

Deceptive and Subliminal Food Advertising

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Abstract *The purpose of advertising is to make sure that people know about the range of products and services that are available on the market. It is the interest of the manufacturers and retailers to make as many consumers as possible aware of their products or services. But, it is important to ensure that ads meet certain standards, particularly relating legal and ethical requirements, because consumers do not always have sufficient knowledge to decipher the messages in advertising, to detect the exaggerations or the possible frauds. They, therefore, need to be protected from the incorrect or misleading ads. Advertising can encourage the people to over - consume, which is bad for the consumers' wallet, for the environment and for the sustainable development. But, if the deceptive and subliminal advertising may harm the security of the children, it means that urgent measures must be taken to protect this special social class.*

Keywords: *food industry, communication policy, advertising, deceptive advertising, subliminal advertising, misleading ads, consumer protection*

Introduction

All over the world, food industry is a huge market force. Nowadays, this industry produces a major number of different food products. As the market has grown, so has the amount of choices that consumers have. This is just one of the reasons why advertising and promotion are important to the marketing of food supply.

The good thing about ads is that they inform people about new products. But, why so much advertising? There are several reasons for it. First, the food market is huge, capturing - for example - in the USA, around 15% of the consumers income, and in Romania around 50%. Because of that, there is a vigorous competition among food firms to compete for this market. Second, food is the most important repeat - purchase item.

Marketers are interested in the spending and purchasing power of the consumers. That's why, multiple ways are used to influence the consumers' behavior. It's estimated that the average European consumer receives 30,000 advertising messages a year. The TV, the radio, the posters, newspapers and magazines are the traditional media, but companies now have new smart ways of reaching potential clients too.

Food product choice is overwhelming, as well as TV commercials and printed advertisement that want to sell their food products to us. The concrete ways - the communication channels - used for this reason, includes: television advertising, direct marketing, sales promotion, merchandising, the power of the sales forces and so on. Television is the most widely used medium because it can reach large audiences. Food manufacturers spend also massive amounts promoting their goods to the retailers, through discounts and allowances or incentives.

Children - a Social Group Vulnerable to Advertising

The above mentioned communication instruments are used not only to influence the purchasing behavior of the adult population. In the last years, children became a major an important target group to marketers, because they have their own purchasing power. They have also the power to influence their parents buying decisions. Parents today are willing to buy more for their kids because of the contemporary market trends. But guilt can also play a major role in the spending decisions of the parents, trying to substitute the time needed to be spent with their kids - time which is always to short - with material goods. Marketers always use to exploit these familiar trends.

Marketing to children is a powerful force. Because of that, kids are considered the young consumers of

the present and the adult consumers of the future.¹

Industry spending on advertising to children in the USA has exploded in the past decade, increasing from a mere \$100 million in 1990, to more than \$2 billion in 2000.

We will analyze some of the *strategies* marketers nowadays use *in targeting kids*.

- Kids today possess product knowledge and buying influence far beyond their years, and marketers must adapt their strategies to this new reality, if they want to overcome their competitors. Today's kids have more autonomy and decision-making power within the family, than the previous generations. That means, kids are vocal about what they want their parents to buy. The term "pester power" refers to the children's ability to nag their parents into purchasing items they may not otherwise buy.²

According to the 2001 marketing industry book "Kidfluence" (exploiting the nag factor), pestering or nagging can be divided in two categories: "persistence" and "importance". Persistence nagging (a plea that is repeated over and over again) is not as effective as the more sophisticated "importance nagging." This method appeals to parents desire to provide the best for their children, and plays on any guilt they may have about not having enough time for their kids.

The strategy isn't new, and it is used in all the domains, also in purchasing food. For example, advertisers have been encouraging kids to pressure their parents to buy sugared cereals for decades. But now they're adding cars, electronics and banking services to the "kidfluence" shopping card. What's more shocking is that they're targeting not just teenagers, but also "tinies" - a market demographic category that includes kids who are still in diapers.

To effectively market to children, advertisers need to know what makes kids tick. With the help of well-paid researchers and psychologists, advertisers now have access to in-depth knowledge about children's emotional and social needs at different ages. Using research that analyzes children's behavior, fantasy lives, even their dreams, companies are able to craft sophisticated marketing strategies to reach young people.

What can the parents do? Media education is one solution: given the right tools and frequent timely reminders, kids can be taught to embrace a buyer-beware mode. Knowing that the supermodel's perfect looks have been graphically enhanced, can change how they relate to ads. But it takes a lot of time and effort to counter the hundreds of thousands of promotional messages they're exposed to, every day.

Further understanding of the mechanism that produce these priming effects is also needed to enable educators and parents to more effectively protect children (and themselves) against unhealthy food advertising influence. As most of the adults did not recognize the potential influence of food advertising on their eating behaviors, increased awareness will be an important first step. These findings also highlight the need for media literacy programs that go beyond teaching children how to analyze and evaluate advertising messages, and increase the public's understanding of how advertising may affect them outside of their awareness.

- Marketers use to build up brand name loyalty. Companies want their products to be "must-haves", creating loyalty for the brand so that consumers buy them again and again. And they do that by getting consumers to try them, and by ensuring, once tried, they like them. It creates a buzz and a peer pressure around the brand, so that everyone wants to own them. That means, they plant the seeds of brand recognition in very young children, in the hope that the seeds will grow into a lifetime relationship.

Fast food, toy and clothing companies have been cultivating brand recognition in children for years.

- Many companies are using "buzz marketing". The idea is to find the coolest kids in a community and have them use or wear their products in order to create a buzz around it. Buzz or "street marketing" as it's also called, can help a company to successfully connect with an exclusive teenager market by using trendsetters to give their products the "cool" status. Buzz marketing is successfully and particularly well-

¹ <http://www.media-awareness.ca>

² Sutherland, A, Thompson, B - Kidfluence, McGraw- Hill, 2001

suited to the Internet, where young "Net promoters" use newsgroups, chat rooms and blogs to spread the word about music, clothes and other products among unsuspecting users. That way, the blogs - online journals written by people/children around the world - are also being used by advertisers to promote their products, but with a new blog created every second, it can be hard to tell which of the 9 million postings a day are written in the name of the companies.

● School used to be a place where children were protected from the advertising and consumer messages that permeated their world. But nowadays, corporations realize the power of the school environment for promoting their name and products. Marketers are exploiting this medium in a number of ways, including:

- sponsored educational materials;
- supplying schools with technology in exchange for high company visibility;
- exclusive deals with fast food or soft drink companies, to offer their products in a school or district;
- advertising posted in classrooms, school buses, on computers and so on, in exchange for funds;
- contests and incentive programs: for example, the Pizza Hut reading incentives program in which children receive certificates for free pizza if they achieve a monthly reading goal;
- sponsoring school events.

● The Internet is an extremely desirable medium for marketers wanting to target children. That happens because it's part of the youth culture (this generation of young people is growing up with the Internet as a daily and routine part of their lives). Kids are often online alone, without parental supervision. In that way, companies can build brand loyalties from an early age.

● Humor is one of the most powerful communication devices and many ad agencies believe that a funny campaign helps consumers remember a product longer. Humor is often at the centre of viral advertising. Virals are funny video clips or games that are emailed to a few consumers who, if they like them, send them onto their friends who send them again, so that the campaign spreads like an epidemic. Such viral videos are the most popular among kids.

● Children want often to see entertainment meant for older audiences, because it is actively marketed to them (marketing adult entertainment to kids). In a report released in 2000, the U.S. Federal Trade Commission (FTC) revealed how the movie, music and video games industries routinely market violent entertainment to young children.

The kids are taking evidence of the educational effectiveness of commercial culture. They've learned that cool clothes are the keys to popularity and fast food is the answer to pretty much everything else. To many of us a commercial on TV is time for a break. But not for kids who are unable to separate the ads from the program. The kids are too vulnerable to ads.

Buzz-marketing, in-school marketing, product placements, kids clubs, the Internet, toys and products with brand logos, are wonderful ways to influence the buying preferences of the kids, and then, later, of the adults.

Children are more vulnerable to advertising because, before a certain age, they do not fully understand the persuasive intentions of advertising. For this reason, advertising that is aimed at children must respect certain conditions:³

- ▶ It should not encourage the child to buy the product directly, nor should it encourage them to pester their parents or any other adult to buy it for them;
- ▶ It should not compromise the child's confidence in their parents, teachers, etc;
- ▶ It should not encourage the child to do anything that can be detrimental to their health or wellbeing;
- ▶ It should not suggest that they should do anything that would put them in a dangerous situation;
- ▶ Advertising should be appropriate to the age bracket it is aimed at.

³ www.dolceta.eu

Even if the above mentioned instruments are legal, we shouldn't forget that advertising is the only way able to assure really high incomes to the entities. Because of that, advertisers have a lot of methods to try and get the consumers - kids and adults - to buy their products.

Ethics in Food Advertising Campaigns

Lots of times, what a company are selling is a lifestyle or an image, rather than a product. Obviously, it's up to each of us to decide what we eat, but if we're constantly bombarded with images of food every time we pick up a magazine, or every time we watch TV, then we're going to be swayed in what we choose. These foods look perfectly delicious, thanks to the work of a food stylist. Food stylists are like make-up artists. It's their job to make the food we see in advertisements, look great. But when we find out how they do it, we just might lose our appetite.

We're all understandably concerned about food additives, which have become a necessary evil now, because of mass production, and many food additives are permitted. Normally, every food additive has to be tested before it's allowed to be used commercially. Preservatives are different from additives, inasmuch as they're generally safe because they're closely related to natural substances. The ones used in the foods we buy have all been rigorously scrutinized for safety before being allowed - but if the consumers are still worried, it's the best to avoid these products. Perhaps the most worrying are GM foods, which have been genetically altered.

At the same time, the greatest part of the foods marketed are predominantly high in sugar, fat and salt; that means, the hugest part of the food marketed all over the world is unhealthy or dangerous. Even if the Departments of Consumer Protection all over the world regulates all persons and businesses that manufacture or sell food products, approximately 2 percent of adults and about 5 percent of infants and young children suffer from food allergies, while each year, roughly 30,000 individuals require emergency room treatment and 150 individuals die because of allergic reactions to food. Allergy symptoms can vary widely: from mild irritation to death. Given that allergies are difficult to cure, sufferers must avoid foods which contain allergens at all costs. Nine major foods or food groups - cereals (containing gluten), milk, eggs, fish, Crustacean shellfish, tree nuts, peanuts, wheat and soybeans - account for 90 percent of the food allergies. At present, there is no cure for food allergies. Comprehensive food labelling is therefore crucial. EU legislation requires all ingredients to be indicated on the label of the food products, in particular the potentially allergenic ingredients too.⁴

Each food must meet the following three conditions: to be safe, nutritious and to have a high quality. Good nutrition and health depend in large part on the consumption of adequate amounts of good quality, safe food. The consumers all over the world must have access to reliable nutrition information through education, information and labelling regulations. Consumers should be able to choose foods that are appropriate for their individual health needs and to prevent insufficient and unbalanced diets that can lead to undernutrition, obesity or chronic diseases. At the same time, each state must solve the issue of food advertising aimed to children.⁵

But, which marketed foods meet this conditions simultaneously? What's behind the advertisements? Who to believe? How to choose? Do you trust what is shown to you? Do you trust what you hear everyday at the TV?⁶

Because of the strong competition, products and services marketed needs to be credible. More than that, all the advertisement types need to have credibility. This are just a few of the reasons why The

⁴ <http://www.fda.gov/food/labelingnutrition>

⁵ <http://www.fao.org/ag/agn/nutrition/>

⁶ Csorba, L - Consumer protection in market economy, "Aurel Vlaicu" Publishing House, Arad, 2010, pp. 153

International Code of Advertising Practice adopted by the International Chamber of Commerce promotes high standards of ethics in marketing, more exactly, in advertising. The Code applies to all advertisements for the promotion of any form of goods and services. The Code applies to the entire content of an advertisement, including all words and numbers (spoken and written), visual presentations, music and sound effect.⁷

The Code sets standards of ethical conduct to be followed by all the companies concerned with advertising, whether as marketers or advertisers, advertising practitioners or agencies, and is to be applied against the background of the applicable law.

Because of the different characteristics of the various media (press, television, radio and other broadcast media, outdoor advertising, films, direct mail, fax, e-mail, Internet and online services) an advertisement which is acceptable for one medium may not necessarily be acceptable for another. Advertisements, therefore, should be judged by their likely impact on the consumer, bearing in mind the medium used.

The basic principles regarding advertising - formulated in this Code - are the following:

1. Advertising should be legal, decent, honest and truthful;
2. Advertisements should not contain statements or visual presentations which offend prevailing standards of decency;
3. Advertisements should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge;
4. Advertisements should not condone any form of discrimination, including that based upon race, national origin, religion, sex or age, nor should they in any way undermine human dignity;
5. Advertisements should not denigrate any firm, organization, industrial or commercial activity, profession or product by seeking to bring it or them into public contempt or ridicule, or in any similar way;
6. Advertisements should not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is likely to mislead the consumer;
7. Advertisements should not - without reason, justifiable on educational or social grounds - contain any visual presentation or any description of dangerous practices or of situations which show a disregard for safety or health;
8. Advertisements should not exploit the inexperience or credulity of children and young people;
9. Advertisements should not contain any statement or visual presentation that could have the effect of harming children and young people mentally, morally or physically or of bringing them into unsafe situations or activities seriously threatening their health or security, or of encouraging them to consort with strangers or to enter in strange or hazardous places;
10. Advertisements should not suggest that possession or use of a product alone will give the child or young person physical, social or psychological advantages over other children or young people of the same age, or that non-possession of the product would have the opposite effect;
11. Advertisements should not undermine the authority, responsibility, judgment or tastes of parents, taking into account the current social values. Advertisements should not include any direct appeal to children and young people to persuade their parents or other adults to buy advertised products for them.

But, one are the principles and the theory, and other the market reality. Advertising rules vary in different EU countries, so what may be permitted in France or Spain is not necessarily allowed in the UK or in Romania. At the same time, not all the products can be advertised. Tobacco advertising is banned in the EU. In some EU countries toy advertising is prohibited and in the UK, the Government is considering banning junk food advertising before 9pm on TV. In the UK, the Advertising Standards Authority (ASA) ensures that adverts, promotions and direct marketing are legal, decent, honest and truthful.

Ads should also be socially responsible and respectful of the principles of fair competition generally

⁷ Csorba, L - Consumer protection in market economy, "Aurel Vlaicu" Publishing House, Arad, 2010, pp. 144

accepted in business.

Marketers worry about whether their offers will be perceived at all, and consumer worry that they will be affected by marketing messages through subliminal and deceptive advertising. That's why, suddenly, advertiser and consumer protection groups became interested in subliminal perceptions. Some consumers fear that they are manipulated through subliminal advertising, changing them in "consumer marionettes".

Subliminal and deceptive advertising are just two examples of the illegal practices used in all the fields, especially in food advertising.

Subliminal advertising - the insertion of hidden messages - is a technique of exposing consumers to product pictures, brand names or other marketing stimuli, without the consumers having conscious awareness. The term "subliminal advertising" was coined to describe advertisements on television and in movies that include extremely short duration text messages or images that are embedded into the advertisement to provoke a subconscious response from the consumer. Subliminal advertising produces stimulus without directly targeting individuals senses. Subliminal advertising is also illegal as the deceptive advertising are.

Deceptive advertising is an unfair, misleading and un-truthful advertising. Concretely, deceptive advertisement is defined as the advertisement that misleads or is capable of misleading the public and affects the public's financial capacity, or that harm or is capable to harm the competitors.

In the food "industry", misleading descriptions can occur many forms:

a) Specific rules govern certain types of food. For example, for chocolate to be called "chocolate", it must contain at least 45% cocoa solids.

Sausages can contain all kinds of strange animal products, including pigs ears. Some sausages contain only a small percentage of meat flesh, so, each consumer have to check the label, carefully. Consumers must be aware that in a restaurant they will never be sure of exactly what they are eating.

b) If expensive products have been replaced with cheaper alternatives, the label must say that. Cheap margarine cannot be blended with expensive butter, without informing the consumer.

c) Food cannot be "enlarged", for example by adding water to ham or chicken, without this being indicated.

d) Food origin must be correct. For example, Parma ham has to come from Parma in Italy. Wine claiming to be champagne has to come from the region in France of the same name.

To determine whether an advertisement is deceptive, The Spanish law no. 34/1988 (Unlawful advertising law in Spain) requires analyzing the following elements:

1) *products or services traits*. This includes origin, nature, composition, intended use, suitability, availability and novelty; quantity, quality, category, specifications, and denomination; manufacture or introduction date; expected use results; harmful or hazardous effects;

2) *price* or elements considered when pricing goods or services;

3) *how to obtain the products and services and how to deliver them*;

4) *reasons for the products or services offer*;

5) *advertisers qualifications and rights*. This includes advertiser's identity, professional qualifications and intellectual property rights.

Spanish law defines unfair advertisement as the advertisement that discredits - directly or indirectly - the products or services, including trademarks, symbols and commercial names of a business or natural person. Additionally, unfair advertisement is the one that creates confusion or is capable of creating confusion regarding the competitors products or services. This includes trademarks, symbols and commercial names. Comparison advertising that do not follow the specific rules of law 34/1988 may constitute unfair advertisement as well.

Inaccurate, subliminal or misleading ads can mislead consumers into purchasing inappropriate products or services. Competition between traders is unfair if one of them is giving misleading information to consumers in their adverts.

The International Code of Advertising Practice states that marketing should not be deceptive or misleading and should not exploit the credulity of the consumers or harm their health. Subliminal and deceptive advertising is banned in the European Union, but scientists doubt that it works, anyway.

More interesting in that moment is the use of the so-called "ambient media" which attempts to surround the consumers with different versions of the same message. That way, the contemporary market truth is that food ads are almost totally distorted, exaggerated and masked. That happens because food advertising does not contain information of real interest for the consumers, just information able to make the offer more attractive for the buyer.

Have you ever thought about what the following terms really mean?⁸

- "Fresh" and "natural". As there is no legal definition of what "fresh" and "natural" mean, these terms may mislead consumers when improperly used by manufacturers.

- "Light" or "lite". As these terms are not defined in law, if improperly used they can mislead consumers into believing that the food has fewer fats or calories than comparable foods. Some "light" foods may actually contain numerous calories; they may have been called light simply because they have fewer calories than the original.

- "No added sugar"/"unsweetened". This term usually signifies that the product does not have any added sugar. This does not mean, however, that the product isn't naturally sweet.

- "Organic". For foods to be organic, they must have been produced following the EU laws on organic production. Organic farming systems put a strong emphasis on environmentally friendly and sustainable farming practices, with particular concern for animal welfare. Organic farming avoids the use of synthetic fertilizers, chemical and/or additives. Terms such as "Bio" or "Eco" may only be used in the labeling or advertising of organic food.

The consumers are always excited to buy these products, even if they are not vital for the consumption, generating false needs inoculated in the psyche of the potential consumer.⁹

They are a lot of issues concerning with communication ethics. A few of the critics concerning with food promotion, all over the world, are:¹⁰

- the media communication channels promotes harmful foods;
- advertising shows food features as being far superior than they really are;
- advertising incite excessive purchasing;
- ads induce consumers to purchase products they do not need;
- advertising generates obsession of possession some goods;
- consumers are deceived by false advertisements;
- some ads have many shortcomings, offering disadvantages to the consumers;
- promotion creates false needs;
- advertising generate excessive expectations in terms of quality and price, coming from the consumers;
- the elements on the food labels are often insufficient for a good information of the consumers.

Subliminal, deceptive and unfair advertising is forbidden, because:

- it endanger the health and safety of consumers;
- it endanger the respect for human dignity and public morality;
- is a threat for the image, honor, dignity and private life of the consumers;
- it promotes the marketing of goods or services which are produced and distributed contrary with the legal provisions;

⁸ www.agriculture.gov.ie/organics/FAO.pdf

⁹ Csorba, L - "The security of the food consumer", *Tribuna Economica* review nr. 3/2000, Bucuresti, pp. 33

¹⁰ Csorba, L, Petre, V - "Deceptive advertising in the food sector", *Tribuna Economica* review nr. 14/2007, Bucuresti, pp. 57-60

- shows the consumers false features of the goods, characteristics that the products do not have;
- omits essential information regarding the identification and characterization of the goods;
- encourages a detrimental behavior/conduct to the environment, contrary to the principles of sustainable exploitation.

Consumers are increasingly aware of the interdependence between food production, advertising, food consumption, their own health and that of the environment. For example, the promotion of disposable products could result in an increase in the quantity of waste that has to be disposed of. Every year, in the European Union alone, 1.3 billion tonnes of waste is thrown away, of which 40 million tonnes is hazardous. Most of our waste ends up in landfill sites.

Globalization of world markets has led to a significant increase in the variety of products available to consumers, which causes high competition between companies and regions.¹¹

Advertising is a very effective way of making a product or a service widely known and traders often use it to their advantage. However, there are several restrictions on advertising, such as traders must not promote a product or a service in a way that may either deprive consumers of their rights or which may be detrimental to competitors.

Given that most food is commercially produced, regulations and standards should protect consumers against deception and misrepresentation in the packaging, labelling, advertising and sale of food. Individuals should be protected against harm caused by unsafe or adulterated food, including food offered by street vendors. Food packaging and labelling should provide consumers with accurate information that is sufficient to enable them to make well-informed food choices.

In order to protect consumers and in the interests of fair competition, all adverts should be legal, decent, honest and truthful.

Consumer trust in food is important. Western consumers are demanding more and better information about the food they eat and how it is produced. In the context of today's global food markets, public health, environmental and sustainable policies have a huge impact upon the consumers' food choice and the consume behavior.

Because of that, whether a business is an established global brand or a start-up, effective advertising and marketing can be the key to its success. All businesses have a legal responsibility to ensure that their advertising is truthful and not deceptive. And no matter where an ad appears – on the Internet, on the radio or television, in newspapers and magazines, in the mail, or on billboards or buses – the same truth-in-advertising standard applies. If a marketer advertise directly to children or market kid-related products to their parents, it's important to comply with truth-in-advertising standards.

Subliminal and Deceptive Advertising in the Romanian Food Sector

At the end of last year, the food sector was forecast to be among the sectors to be hit most by the crisis. It is the very reason why the representatives of this sector, as well as the other players on the Romanian market, asked the Government to take the necessary measures.

Although government officials came forward with a series of so-called "anti-crisis measures", they eventually proved to have remained only on paper, and the companies from the affected sector were forced to manage on their own. Food industry representatives warned about a collapse of the Romanian food industry. Subsequently, the forecasts followed the same trend. A wave of price increases and bankruptcies was announced for the sector of this industry. At the beginning of year 2009, it was considered that approximately 15% of the food industry employees could be fired.

¹¹ Csorba, L, Lile, R - "New behaviour trends in the area of food industry products", Theoretical and practical approaches in economics, "Aurel Vlaicu" University Publishing House, Arad, 2010, pp. 162-173

Many of these scenarios were confirmed over the year. According to the President of the National Federation of Food Industry Trade Unions (FNSIA), the current situation in this sector is a disastrous one. A part of the companies closed down, others limited their activity.

Even if the Romanian food sector is in a disastrous situation, starting with June 2009, the Romanian Advertising Council (RAC) is the depositary for the Ethical Code for Food Product Advertising Targeting Children. With this Code, the European Commission pledge to act firmly towards complying with certain general ethical rules regarding food ads addressed to children. These rules and regulations are adopted voluntarily, on a national level, by all the parties involved in food promotions targeting children.

The companies that sign this Code have pledged to responsibly advertise food and non-alcoholic beverages, in order to support parents' efforts of promoting a healthy life style.

The general ethical principles for food or soft drinks advertising in Romania are:¹²

- Advertisers will always communicate in the spirit of truth, and will avoid misleading their consumers;
- Advertising practices will only be implemented in compliance with the national and EU legislation, as well as with the decisions of the national and local authorities;
- Advertising and commercial practices will be implemented in compliance with the ethical values of the society;
- Advertising and commercials will not affect human dignity in any way, by lowering or discrediting certain individuals or groups because of their social class, race, ethnical origin, religion, sex, age, physical or psychological features, personality;
- None of the advertising techniques to be used can take advantage from unfortunate events or situations that might occur in the life of any individual;
- Advertising will not resort to vulgarity, verbal violence, offensive and impolite behavior in communication;
- Advertising will support appropriate sizing of product servings, and will discourage excessive consumption, including by correctly displaying the appropriate size of the product servings;
- Advertising will attempt to promote an active life style and a well-balanced diet; it will never encourage in any way a sedentary life style or any other behavior that does not comply with a well-balanced diet;
- All statements referring to taste, composition, nutritional value or health benefits will strictly comply with reality, and their presentation will be made in compliance with the current legislation;
- Consumers have the right to confidentiality of their personal information, which requires for personal information collection and disclosing, as well as permission marketing practices, to be performed in compliance with the national laws and regulations, as well as with the internal practice regulations;
- Advertising will only use those media channels that, by their features and values, shed a positive light on the promoted brand and product. Advertising will not use any promotional services of those media channels resorting to strategies that might exploit violence or sex, or encourage an offensive attitude towards others.

Nowadays, the Romanian children's daily diet focuses on an excess of calories, saturated fat, hydrogenated fat, sugar and salt. Also, children do not have an appropriate intake of fruits, vegetables, cereals and vitamins. As a consequence, obesity has reached high rates and is further generating specific complications and health problems.

Nutritional choices made by parents and children depend on a number of factors. Studies have shown that one of these factors may be the advertising targeting children. These studies have pointed out that ads may attract children, influence their options and encourage them to further influence and convince their parents to buy them certain products.

The ethical principles for food or soft drinks advertising targeting children, in Romania, are:

¹² <http://www.rac.ro/EN/the-code-for-food-product7>

1. Do not target children under 12 with food ads, except for those food products that strictly comply with specific nutritional criteria, based on accepted scientific proofs and/or national and international nutritional guides. To this end, "Ads targeting children under 12" defines advertising broadcast during a program that has audience ratings of least 50% among the "under 12" age group.

2. Do not communicate any products in primary schools, except for the case when the communication is specifically requested by, or mutually agreed with the school management, for educational purposes.

The Romanian Advertising Council (RAC) use to evaluate - upon request - by means of the Ethical Committees, any notifications signaling violations of this Code. The Organization decisions are submitted to both, the requesting party and the company promoting the product, the latter having the obligation to take amending measures for any ads violating the Code.

Even if this ethical rules still exist in Romania, subliminal and deceptive advertisement of foods remain an every day reality, which has some particularities. The irregularities which still persist in the Romanian advertising sector, are:¹³

- ads provides false information regarding the nature of the products;
- advertisement provides unfair information regarding the prices of the products;
- foods are assigned with properties that they do not possess;
- it persist a massive promotion for harmful food (carcinogenic food);
- they are used and promoted packages which may deceive the consumers, regarding the quantity and the nature of the product;
- the product labeling is incorrect and incomplete, because it do not specify the percentage of MDM, fat, sugar, salt, that the product contains;
- ads presented as especially healthy those foods that are carcinogenic in an accelerated rhythm;
- in the production processes the are still used a series of extremely dangerous food additives (for example, E121 - citrus red 2, E123 - amaranth, E131, E210, E211, E213, E239, prohibited substances in the developed countries market);
- food addiction is generated by introducing in their content a lot of taste enhancers;
- there is still promoted as being 100% natural food, those products which contain almost entirely synthetic substances;
- deceptive advertising is addressed to children and old, ill peoples.

Social-cognitive theories suggest a subtle and potentially far-reaching effect of food advertising on eating behaviors that may occur outside of the participants' intention or awareness.

Despite apparent use of subliminal techniques in different media, there is no evidence for effective subliminal persuasion in videos, advertising, radio messages and so on. Only the declining health of the consumers in recent years has been linked to television and especially to advertisement, directed both to adults and children

Television food advertising has attracted criticism for its potential role in promoting unhealthy dietary practices among children and adults too. Children consumed 45% more when exposed to food advertising. Adults consumed more of both - healthy and unhealthy snack foods - following exposure to snack food advertising, compared to the other conditions. In both experiments, food advertising increased consumption of the products.

It is concluded that changing the food advertising environment on children's TV to one where nutritious foods are promoted and junk foods are relatively unrepresented would help to normalize and reinforce healthy eating

Unhealthy lifestyles also damage the economy. We all know that a healthy and balanced diet combined with daily physical activity is positive for the human health and well being. Too much intake and especially too

¹³ Csorba, L - Communication management in forestry, Gutenberg Universe Publishing House, Arad, 2004

much fat, sugars and salt in our daily diet, together with a lot of additives, can lead to weight gain, cancer, heart disease, diabetes and so on. In the EU, over 200 million adults and 14 million children are overweight or obese. The number for children is predicted to rise more than 400,000 a year. If the current trends continue, two out of three Europeans will be overweight or obese by 2030. Finland, Germany, Greece, Cyprus, the Czech Republic, Slovakia and Malta now have overweight rates higher than the USA.¹⁴

Content analyses indicate that junk food advertising is prevalent on the most TV channels, while healthy eating is rarely promoted. Because Romania joined the Codex Alimentarius, in the next year's things will get worse in the field of advertising and promoting biological food. Natural food will disappear from the market and advertising for synthetic food will be more aggressive.

In a lot of states, through legislation have been introduced very severe forms to control the ads. The National Audiovisual Council of Romania (CNA) is the guarantor of the public interest with regards to the audiovisual (TV and radio) sector. CNA ensures that the public in general and children in particular, are protected from inappropriate or abusive TV and radio programmes, and ads.

The aims of the National Authority for Consumers Protection (ANPC) are to carry out market surveillance for consumer products and services, to pursue the effective integration of the Community acquis in the area of consumer protection, to educate and inform consumers about their rights, to be the national contact point for the EU rapid alert system for dangerous consumer products (RAPEX) and to be the liaison office for the EC regulation on consumer protection cooperation, to co-operate and share information with other European public authorities on EU legislation enforcement.

Even in Romania there exist such institutions concerning with the consumer protection issues, outdoor advertising is controlled by local authorities, while the print media advertising is rarely controlled. The complexity of the issues relating to consumer protection of foods will increase in the future, due to the diversity of products and services offered by the businesses. Contemporary society has become increasingly dependent on the successful implementation of the quality function for each type of food. For this reason, an increasing attention should be given to this function from both sides - the state and the businesses or consumers.

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www.dolceta.eu

¹⁴ www.dolceta.eu

www.agriculture.gov.ie/organics/FAO.pdf

<http://www.fda.gov/food/labelingnutrition>

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