

**Re: Bill S-228, An Act to Amend the Food and Drugs Act
(prohibiting food and beverage marketing directed at children)**

Dear Sir/Madam:

Restaurants Canada is a national, not-for-profit association representing Canada's \$80 billion, 1.2 million-employee restaurant and foodservices industry.

Along with many other industry stakeholders, Restaurants Canada is committed to working with the government towards its goals of combatting childhood obesity. In this government's platform and subsequent ministerial mandate letters, it has committed to introducing a restriction on advertising and marketing of unhealthy food and beverages to children similar to those currently in place in Quebec.

The government's commitment to this issue is augmented by Conservative Senator Nancy Greene Raine's private members' Bill S-228 An Act to Amend the Food and Drugs Act (prohibiting food and beverage marketing directed at children) currently in front of the House of Commons. This Bill seeks to limit marketing and advertising based on a definition of children under 17, define what marketing to children is, and offers a narrow definition of healthy food as indicated through consultative documents, committee presentations, and meetings with Health Canada.

Restaurants Canada supports strengthening the voluntary measures that are currently in place to limit the exposure of children under 13 to direct advertising of unhealthy food and beverages. However, the over-reaching definition of children and the extremely narrow definition of healthy foods will have unintended consequences for restaurants, their customers and their communities across Canada.

The foodservice industry has an important perspective on this issue. We urge the government to ensure that policy-makers seek input from the industries most impacted by this significant policy initiative and who are committed to working on efforts to reduce childhood obesity in Canada.

Estimates from a recent industry study indicate that a ban on food and beverage advertising with the definition of children set at 17 will result in a GDP reduction by over \$10 billion per year, tens of thousands of lost employment person-years, and reductions of income, payroll and corporate revenues of nearly \$1 billion.

In his mandate letter to the Minister of Health, the Prime Minister referenced advertising restrictions already in place in Quebec, which apply to children under the age of 13. However Bill S-228 as tabled defines children as under 17. The age limitation of 17 is inconsistent with other existing legislative and regulatory frameworks with consideration to age, including labour laws, firearm usage, recreational motorized vehicles, and also social media thresholds and Canada's existing broadcast limitations as they pertain to age. With the time band restrictions being considered by Health Canada and likely thresholds of viewership even on platforms intended for adults, this age restriction of 17 will result in a much more widespread ban resulting in the elimination of potentially all food and beverage advertising and sponsorship in the country.

There are several unintended consequences from Bill S-228 as it is currently drafted and based on the regulatory framework proposed in consultations. For example, thousands of teenagers get valuable, first-job experience in our industry. It doesn't make sense to ban them from viewing outside marketing of the products they prepare and serve. In addition, Health Canada's expected definition of healthy as food items with less than either 5% or 15% of daily recommended value of saturated fat, sugar or sodium is so restrictive that it would amount to a ban on all foodservice marketing. This is because restaurants typically market meals rather than individual food items.

Lastly, it is important to recognize that the impacts of this legislation go far beyond the food and beverage industry. Bill S-228 will affect Canadian-based advertisers, broadcasters, digital media platforms, and will dramatically impact sports programs across the country that engage hundreds of thousands of children from coast to coast to coast in programs made possible by donors like restaurants. Activities such as runs, walks, and extracurricular programs that promote active living will be detrimentally impacted by Bill S-228 in its current form, and it goes so far as to impact family-friendly flagship events that take place in communities across Canada with the help of corporate donations from the foodservice industry.

Bill S-228 is scheduled for first hour of debate on December 12th. As you review this Bill and the rules that will underpin it, we urge you to reject the 17-year age limit and focus on the original intent of the election promise to restrict marketing to children. We would be pleased to meet with you to discuss our concerns about the unintended consequences of the current approach.

Yours sincerely,

Shanna Munro
President and CEO