden M, et al. Association of Food and Nonalcoholic Beverage Marketing With Children and Adolescents' Eating Behaviors and Health: A Systematic Review and Meta-analysis. *JAMA Pediatr.* 2022;176(7):e221037. doi:10.1001/jamapediatrics.2022.1037.

<sup>3</sup> Australian Bureau of Statistics. 4364.0.55.001 - National Health Survey: First Results, 2017-18. 2018.

<sup>4</sup> Australian Bureau of Statistics. 4364.0.55.001 - National Health Survey: First Results, 2017-18. 2018. Table 17.3. <http://www.abs.gov.au/AUSSTATS/>

<sup>5</sup> Nuss T, Chen YJM, Dixon H, Morley B. (2020). Australians' support for initiatives to protect children from unhealthy food and drink marketing and advertising. Research brief, prepared for: Obesity Policy Coalition. Melbourne, Australia: Centre for Behavioural Research in Cancer, Cancer Council Victoria.