

Digital Platform Services Inquiry – Report on social media services

**Response to consultation
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Recipient


Australian Competition and Consumer Commission
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About Dietitians Australia

Dietitians Australia is the national association of the dietetic profession with over 8500 members, and branches in each state and territory. Dietitians Australia is the leading voice in nutrition and dietetics and advocates for food and nutrition for healthier people and healthier communities.

The Accredited Practising Dietitian (APD) program provides an assurance of safety and quality and is the foundation of self-regulation of the dietetic profession in Australia. Accredited Practising Dietitians have an important role in the food system to support consumers in making healthy food choices.

Dietitians Australia welcome the opportunity to provide our expertise in response to the Digital Platform Services Inquiry's issues paper on social media services.

Recommendations

Dietitians Australia strongly advocate for broad government-led regulation to better protect children (and all Australians) from harmful marketing practices, including the collection, exploitation, and disclosure of their personal information to market of harmful commodities such as unhealthy foods and beverages.

Protecting children from harmful marketing practices is a human rights issue: governments that are a party to the UN Convention on the Rights of the Child have a duty to protect, respect and fulfil children's right to health.¹ The marketing of unhealthy foods and beverages is child rights matter, encompassing rights such as the right to health, privacy, and information.

1. Government-led mandatory regulation to protect children from unhealthy food and beverages marketing must be implemented.
2. Certain practices should not be permitted in relation to children, including:
 - collecting, using, or disclosing children's personal information for the purposes of commercial marketing, particularly marketing by harmful industries, including unhealthy food and beverages. Parental consent should not be an option for enabling this.
 - harmful industries, including unhealthy food and beverages, cannot collect, use, or disclose children's personal information for the purposes of analysing or influencing children's behaviour or decisions in any circumstances. No exceptions should apply, and parental consent cannot be obtained to enable this.
 - tracking, profiling, or monitoring the behaviour of children for commercial purposes online.
3. Certain protections should apply to adult users of digital platforms, including social media services:
 - an individual's data or personal information cannot be collected, used, or disclosed by digital platforms for the purposes of commercial marketing without express consent, particularly in the case of marketing for harmful industries, including commercial milk formula and unhealthy food and beverages. This consent must be clear, voluntary, specific and unincentivised, and provided on an opt-in basis.
 - Digital platforms cannot collect, use, or disclose (or enable collection, use or disclosure to occur) personal information or data related to a person's physical or mental health and wellbeing or financial situation, for the purposes of marketing

harmful products, including commercial milk formula, and unhealthy food and beverages.

4. Social media organisations and large online platforms should be required to disclose information or report on how they collect, use and disclose individuals' data and personal information for the purposes of marketing, including how automated systems and algorithms are used to deliver marketing to individuals or groups of individuals.

Rationale

Half of all global advertising spending is now spent online, making digital media platforms increasingly important spaces for commercial marketing.²

Children's screen time has shifted from mainly broadcast media to phones, computers, and tablets, where the main social media platforms are flooding cyberspace with advertising.³

There is unequivocal evidence on the extent, nature, and effects of the marketing to children of products high in fats, sugar, and salt, which shows that advertising affects children's eating and drinking behaviour, preferences, requests,⁴⁻⁵ nutrition knowledge,⁶ increase pester power and changes in household purchasing and food intake.⁷⁻⁸

Cognitive defences continue to develop through the teenage years, meaning that children require protection from media such as internet gaming and advertising.⁹⁻¹⁰

There is international consensus calling for marketing restrictions to be implemented, including the World Health Organisation's Set of Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children.^{8,11-13}

In 2020, the WHO-UNICEF *Lancet* Commission on Child Health noted that commercial marketing of products that are harmful to children is one of the most underappreciated risks to their health and wellbeing and called for strengthened action in this area as one of their core recommendations.¹⁴

Digital marketing models collect, exploit, and disclose large amounts of personal information, including specific information about an individual's online behaviour, purchase preferences, social networks and physical location.¹⁵⁻¹⁷

This information is being used by marketers, including corporations who market unhealthy food and beverages, to target their marketing directly to particular groups of consumers, including children, based on their individual profiles.¹⁸

This collection, exploitation and disclosure of personal information and online activity is a significant risk to children's privacy, health and wellbeing, particularly as it is difficult to monitor and to prevent.

Independent evaluations of policy effectiveness strongly indicate government-led regulation is the most effective.¹⁹⁻²⁴

Every child has the right to enjoy the highest attainable standard of health. As a result, the government has a legal obligation to address the underlying determinants of health and take all measures that are necessary to prevent child obesity and other diet-related non-communicable diseases.^{1,8}

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