Honourable senators, none of us disagree in principle on the need for development and the need for preservation. This is simply a question of where to draw the line. The affected First Nations communities ask that the line be drawn on the watershed and karstlands. It is not an unreasonable position and I hope that honourable senators will agree.

I am still consulting and will continue to do so. I will have further comments on this issue at a later date. Unless another senator wishes to speak, I move the adjournment of the debate.

On motion of Senator Di Nino, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Peter A. Stollery: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Foreign Affairs have power to sit at 3:00 p.m. tomorrow, Wednesday, May 12, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CHILD-DIRECTED ADVERTISING INQUIRY

Hon. Mira Spivak rose pursuant to notice of April 28, 2004:

That she will call the attention of the Senate to the need for government intervention to curb child-directed advertising that encourages poor nutrition and physical inactivity.

She said: Honourable senators, I rise to draw your attention to the issue of child-directed advertising — an issue that stirred considerable debate in the 1980s and is now rearing its head again.

As long ago as 1874, parliaments have been concerned about protecting young children from commercial exploitation. In that year, the British Parliament passed the Infant’s Relief Act, to protect them from their own lack of experience and from the wiles of tradesmen. In December 1878, Quebec passed its Consumer Protection Act banning commercial advertising directed at children under 13 years of age. Four years before that, the CRTC required the CBC’s French and English television networks to eliminate advertising from its children’s programs as a condition of licence renewal.

Now the question is: to ban or not to ban other ads and promotions specifically aimed at kids? While we may think that we dealt with the issue decades ago, there are compelling reasons to revisit it. A February report from the American Psychological Association’s Task Force on Advertising and Children points out that for many years, young children were generally considered off-limits to advertisers. Their parents were the intended audience. I quote from the report: “More recently, however, children — sometimes very young children — are the audience directly targeted by advertisers.” Psychologists are serving as consultants to those advertisers.

According to the task force, the dramatic increase in advertising directly intended for the eyes and ears of children is the result of two trends. The first is the appearance on cable television of entire channels of child-oriented programming and advertising and, more recently, there is the explosive development on the Internet of child-oriented Web sites with advertising. A Google search for “kids” on the computer will net you 71 million possible choices, or “hits,” with sites that contain child-directed advertising included in the first 10 responses. A Google search for “Nemo,” the popular Disney fish character, returns two and a half million responses.

Psychologists are very concerned about these developments, for good reason. As the task force explained, children lack the cognitive development to process ads as adults do. Until they are four or five years old, they cannot distinguish between commercials and the children’s programs designed for them. Until they are seven or eight, and perhaps older, they do not recognize the persuasive intent of advertising. The task force admits it does not know the upper age limit of children’s unique vulnerability to advertising. It may be several years higher. For now, however, it recommends that advertising targeting children under the age of eight be restricted.

In essence, this very recent report echoes a Supreme Court of Canada decision in 1989 that found that:

...advertising directed at young children is per se manipulative. Such advertising aims to promote products by convincing those who will always believe.

The negative impacts of child-directed ads are also becoming apparent. Several studies, for example, find that parent-child conflicts commonly occur when parents deny their children the products the ads promote. Others have documented the high percentage of ads that feature candy, fast foods and snack food. Several have found strong associations between increases in advertising for non-nutritious foods and rates of childhood obesity.

[ Senator Di Nino ]
The California psychologist whose controversial letter caused the task force to be formed went further, suggesting that child-directed advertising is not only creating an epidemic of materialistic values among children but also what he calls “narcissistic wounding.” As a result of advertising, children have become convinced, and probably adults as well, that they are inferior if they do not have an endless supply of new products.

Others are calling for restrictions on child-directed advertising, motivated by the growing epidemic of overweight children.

The American Public Health Association last year urged legislation to eliminate food advertising on children’s television, citing the epidemic and the possible role that food and beverage ads may play in eating habits. The United Kingdom Food Standards Agency has reviewed conflicting studies and found “sufficient evidence to indicate a causal link between promotional activity and children’s food knowledge, preferences and behaviours.” The World Health Organization has also concluded that the evidence linking food ads and childhood obesity is not unequivocal, but there is sufficient indirect evidence to call it probable. Nearly a dozen EU countries already restrict advertising directed at children.

Here in Canada, 24 organizations, including the Canadian Teachers’ Federation, the Centre for Science in the Public Interest and the Canadian Women’s Health Network, are now calling for legislation to prohibit commercial advertising and promotion directed at children under the age of 13. They point out that most children’s advertising champions nutrient-poor foods and such products as video games, movies and television programs, all sedentary forms of play.

The statistics they cite are stunning. Since 1981, the percentage of overweight Canadian children aged 7 to 13 has more than doubled and obesity has more than tripled. These overweight children are more likely to become overweight adults, with all of the associated health problems. The cost to the Canadian economy as a whole of preventable diet and inactivity-related disease is estimated at between $6.3 billion and $10.9 billion a year. The human cost, in addition to disability and suffering, is a staggering 20,000 to 47,000 premature deaths annually.

These groups want an amendment to the Competition Act to make commercial advertising and promotion directed at children under the age of 13 a reviewable conduct. Of course, that would still leave ample room for non-commercial promotion — by Health Canada, for example — of the benefits of nutritious eating and physical activity.

Some, no doubt, will question whether we need it, given the Broadcast Code for Advertising to children that the CRTC asks broadcasters to honour and the Code of Ethics and Standards of Practice that relate to on-line marketing to children. Since 1990, Canadian companies that market and advertise to children have come together to preserve the status quo. On the heels of the Supreme Court decision that affirmed Quebec’s right to ban child-directed advertising, they did not want to see other jurisdictions adopt the model.

A federal-provincial committee in 1985 did look at the impact of the Quebec legislation. It found both a revenue loss for the advertising industry and a drop in the production and broadcasting of children’s programming in the province. Nevertheless, it recommended that both the governments of Quebec and Canada declare themselves in favour of maintaining the act. That was in 1985. It is difficult to say what it is now.

Some may speculate whether there is a better tool — more stringent controls in the Broadcasting Act or the Food and Drugs Act, for example. I am persuaded that the Competition Act approach that these groups advocate has multiple advantages, not the least of which is that it follows Quebec’s court-tested example. In addition, no other instrument seems likely to deal with the many ways in which children are now targeted in the traditional media, on the Internet and even at children’s festivals.

Therefore, I plan to introduce a Senate public bill to advance this measure and I welcome the thoughts that senators and others have on it.

In conclusion, I should like to quote one of Canada’s best-loved children’s entertainers, Raffi, who very courageously withdrew from the Vancouver International Children’s Festival in 2000 to protest its overt commercialization. In The Globe and Mail that summer, he wrote:

...every day, with the help of psychologists, big businesses wage media campaigns that target children from birth as consumers. We need to understand that this serves no one. It is wrong, and it must stop.

Who will look after the children? Is it really so difficult for economists and legislators to envision a business ethic that favours the many? Do we lack the imagination to conceive of a society that respects its young, one that would therefore embrace an honourable protocol for commerce?

Honourable senators, it is an important challenge and one that I am certain with the proper effort we can meet.

Hon. Tommy Banks: Honourable senators, my avid attention was drawn as soon as the honourable senator said “obesity,” because I have a certain interest that made me pay attention.

I was involved peripherally in the advertising business, and I hope that when the senator devises her bill, she will be able to take into account the means by which one would be able to determine the difference between a commercial for a video game aimed at a 15-year old as opposed to one aimed at a 14-year old. I think the objects of such a bill are admirable, but we must exclude those commercials that are judged by someone to advocate or promote physical activity among young people or those products that might be highly valuable and educational but commercial nonetheless. The broad stroke should not catch everything.
Senator Spivak: Quebec has had a long experience with this subject. I am sure they intend to study it carefully, and I am sure many of the bugs have been worked out.

Commercial advertising directed at children is intrinsically wrong. Commercial advertising should not be directed at children under the age of 8 or children under the age of 13. It should be directed at their parents or at the people who are really doing the buying and making the judgments. Why would we expect children under a certain age — I do not know whether it is 8 or 13 — to have the judgment to determine what is good or bad for them? We do not, as a society, expect that.

The other thing I would like to say, when we talk about videos, sure, videos are a great thing. The hand-to-eye coordination or the games that they offer kids are fabulous. However, I think we are taking too timid an approach to the kinds of videos that are really brutal and brutalizing. Just recently, there was an example of one in which there was a different classification made, and far as I am concerned it should have been banned. It was really a piece of awful brutality and pornography, where convicted were walking around in this video attacking people with axes and God knows what.

I think common sense is what is required here.

Hon. Joan Fraser: Honourable senators, I will disguise my comment as a question in response to Senator Banks’ question to you.

Can you confirm my impression, and if not, can you do some research to tell me whether I am right? As a parent in Quebec, I was always very pleased that my children were, at least to some extent, protected from the kind of advertising that you are talking about. There is obviously overflow across the border, but at least there was some safe zone. It is my impression that that law in Quebec has become almost sacred. It is so popular and so accepted that no one contests it. Goodness knows, there are lots of vigorous people in Quebec who will contest almost anything you can think of. It is a very argumentative society when it feels that its interests are at stake. However, it is my impression that in the generation or so since that law was adopted, it has won massive public support, so that even the industry does not go there any more.

Senator Spivak: I think you are right, and this idea did not come to me out of the blue. I was approached by a number of groups to bring this matter before the Senate, as is the usual case — groups which have been working on it, and that is what they told me.

If we believe in experimentation by the provinces, or we do not, in health care or whatever, it seems to me that we should learn from any good measure that one province has initiated and try to make it a national thing. Is that not what medicare is all about — to have the judgment to determine what is good or bad for them? We do not, as a society, expect that.

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Some Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to have an explanation. Could the mover explain the reason for this motion?

Senator Cordy: As you know, honourable senators, the Standing Senate Committee on National Security and Defence has had as their meeting time Monday evening or Monday afternoon because they were a new committee. As Senator Lynch-Staunton stated yesterday, the past few months have certainly been a bit unpredictable and our committee has often been unable to meet, or has had to get special permission to meet on Mondays because the Senate has been meeting on Mondays.

Senator Kinsella: Honourable senators, if the Senate rises on Friday, we will hear a date as to when we are to return. If that date is in two or three weeks’ time, we will not have senators here next week.

Senator Banks: Do you know something?

Senator Kinsella: If there were no suggestion of an election, next week is normally a week off for the House of Commons for Victoria Day, but also for the Senate. If you check the calendars of the past, next week is a planned week off. The Deputy Leader of the Government would be giving notice in the adjournment motion, and I would assume it would fall in the week after the Victoria Day week.

Has this been canvassed in your committee? Have all members of your committee — I am particularly interested in the members who are from the opposition — are they all in agreement? They will have to come back if your committee sits, even though the Senate might not be sitting next week, and typically would not be sitting next week, because it would be a break week.