

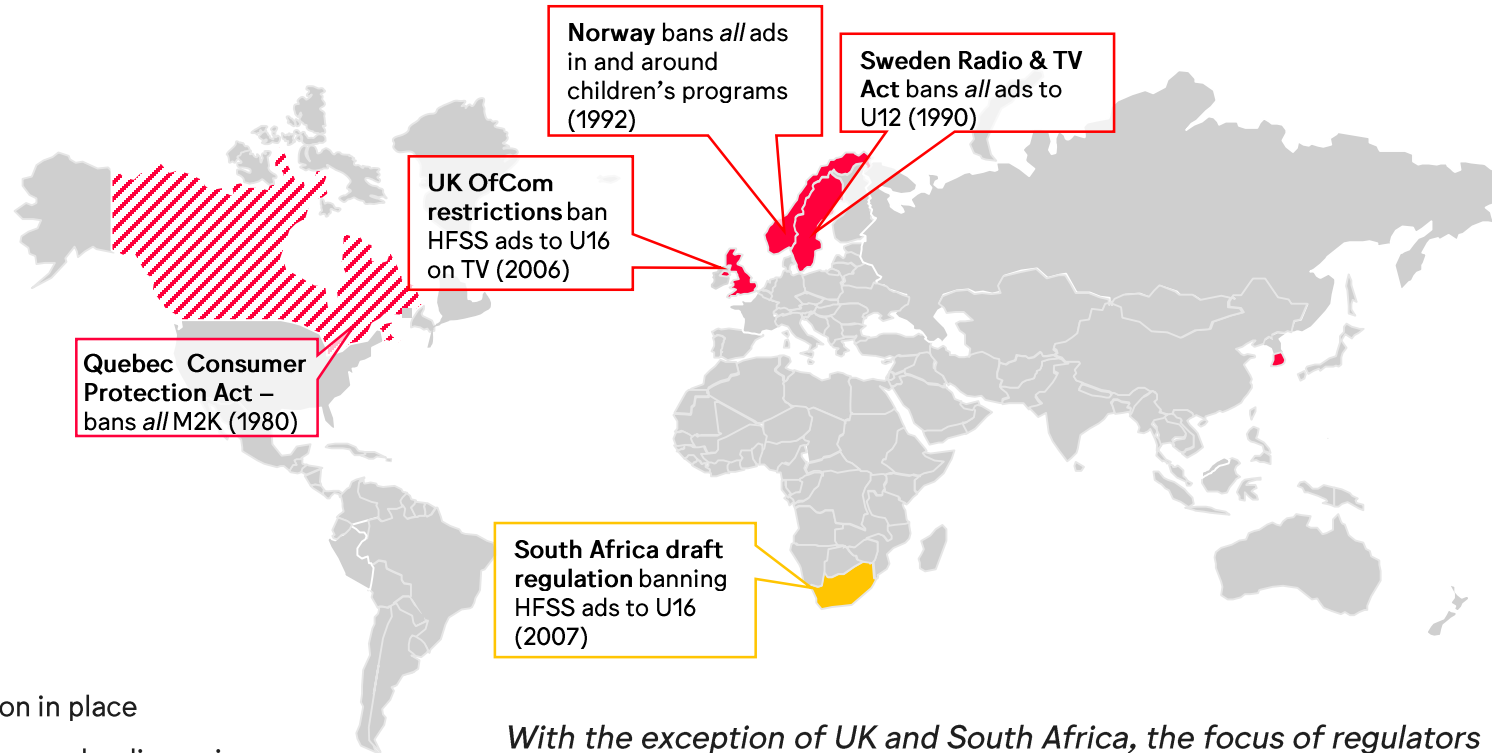
# Food and Non-Alcoholic Beverage Marketing to Children

## The global regulatory agenda

May 2019

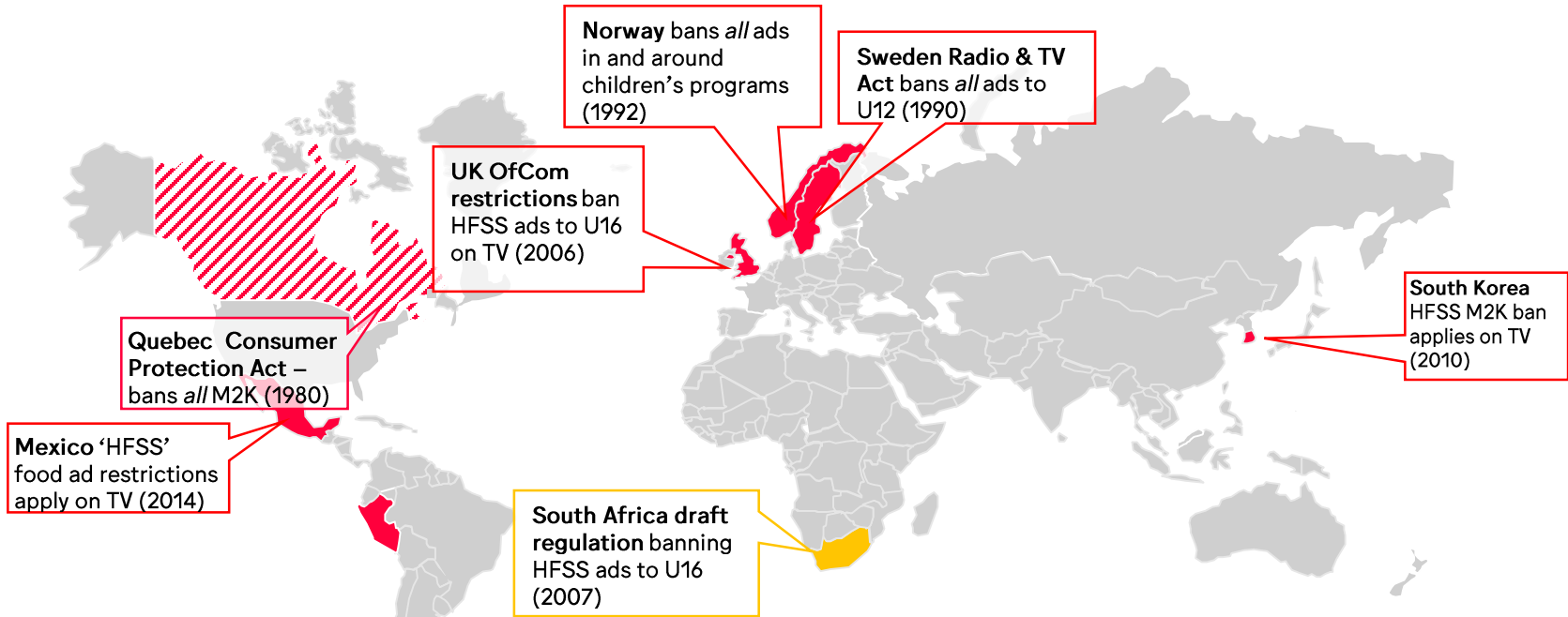


# Comparison: 10 years ago...



*With the exception of UK and South Africa, the focus of regulators was on protecting children from commercial exploitation – not public health concerns. Restrictions were focused primarily on TV.*

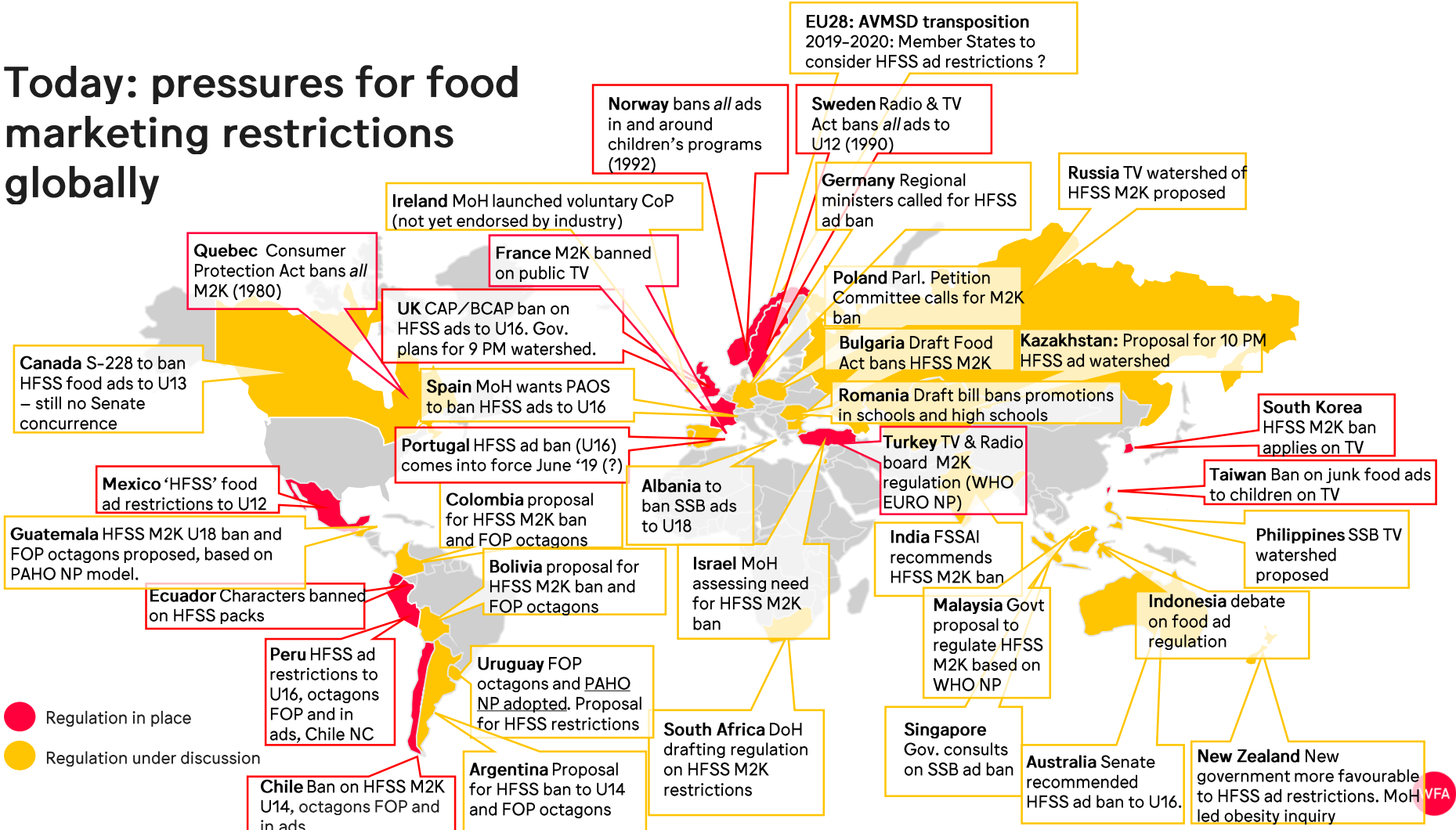
# 5 years ago...



- Regulation in place
- Regulation under discussion

*Focus remains on restricting children's programming on TV.*

# Today: pressures for food marketing restrictions globally

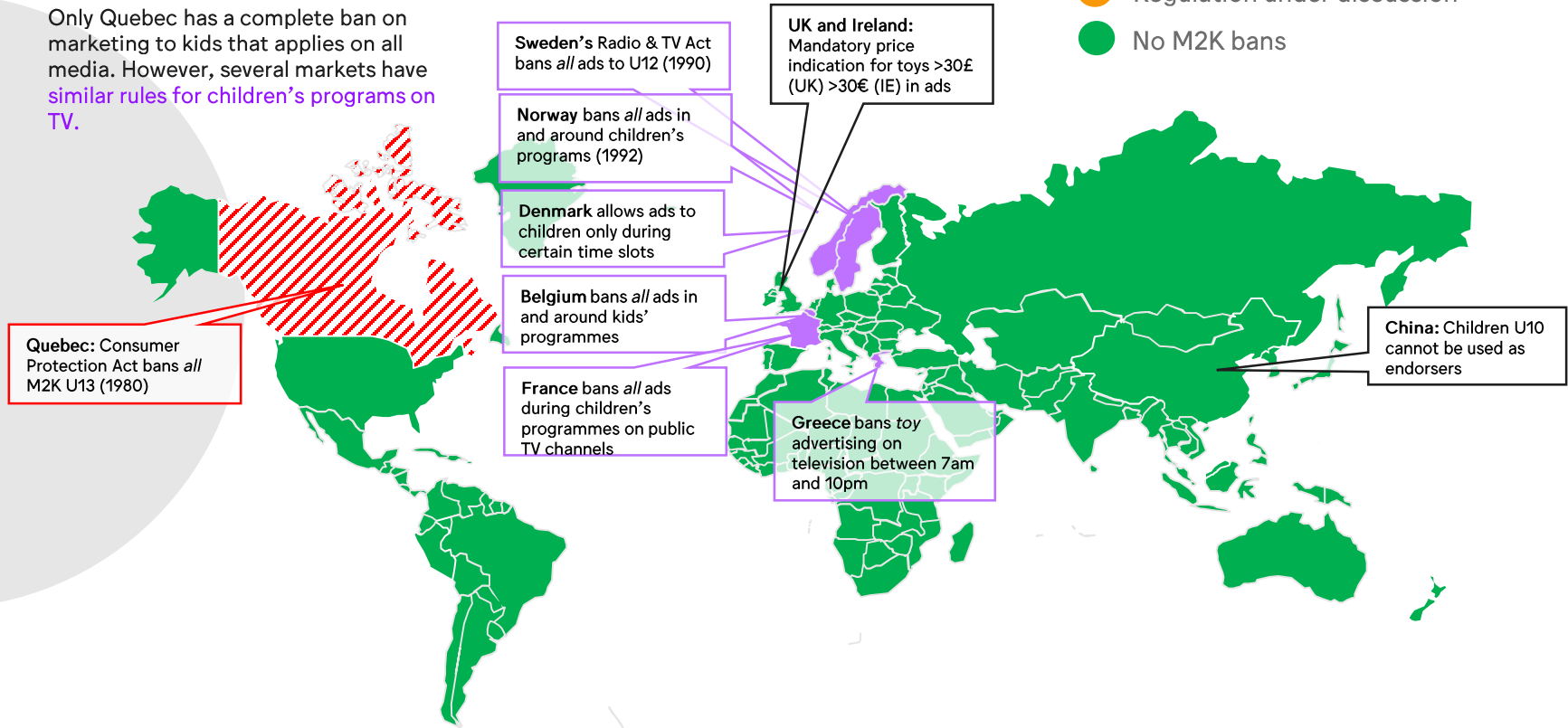




# M2K bans applicable to toy ads

Only Quebec has a complete ban on marketing to kids that applies on all media. However, several markets have similar rules for children's programs on TV.

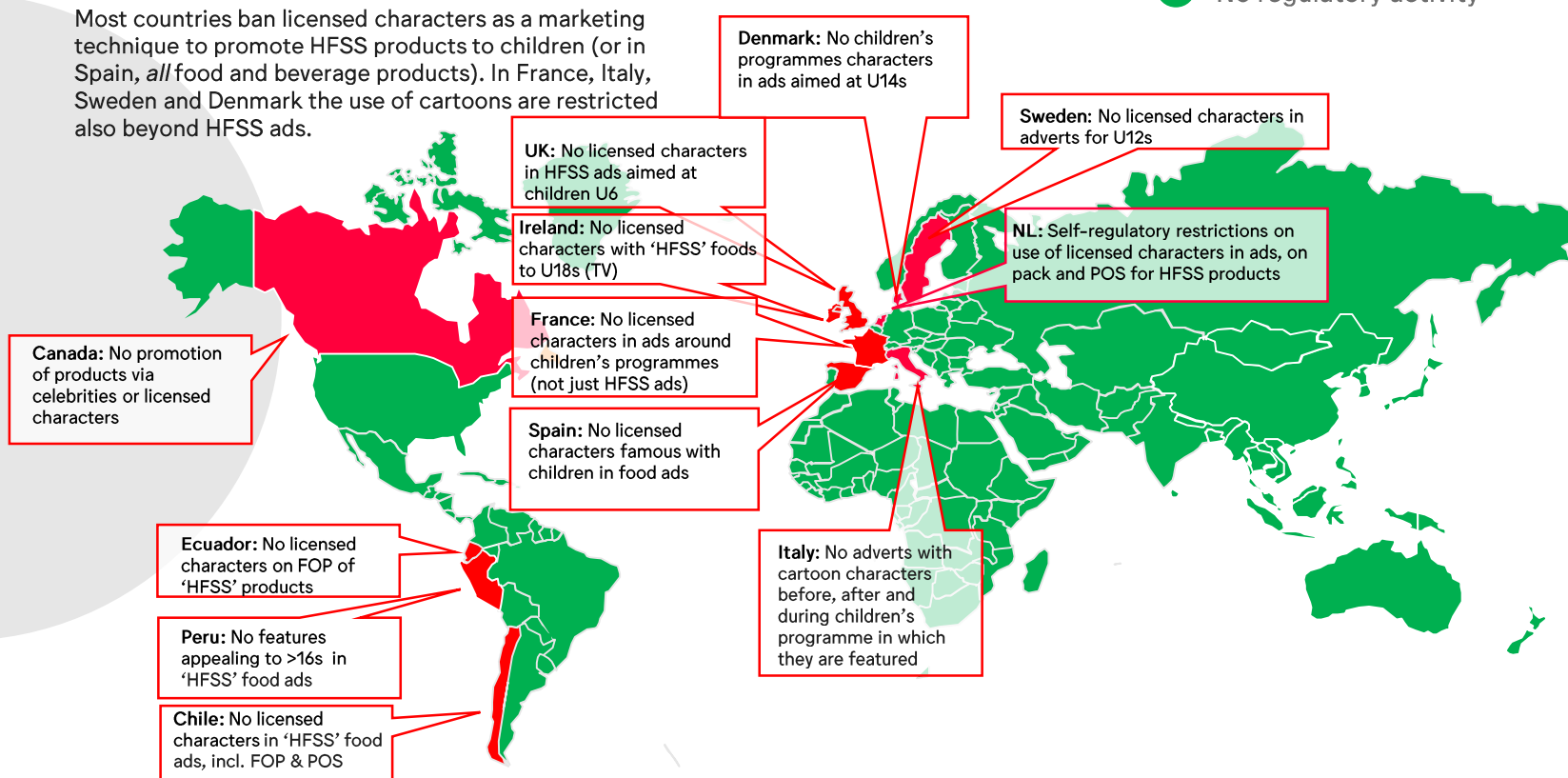
- Complete ban on M2K
- Ban applies to children's programmes (TV)
- Regulation under discussion
- No M2K bans



# Licensed characters

Most countries ban licensed characters as a marketing technique to promote HFSS products to children (or in Spain, *all* food and beverage products). In France, Italy, Sweden and Denmark the use of cartoons are restricted also beyond HFSS ads.

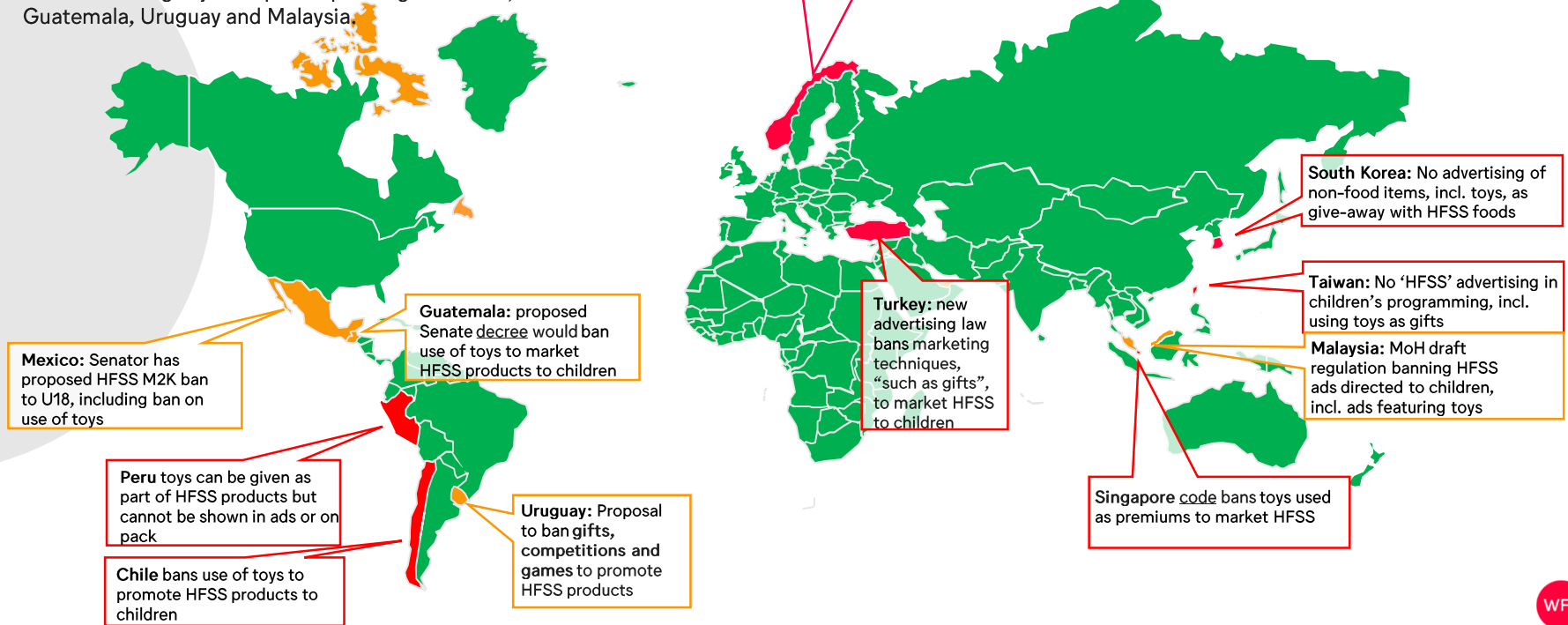
- Regulation in place
- Regulation under discussion
- No regulatory activity



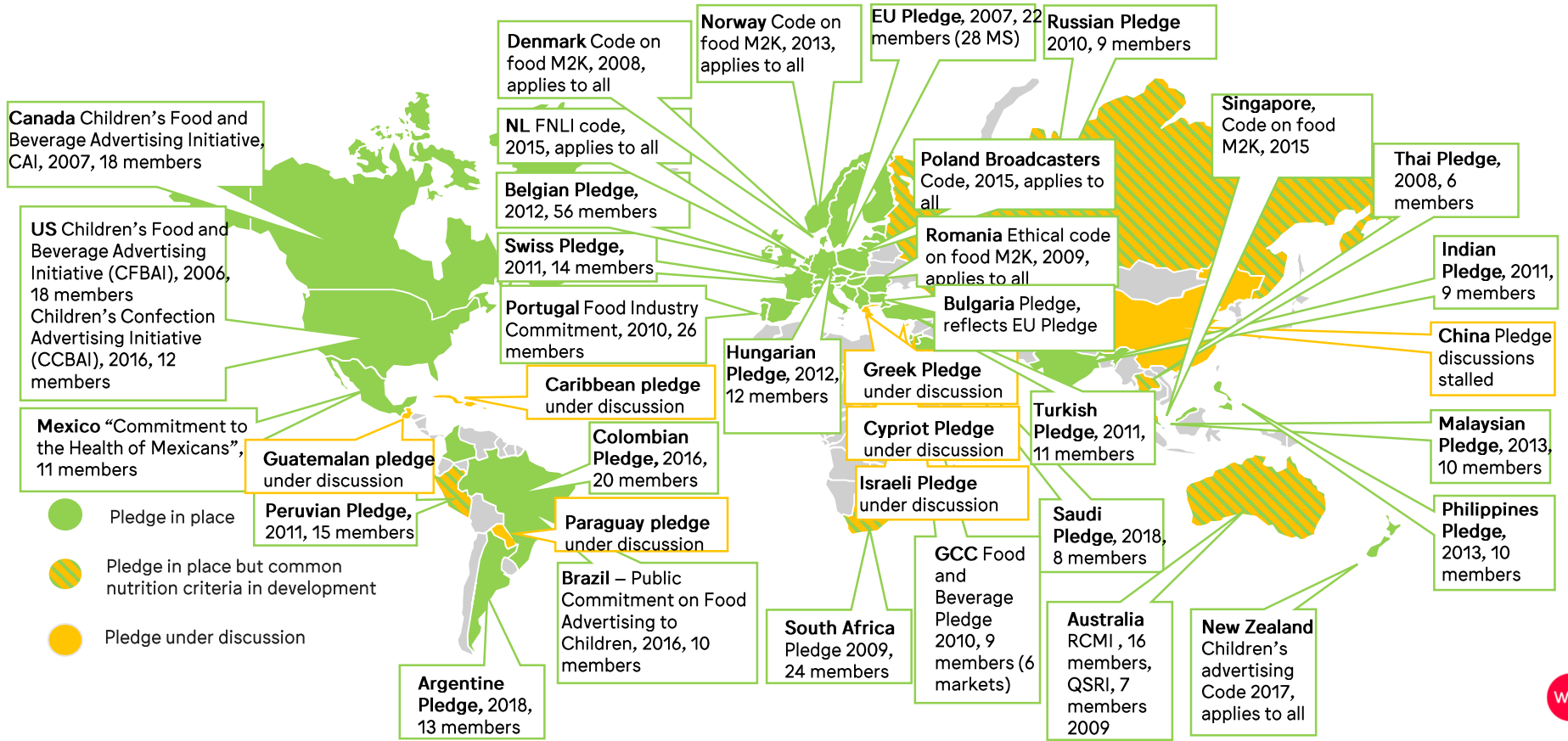
# Toys/gifts & HFSS

Only Chile bans the practice of giving toys as part of HFSS product, but Turkey may be following suit with strict language on 'gifts'. Other countries (Peru, Norway, South Korea and Taiwan) restricts the way HFSS is marketed using toys. Proposals pending in Mexico, Guatemala, Uruguay and Malaysia.

- Regulation in place
- Regulation under discussion
- No regulatory activity



# Voluntary food marketing pledges cover 55 markets



## Past decade has seen constant calls to reduce children's HFSS ad exposure – but also recognized a role for industry

2007

EU calls for industry action as part of nutrition strategy and AVMS framework



EC Strategy on nutrition, overweight and obesity-related health issues



EU Audiovisual Media Services Directive

2010

WHO addresses *impact of marketing: exposure and power*



World Health Organization

WHO recommendations on the marketing of foods to children

2014

EU childhood obesity strategy sets priority to limit children's exposure to HFSS ads



EU Action Plan on Childhood Obesity 2014-2020

2018

UN and EU support industry SR to reduce children's HFSS ad exposure



UN Political declaration on the Prevention and Control of NCDs



Revised AVMSD ("*effectively reduce the exposure*") + extends to VSPs

# ... but language is getting more and more critical towards SR



2019

**WHO EURO monitoring tool** for MS to measure children's online exposure to ads for unhealthy products (alcohol, tobacco, HFSS). Claims the programmatic ecosystem *"leaves brands unable to comply with their own voluntary codes of conduct such as the EU Pledge"*

**Global benchmarking study** (Boyland, Potvin-Kent, Swinburn...) on children's exposure to HFSS TV ads across 22 countries concluded:

- 'HFSS' (WHO EURO) was promoted four times more than healthier options - and this rate was 35% higher during **children's peak viewing hours**
- Industry codes and other regulatory arrangements have been **ineffective** in reducing exposures
- Of all ads using **"promotional characters"** 73% were for HFSS

<b>C</b>	Comprehend the digital ecosystem	Map the global, regional and national digital marketing ecosystem and children's website usage; alongside this work, set up focus groups to gauge children's and parents/guardians' experience and awareness of marketing techniques and campaigns.
<b>L</b>	Landscape of campaigns	Assess campaigns run by leading national brands by collecting information from advertising agencies; and by sampling whole-country social media for relevant content to ascertain what is viewed by different age groups.
<b>I</b>	Investigate exposure	Map exposure to some paid for digital marketing experienced by a panel of children in each age bracket using an installed smartphone app that (with consent) monitors and aggregates data on children's interaction with advertisements in some websites and social media.
<b>C</b>	Capture on screen	Use real-time screen capture software on a panel subgroup to assess what a representative sample of children actually sees online on their devices, in order to better understand under marketing techniques, including user generated content and product placement.
<b>K</b>	Knowledge sharing	Create user friendly materials from the research data and develop partnerships with young people, parents, policy-makers and civil society, who together can advocate change, raise awareness and influence policy.

**"Digital marketing happens everywhere except where parents, teachers and regulators are - and we can't see it. We need to find a way to get access to the experience children are having."**

Dr Mark Grindle, University of the Highlands and Islands, United Kingdom

## More coming up



World Health  
Organization

WHO guidance on effective policy measures to support Member States in developing an enabling food environment to promote healthy diets and good nutrition - including **M2K**.

WHO Nutrition Guidance Expert Advisory Group (NUGAG) calls for evidence (M2K and labelling) closed in April.

***M2K restrictions becoming “Best Buys”?***



Ecorys study (commissioned by EC DG SANTE) on children’s exposure to HFSS F&B marketing.


Two age groups will be analyzed: U12 and 12-18.

Focus on **online advertising**:

1. online survey of users in 9 MS
2. interviews with advertisers
3. **online monitoring** via passive metering, online captures of food advertisements, and avatar studies in 3 MS

***What impact on AVMSD transposition and/or new EC?***

# WHO timeline: HFSS marketing & kids

- 
- WHO EURO releases [nutrient profile model](#) to restrict M2K (2015)
  - WHO PAHO releases new [nutrient profile model](#) to restrict M2K (Feb 2016)
  - WHO EMRO releases [policy statement](#) that calls for M2K restrictions to curb sugar intake (April 2016)
  - WHO EURO publishes new [NCD Action Plan](#) (Sep 2016)
  - WHO EURO releases [report](#) that calls for urgent action to protect children from digital food marketing (Nov 2016)
  - WHO WPRO releases [nutrient profile model](#) based on WHO EURO criteria (Dec 2016)
  - WHO SEARO releases new [nutrient profile model](#) (Dec 2016)
  - WHO EURO launched [monitoring tool](#) to help MS measure HFSS M2K on TV and online (March 2017)
  - WHO EURO released [evaluation report](#) of 2010 recommendations on food and beverage M2K (2018)
  - WHO EURO launched [monitoring tool](#) for MS to measure children's [online](#) exposure to ads for unhealthy products (alcohol, tobacco, HFSS) (April 2019)
  - WHO WPRO launched [Draft Regional Action Framework](#) on Protecting Children from the Harmful Impact of Food Marketing (2019)

**Coming soon:**  
WHO global report  
on Nutrient  
Profiling



# OECD: Economics of Prevention programme

- 2015: Expert Group on the Economics of Prevention mandated secretariat to **collect the evidence** on the effectiveness of various public health interventions in tackling obesity, and to **discuss policy priorities for the next biennium**.
- Document “*Tackling obesity, unhealthy diets and physical inactivity*” summarises the latest evidence on food and menu labelling; prescribing physical activity in the primary care; smartphone applications promoting physical activity; mass media campaigns promoting physical activity; restrictions on food and beverage advertising targeting children.
- Making the case for marketing restrictions, the paper refers to Boyland’s [systematic review and meta-analysis](#) (2016), and Kelly, B., J. C. Halford, et al. [study on TV advertising and children](#) (2010) to show a causal link between ad bans and reduction in calorie intake.
- The OECD [is recommending](#) similar measures as the WHO when it comes to tackling obesity: regulatory and fiscal policies, as well as communication policies (incl. marketing restrictions).



More than one in two adults and nearly one in six children are overweight or obese in OECD countries, according to the [2017 obesity update](#).

# Children's Rights and Business in a Digital World



- Series of discussion papers that explore relationship between children's rights, business and the Internet
- Papers published to date include Children and Digital Marketing: Rights, Risks and Opportunities

# Children and Digital Marketing: Industry Toolkit

## Contents

**Key definitions**  
 Introduction to the toolkit  
**Part 1. Means of advertising (timing, placement, context, form)**  
 Advertisers and advertising agencies  
 Ad tech companies and data brokers  
 Publishers and ad networks  
**Part 2. Methods of advertising (use of personal data)**  
 Advertisers and advertising agencies  
 Ad tech companies and data brokers  
 Publishers and ad networks

Advertisers and advertising agencies

Ad tech companies and data brokers

Publishers and ad networks

## 1 Means of advertising (timing, placement, context, form)

Companies have a duty to factor considerations for children into all aspects of their and operators. When it comes to digital marketing, this means that companies of potentially adverse impacts on children's rights when making decisions about the content and form of digital marketing.

**Timing** - Advertising on child-directed sites and sites that children are likely to access should be suitable for children at all times. On sites and services not directed at or used by children, particular care should be taken during the hours when children are more likely to be online to avoid advertising that is not appropriate for children.

**Context** - Advertising environments or online properties identified as it should be informed about nature of the environment

**Form** - Digital content influencers who are product should always advertising in a way that recognizable by childre

**Placement** - Advertising directed at children should not be placed adjacent to content that is not suitable for children

## 1 Means of advertising (timing, placement, context, form)

## 2 Methods of advertising (use of personal data)

## 2 Methods of advertising (use of personal data)

Children's right to privacy and the protection of their personal data are closely tied to their rights, autonomy and ability to benefit from advice influencers. Most children are unlikely to have the capacity to provide informed consent to the processing of their personal data. Enabling consent may be one way of ensuring children's rights are protected, but given the elevated digital literacy for adults, particularly in emerging markets and developing countries, consent may not always be an effective way to protect the privacy rights of children.

Even older children may struggle to understand the implications of providing names or other personal data collectors, and many children and teens do not have their capacity written and accessible, leaving them with the impression that they are obliged to provide the personal data requested in order to use the service. Publishers, services and products that are contingent on the provision of personal data which reduce teenagers and other children to forfeit their data protection rights.

Children's personal data must always be acquired lawfully, and a genuine consent with children's rights. Generally, obtaining consent

Does your company produce or procure digital marketing that involves influencers?

Digital marketing directed at children should be transparent, truthful and identified clearly as advertising. The use of influencers – individuals with a considerable online presence, such as those who create video channels that have millions of subscribers – to promote a product, brand or service in exchange for financial or in-kind compensation, can be particularly persuasive for children.

Recognizable faces are also influential, given that children respond strongly to familiar characters from their favourite books, television series or movies, as well as celebrities and sports stars.

Advertisers need to ensure that children are not misled or deceived when viewing influencer content. Advertising featuring influencers should always be identified as advertising in a means that is recognizable and understandable by children. Advertisers should consider images, logos or pop-up boxes to signal influencer content and should educate children about the commercial underpinnings of influencer marketing. Influencers with under-18 audiences should not be used for products that are not suitable for children, are unhealthy for children, or are harmful/illegal for children to consume or access.

Does your company use targeted and/or behavioural marketing to advertise to children?

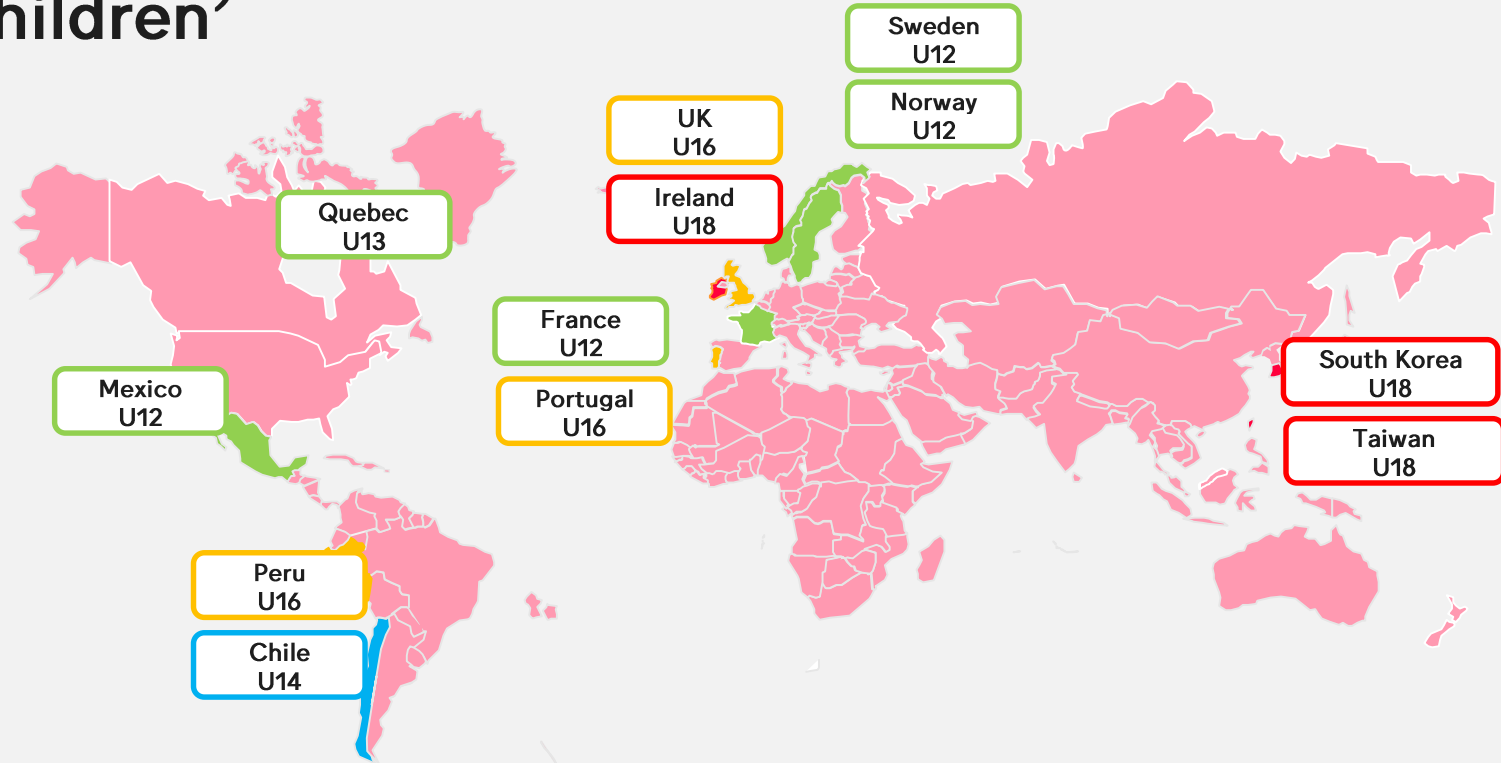
Behavioural or targeted marketing incentivizes corporate surveillance of Internet users and consumers in order to serve individuals with tailored advertising based on their web activity. This type of marketing involves the collection of both personal data and non-personal data to generate a profile of the user and make inferences about their purchasing preferences.

Such techniques raise numerous concerns from the perspective of children's rights. For example, obtaining genuinely informed and unambiguous consent from children is difficult, given the obscure nature of behavioural targeting and the difficulty in communicating it in simple language. Even for older children, and even for parents, there remains a power imbalance between content providers and advertisers, and the consumers who may not have the information or capacities to make informed decisions.

Companies should refrain from using targeted or behavioural marketing to advertise to children – and should generally avoid profiling children for marketing purposes. Companies should also inform children of their right to object to direct marketing and educate children on how to protect their personal data.

Access toolkit [here](#).

# Statutory marketing restrictions – definitions of ‘children’



- U18
- U16
- U14
- U12 / U13 / “children’s programmes”

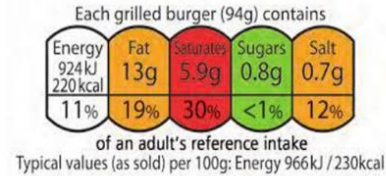
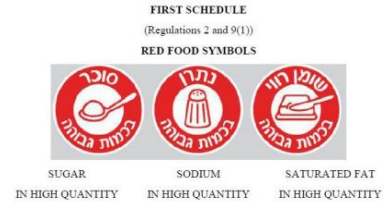
# Definitions of ‘children’ for marketing restrictions in the EU

Type of regulation	Pledges / codified pledges	Industry codes (qualitative rules)	Statutory restrictions	Pressures
<b>Explanation</b>	Rules prohibiting the marketing of HFSS products to this age group. Use of common nutrition criteria to define HFSS.	Rules on <i>how</i> to advertise to this age group. Generally no nutrition criteria because applies to all (food) M2K. Ex: no use of pester power, no display of sedentary behaviour, mandatory health messages in ads etc.	National laws and regulations prohibiting marketing to this age group.	Regulatory pressures for increased age thresholds
<b>Member States</b>	EU Pledge – <b>U12</b> Netherlands – <b>U13</b> Denmark – <b>U13</b> (own NC) Belgium – <b>U12</b> Portugal: <b>U12</b> Romania – <b>U12</b> Hungary – <b>U12</b> Poland (TV) – <b>U12</b> Ireland (TV) – <b>U18</b> (50% audience composition threshold) (Norway – <b>U13</b> ) (Switzerland – <b>U12</b> )	Germany – tiered approach: <b>U12</b> / <b>12-18</b> (“kinder” / “jugendliche personen”) France – charte alimentaire 2009: <b>U12</b> (health messages) Ireland (TV): tiered approach <b>U13</b> / <b>U15</b> / <b>U18</b> Spain, food M2K (PAOS) – <b>U13</b> on “traditional media” and <b>U15</b> on digital media Italy: <b>U12</b> Netherlands, all products – <b>U13</b> (minors: U18) Greece, all products – <b>U14</b> Slovenia, HFSS, TV: <b>U15</b> (public channels), <b>U12</b> (commercial channels)	UK, HFSS – <b>U16</b> Portugal, HFSS – <b>U16</b> Sweden, all products, TV – <b>U12</b> Norway, all products, TV – <b>U12</b> France, all products, public TV channels – <b>U12</b> Bulgaria, HFSS – <b>no definition</b>	Spanish MoH wants PAOS to ban HFSS ads to <b>U16</b>

Ages remain lower for pledge rules but tend qualitative rules (or content rules) usually extend to the teenage space. UK and Portugal are the strictest precedents for statutory restrictions.

## 2. Proliferation of different FOP labelling schemes globally

- “Chilean” FOP labelling now adopted in Uruguay, Peru, Israel. Will colour-coding gain traction in Mercosur, Central America?
- Belgium and Spain following French example in introducing NutriScore labelling scheme? A new standard for the EU?
- South Africa, Canada, India still to make up their minds... what are the regional implications?



# ... and in the EU

● Coverage of national pledges

● Statutory – co-regulatory rules in place



EU Pledge common nutrition criteria (or similar) apply



Different common nutrition criteria apply

4 different NP models are used in the EU for M2K purposes:

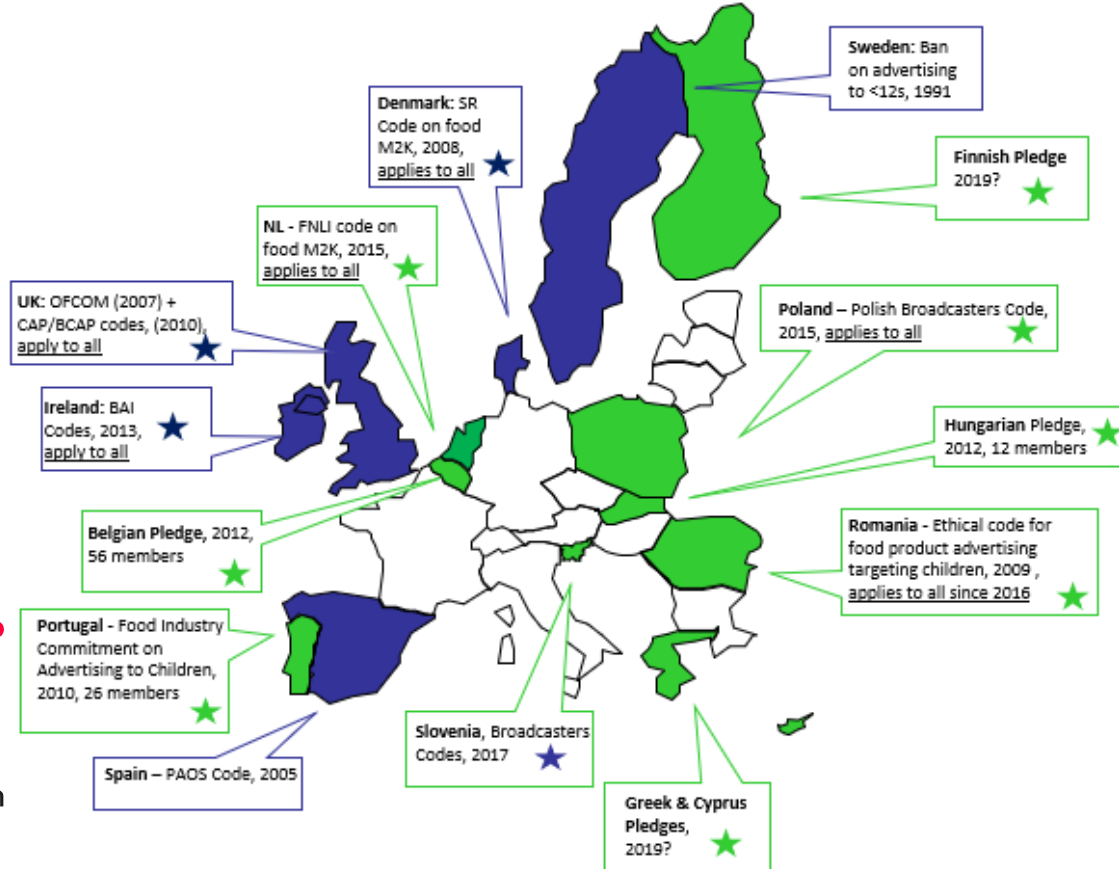
- WHO EU NP used in Slovenian broadcast code
- UK and Ireland use « OfCom » criteria
- EU Pledge NC applied in NL, BE, PT, RO, HU, PL (and NO)
- Denmark has own model

**Will Portugal become the first EU country to adopt WHO EURO NPM in national law?**

NutriScore gaining ground – but not applied to M2K restrictions yet...

Coming soon: European Commission report on food labelling + WHO global report – what link between FOP and M2K?

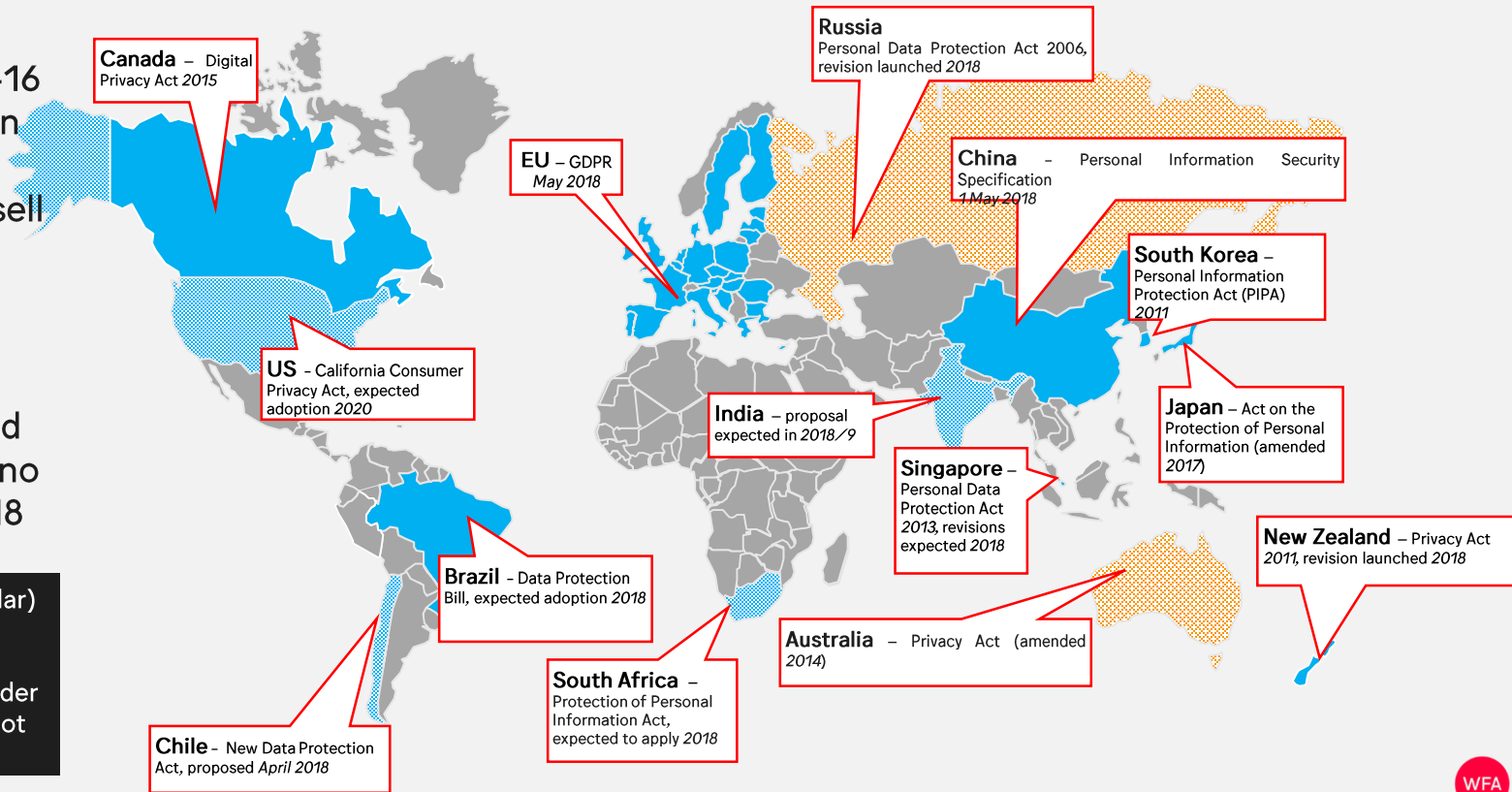
EU Pledge, 2007, 22 members



# Spread of GDPR and effect on use of children's data

**California: 13–16**  
must “opt in” in  
order for  
businesses to sell  
their personal  
information

**India: parental  
consent needed  
for under 18 + no  
OBA to under 18**

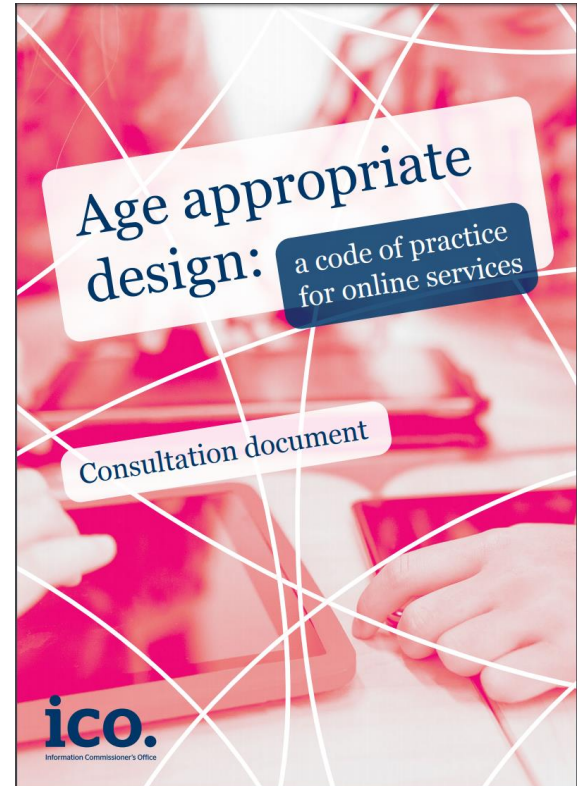




# UK DPA releases draft code on “age-appropriate design”

- UK Data Protection Act (2018) tasked the ICO with drafting a CoP for GDPR compliance
- 16 standards of age-appropriate design for information society services (websites, apps, games or connected toys) **likely to be accessed by children**
  - High privacy by default, no sharing of data, age-gating
  - **beyond privacy**: avoiding “reward loops” aimed at encouraging children to stay actively engaged with the service
- Children = U18 (UNCRC)
- to all businesses operating in the UK, or outside the EU targeting UK citizens
- Consultation closes **31 May**.

**Precedent for other DPAs?**



# Albania



## Regulation

- No statutory restrictions in place.

## Industry initiative

Soft drinks pledge under discussion.

### Latest developments:

November 2018: Albanian Parliament has approved a ban on soft-drinks and energy drinks to minors (18 years old). The ban is an enlargement of a previous law on commercialization and advertising on alcohol to minors. Industry is concerned with the setting of a precedent of U18 and also treating this food category as alcohol.

The Law Amendment lacks a defining for “minors” and the Albanian Civil Code defines persons aged 14-18 as “minors”, hence there might be room to bring down the ban to the age of 14 years from initial proposal of 18 years. The authorities designated by the amendment for overseeing the implementation of the law (Authority for Visual Media and Municipality Police) still do not have the necessary staff and tools to implement it. The soft drinks industry is drafting a proactive self-regulation mirroring the Unesda commitment (14 years instead of 12 years).

# Argentina



## Regulation

- No statutory restrictions in place.

### Latest developments:

- Pressure from NGOs, in particular FIC (Inter-American Heart Foundation), to adopt regulation similar to the Chilean model.
- Proposal for M2K restrictions to <14s in Congress (2017)
- Ministry of Health expected to be releasing a labelling and marketing proposals by end 2018

## Industry initiative

- December 2016: Framework agreement between COPAL (food industry), Ministry of Health and Ministry of Agriculture
- Pledge: Argentinian M2K pledge launched on 10 October 2018.  
Signatories: Coca-Cola, Danone, Ferrero, Mondelez, Nestlé, PepsiCo and Unilever, Arcor, Baggio, Grupo Cepas, Mastellone, Molinos.



# Australia



## Regulation

No statutory restrictions in place, but Australian Association of National Advertisers (AANA) Code on Food & Beverages applies to all industry:

- No pester power
- No premiums in ads unless integral element of product
- Not impose group and social pressure on owning the product
- Not undermine the role and education of carers
- Not misleading

## Latest developments:

- Parliamentary inquiry into obesity: [final report](#) recommends HFSS advertising restrictions based on Health Star Rating model, as well as 9PM watershed (December 2018). However the report did not get full backing of Senators.

## Industry initiative

Responsible Children's Marketing Initiative (RCMI), 2009. 16 members:



Quick Service Restaurant Initiative (QSRI),

2009

7 members:



**NO COMMON NUTRITION CRITERIA**

# Belgium



## Regulation

- Act on Radio and Television Broadcasting, Flemish community (updated 2017): Ads for children cannot encourage excessive intake of HFSS products. Toothbrush logo displayed on confectionery adverts.
- Code of Ethics on Audiovisual Advertising to Children, French-speaking community (2016): **No advertising in children's programmes** (applies also to toys). Health message displayed on confectionery adverts.

## Industry initiative

Belgian Pledge: launched in 2012, renewed commitments in June 2017. 42 members:



## Latest developments:

- Country representatives referred to Belgian Pledge as one of the 'most successful' policies in mid-term childhood obesity report

# Brazil



## Regulation

- No statutory restrictions in place.
- CONANDA – an official body composed of members of the federal government and civil society organizations – adopted recommendations banning all advertising to children <12 but the legal status of the recommendation is controversial.

### Latest developments:

- Multiple proposals to restrict marketing to children pending in Congress, including proposals for Chile-style “high-in” FOP warning labels, but public health priorities of new government led by far-right Bolsonaro still unknown.

## Industry initiative

Brazilian Pledge in place since 2009. 24 members:



An enhanced IFBA Brazilian Pledge was launched in 2016, with **NC** based on the EU Pledge common nutrition criteria. 12 F&B companies, including 11 IFBA members, launched a National Movement for Health and Wellbeing on 15 May 2017. Three main pillars: information, engagement and innovation. Letter of Agreement was signed by the 12 CEOs and the 2 associations.

# Bulgaria



## Regulation

- No statutory restrictions in place.

### Latest developments:

- October 2017: the Bulgarian parliament passed the draft Food Act, which amongst others stipulates that the advertising of HFSS foods will be prohibited if the ad contains child actors OR is intended for a children's audience. The law was criticized and amended – see [new version](#) currently under EU “TRIS procedure”.
- Bulgarian legislation has no definition of HFSS foods and could therefore resort to WHO EURO NP. The definition of a “child” (cut-off age) and of “children's audience” (audience composition threshold, rules for online marketing) are also yet to be defined.
- **Next steps:** the Committee for food and agriculture will discuss the draft in a second hearing. The draft then goes to the Parliament's plenary.

## Industry initiative

The **Bulgarian pledge** reflects the EU Pledge but is not yet supported by local companies.

WFA member association BAA and a recently created food industry association are working together to raise awareness of, and promote, the Bulgarian Pledge locally.

# Canada



## Regulation

1980 Consumer Protection Act prohibits advertising targeting children <13 in Quebec.

### Latest developments:

- 2016: President Trudeau mandated Health Minister Jane Philpott to evaluate the potential of rolling out Québec-style restrictions on M2K to the whole of Canada
- Senator Greene Raine introduced a Senate bill (S228) to ban HFSS marketing to kids <17. S228 was amended on second reading to define children as under 13.
- Health Canada outlined plans for regulation in white papers on FOP and M2K, but Senate still hasn't concurred the bill.
- Elections in October 2019 (Parliament dissolves mid-June).

## Industry initiative

Canadian Children's Food & Beverage Advertising Initiative, 2007. Currently 16 members:



CAI announced the adoption of common nutrition criteria for advertising products to children <12 in October 2015.



# China



## Regulation

- New Chinese ad law was adopted in April 2015 (see analysis of the new law [here](#).)
- Children <10 cannot be employed as endorsers.
- Marketing campaigns at or near schools and kindergartens are also forbidden, as well as placing ads on school uniforms, school buses and children's stationery.

### Latest developments:

- The State Administration for Industry and Commerce (SAIC) expects some industry action to self control M2K.
- China has [the biggest childhood obesity problem](#) in the region.

## Industry initiative

Company engagement with SAIC has highlighted the need for industry to consider taking advantage of the new Chinese ad law to progress self regulation of M2K.

In December 2015, the China Association of National Advertisers (CANA) officially launched its Responsible Marketing Committee, which in part aims to reach an industry consensus on M2K in China.

On 22 October 2016, the “[2016 China Advertisers Commitment](#)” was signed by CANA and the China Advertising Association (CAA). The text is largely inspired by the core ICC codes.

*Preparatory groundwork to set up a China Pledge has been put on hold as the CAA, a co-regulatory body, expressed reservations about an initiative that would only apply to a number of companies.*

# Chile



## Regulation

- Strict M2K and labelling restrictions in place since 2016 ([law](#) and [technical decree](#)). Measures include ban on HFSS F&B advertising to children <14, “high-in” FOP warning labels and ban on sales and advertising of ‘unhealthy’ food in schools. No promotion to kids, involving toys or licensed / brand characters of non-compliant foods.
- **Watershed ban** on television of HFSS food ads and de facto bans on sponsorship of such products during sport and cultural events, to enter into force-mid 2018.
- 11 December 2017: [Decree](#) of the Chilean MoH requiring food ads to include a message from the Ministry encouraging to “favour foods with less warning signs”

## Industry initiative

No local pledge.

### Latest developments

- Re-election of industry-friendly President Sebastián Piñera in December sparked some hope of mobilising opposition to watershed TV ban but no concrete steps have been taken.
- Studies show that despite strong public support for the measures, and short-term effect on purchasing behaviour, **sales were normalised 2 years after FOP labelling scheme was introduced.**
- Nonetheless, Senator Guido Girardi, initiator of the Chilean national labelling law, remains active spokesperson for M2K restrictions in WHO and FAO circles.

# Colombia



## Regulation

No statutory restrictions.

### Latest developments

- [Draft bill 022/2017](#) on M2K restrictions of HFSS foods was defeated (June 2018).
- [Draft bill 019/2017C](#) on both FOP labelling (art. 6, 7) and M2K (Art. 9) of HFSS food labelling, was adopted with amendments (June 2018), and will proceed to senate.
- Legislative elections in March 2018 confirmed the position of former President Álvaro Uribe's industry-friendly Democratic Centre as the biggest party in Colombia.
- Election of Iván Duque Márquez as President in June 2018 was yet another victory for the Democratic Centre.

## Industry initiative

IFBA M2K policy-based pledges:

“[Compromiso bebidas](#)” has been signed by all the companies in the beverage chamber of ANDI, the food industry association.

“[Compromiso alimentos](#)” doesn't have the backing of the full chamber but covers a significant part of food ad spend in Colombia.

# Croatia



## Regulation

No statutory restrictions in place, but advertising law currently under review.

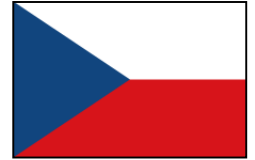
## Industry initiative

There have been pledge discussions but no agreement yet.

### Latest developments:

- The MoH has launched a new project under the banner “living healthy initiative”, which encourages consumption of healthy foods based on the Norwegian Keyhole model.
- The publication of the WHO Europe NP has increased pressure on industry.
- [2018 Childhood obesity report](#) indicated plans to introduce M2K restrictions

# Czech Republic



## Regulation

Restrictions on advertising and sale of foods in schools. The MoH to define the restricted foods in a separate Decree

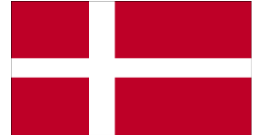
## Industry initiative

No pledge.

### Latest developments:

- The MoH is discussing the development of a nutrient profile and there are fears that it will use the WHO Europe NP as a basis.
- MoH is simultaneously trying to implement the WHO Europe NCD Action Plan.
- AVMSD transposition coming up.

# Denmark



## Regulation

Executive Orders issued in [2013](#) and [2014](#) restricts marketing to children (not F&B marketing specifically):

- No children <14 in adverts if not a natural element of the depicted environment, or necessary to explain/demonstrate the use of the product.
- No recommendations or testimonials of children <14 endorsing the product.
- On TV2, children's advertising allowed from 6am–12pm (weekend) and weekdays 6.30am–7am (weekdays).
- No children's programme characters in adverts.

## Industry initiative

Industry-wide [Code on Responsible Food Marketing Communications to Children](#) (2008) sets specific category-based nutritional criteria to determine which products can and cannot be advertised to children <13. Based on EU Pledge model.

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# Estonia



## Regulation

No statutory restrictions.

### Latest developments:

- Estonian First Lady, WHO Europe NCD spokesperson, vowed in 2014 to strengthen regulation of food marketing to children

## Industry initiative

No pledge.

# Ecuador



## Regulation

- Establishes prior authorization requirements regarding food advertising and advertising in children's channels (censorship).
- No children and adolescents to appear on front of pack (FOP) of all processed foods.
- No celebrities, real or fictional characters and animals on FOP of 'HFSS' products (with high or medium concentration of total fat, sugar, and/or salt) (entry into force May 2014).
- Nutritional traffic light system applied front-of-pack since 2015

## Industry initiative

No local pledge.

### Latest developments:

- Awaiting implementing act to determine which products are covered by the Communication law – Ecuadorian President claimed all HFSS food could be covered.
- The government is considering the Chilean model with warning labels on packages



# France



## Regulation

The [French Public Health Act](#) (2004, [updated in 2017](#)):

- Adverts for drinks with added sugars, salt or synthetic sweeteners, and processed food products must include health message.
- Advertising ban on state-owned channels after 8pm and during and around children's programmes.
- No adverts with cartoon characters placed first or last during a children's programme break.

In December 2016, French Parliament [adopted](#) ban in children's programmes (incl. 15 min. before and after) on public channels. Law entered into force on 1 January 2018.

## Industry initiative

[The Charte Alimentaire](#), which dates from 2014, was signed by advertisers, producers, broadcasters, and Ministers from the previous government and is endorsed by the French broadcast authority (CSA). It includes the promotion of healthy eating and lifestyle messages on TV spots, a set period for programming promoting a healthy lifestyle. The Charter currently applies to broadcast media, internet and catch-up TV services.

### Latest developments:

2017: French *Haut conseil de la santé publique* [recommended far-reaching marketing restrictions](#) win context of national food law review. On 21 December 2017, French Prime Minister Edouard Philippe [announced](#) that the scope of the 'Food Charter' (Charte Alimentaire) will be extended in 2018 as part of the broader Government's strategy to improve diets.

2018: Amendments to ban HFSS M2K by law were rejected in National Assembly.

2019: French Assembly adopted an [amendment](#) to the Public Health Code to make "Nutri-score" mandatory in all ads by 1 January 2021. Still needs to go through Senate. Government is opposed.

# Germany



## Regulation

- No statutory restrictions.
- Self-regulatory F&B advertising [code of conduct](#) from 2009 reflects ICC framework.
- The [Media Broadcasting Agreement](#) prohibits interruption of children’s programmes by advertisement, product placement and the placement of logos of sponsors in children’s programmes.
- [Codes on marketing to children and young people](#) revised in March 2017, to also cover online advertising.

## Industry initiative

No pledge.

### Latest developments:

- On 15 June 2018, state consumer protection ministers [agreed](#) that Germany’s federal government should examine what legislative measures could be taken to ban the advertising of ‘unhealthy’ food to children and adolescents. In particular, the ministers [agreed](#) that current regulatory—and voluntary industry initiatives—were not enough to effectively protect children from ‘junk food’ advertising.
- The consumer organization Foodwatch has welcomed the call, with Oliver Huizinga, head of research and campaigns saying “*The consumer protection ministers are slowly recognizing, albeit still too hesitantly, that they have to make decisions against the interests of the industry*”.
- The German government has not yet responded to the call, but state-level discussions can influence future decision-making on the federal level.

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# Greece



## Regulation

- No statutory restrictions (only *toy* advertising prohibited on TV between 7 AM and 10 PM).

## Industry initiative

Efforts to revive Greek Pledge discussions that were initiated in 2016 (identical to EU Pledge).

# Guatemala



## Regulation

- No statutory restrictions.

## Industry initiative

Pledge under discussion.

### Latest developments:

- A decree banning the promotion of HFSS foods to children and adolescents, was introduced in Congress (October 2018)
- Chilean warning labels would be mandatory if the PAHO nutrient profile model limits are exceeded.
- Advertisements and promotions to children and adolescents under the age of 18 will be prohibited on all media for all food and beverages containing four or more health warnings.

# Gulf Cooperation Council (GCC)



## Regulation

No statutory restrictions.

### Latest developments:

UAE NCD Action Plan addresses M2K, and regulation to restrict M2K is under development

## Industry initiative

GCC Food and Beverage Pledge on Responsible Marketing and Advertising to children, 2010

9 members:



Pledge launched in Saudi Arabia in September 2018 covers core IFBA commitments (goes beyond advertising).

# Hungary



## Regulation

- No statutory restrictions.

## Latest developments:

- A draft proposal submitted by representatives of the majority Fidesz party (the Hungarian Civic Alliance) seeks to introduce a tax on advertising. The Minister of State for the Prime Minister's Office said the tax was intended to protect children from being overly exposed to advertising.
- The Hungarian competition authority has called for restriction on M2K.
- According to [OECD 2017 figures](#), Hungary ranks amongst the top 3 countries with highest levels of obesity.

## Industry initiative

Hungarian Pledge, 2012, 12 members:



FreslandCampina

Intersnack



MARS



# Ireland



## Regulation

Children's Communication Code (updated in 2017) covers **broadcast only**. A maximum of 25% of sold advertising time and only one in four ads for HFSS products are permissible across the broadcast day.

Food advertising to **<18** regulated on the basis of the UK Food Standards' Agency's nutrient profiling system

Advertising to <18 for fast food products, outlets and/or brands must feature an acoustic or visual message stating 'should be eaten in moderation and as part of a balanced diet'

Advertising to <18 for confectionery must feature an acoustic or visual message stating 'snacking on sugary foods and drinks can damage teeth'

BAI's Children's Advertising Code (2013) also covers only broadcast and includes content rules on food advertising to children aged **<6, <13, <15 and <18**, incl. restrictions on programme and license characters, celebrities, sports stars, etc. to advertise such food products.

## Industry initiative

No pledge.

### Latest developments:

- February 2018: the MoH launched a voluntary Code of Practice on marketing to children in non-broadcast media. Advertisers have not endorsed the code due to lack of details on its enforcement.
- November 2018: A poll commissioned by the Irish Heart Foundation revealed that 71% of parents are in favour of a ban on the advertising of sugary drinks, snacks, confectionery and crisps to children and teenagers under the age of 16. The IHF has called on the government to regulate digital marketing aimed at children and to close loopholes in broadcast restrictions.

# India



## Regulation

The New Delhi High Court has prohibited the marketing of HFSS products within 50m of the radius of schools.

### Latest developments:

- In May 2017, an FSSAI (Food Standards and Safety Authority of India) expert group recommended banning the advertising of HFSS foods on children's channels and children's TV programmes as part of a broader set of measures to tackle obesity
- The document refers to "a need to progress towards a total advertising ban, similar to the one implemented in Chile"
- May 2018: The Food Safety and Standards Authority of India (FSSAI) has proposed a ban on all forms of advertising to children and colour-coded front-of-pack labelling of packaged food products high in fat, sugar and salt ('HFSS'). Both initiatives are part of a single draft regulation.

## Industry initiative

India Pledge, 2011, 8 members:



In 2016, new pledge commitments have been signed off by local CEO and CNC have been established. The Food and Beverage Alliance of India (FBAI) is now in the process of gathering wider support for the Pledge amongst local companies.



# Israel



## Regulation

No statutory restrictions.

## Industry initiative

Under development.  
The local food industry association, supported by the Chambers of Commerce and the Israeli Marketing Association, are presenting the Israeli pledge and enforcement mechanism to the Ministry of Health on 24 June 2019.

### Latest developments:

- November 2016: the Israeli Health Ministry's Regulatory Committee for Promotion of Healthy Nutrition submitted a series of recommendations to the Health Minister that calls for restrictions on marketing of 'harmful' food to children. One of its key recommendations was to restrict the advertising of harmful food products to children under the age of 16 (local industry commitment only covers children under 12).
- November 2017: the Israeli Health Minister Yaakov Litzman has [presented](#) to the Knesset Labor, Welfare and Health Committee his proposal for new rules on FOP food labelling. The proposals mandates products containing more than 800 milligrams of sodium, 22.5 grams of sugar or 6 grams of saturated fats per 100 grams to have to carry red labels. There is also a requirement that sugar content be illustrated by teaspoon icons.
- Since the FOP regulation was adopted in 2017, the MoH has set up a regulatory committee, consisting of Ministry officials, civil society, academia and trade associations, to discuss way forward for M2K restrictions. At its final meeting on **22 October 2018**, **the regulatory committee adopted a recommendation in favour of regulation**. The recommendation is to ban advertising to kids based on the same nutrition criteria as the FOP labelling scheme (comes close to WHO EURO), and includes ban on the use of celebrities, games, cartoon characters, sponsorships and a 22h watershed ban. Not much expected to happen before 2019 elections.

# Italy



## Regulation

[Commercial Communications Guidelines](#) relating to food products and beverages, for the protection of children and their proper nutrition

## Industry initiative

No pledge.

### Latest developments:

- The 2018 WHO report sparked some [debate in the media](#) around need for further HFSS M2K restrictions in Italy.

# Kazakhstan



## Regulation

No statutory restrictions in place.

## Industry initiative

No pledge.

### Latest developments:

- November 2018: Ministry of health of Kazakhstan is considering amending the local Health code to introduce a ban on advertising of HFSS foods from 7am to 10pm, on radio and TV. The proposal singles out deep fried products; carbonated, sweet non-alcoholic drinks, non-alcoholic energy (tonic) drinks, concentrated diffusion juices, fast foods: hamburgers, hot dogs, chips, crackers and kirieshki.

# Latvia

## Regulation

No statutory restrictions.

### Latest developments:

- In 2014, a draft “Public Health Guidelines 2014-2020” released by Ministry of Health include VAT incentives for non-HFSS foods, excise taxes on HFSS foods, advertising and marketing restrictions in schools and sports facilities and a ban on energy drink advertising.
- MoH is reviewing its nutrition regulation in order to restrict the sale of foods in schools.
- MoH has published a draft law banning the sale and marketing of energy drinks to children below 18 years.

## Industry initiative

Discussions ongoing. On 15 June 2015, industry made an outreach to the government to highlight the use of self regulation to manage marketing issues (linked to a proposal on caffeinated content).

Locally, soft drink manufactures have discussed developing a specific commitment.

# Malaysia



## Regulation

No fast food adverts in children's programmes (<9 years old, according to Nielsen)

Adverts should not encourage unhealthy eating habits under **Malaysian Code of Advertising Practice.**

### Latest developments:

- 2016: Marketing restrictions part of “enabling strategies” within National Plan of Action for Nutrition of Malaysia III (NPANM III).
- December 2018: Ministry of Health puts forward new WHO inspired NP model to regulate TV, radio, billboard and cinema M2K. Industry is putting forward the EU Pledge / Singapore nutrition criteria as alternative.

## Industry initiative

**Malaysian Pledge**, 2012, 12 members:



WFA supports the Federation of Malaysian Manufacturers (FMM) in helping to launch a monitoring mechanism as mandated by MoH. A nutrition group has also been set up with a view to developing CNC.

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# Malta



## Regulation

No statutory restrictions.

## Industry initiative

No pledge.

### Latest developments:

In December 2014, Malta launched a Food and Nutrition Action Plan 2015–2020, which encloses 15 priority areas to improve the health of the population, including: “to evaluate, reduce and monitor the impact of negative marketing pressure on children”. The Action Plan insists on the need to develop a regulatory system to reduce marketing pressure on consumers and children in particular. It is supported by WHO Europe.

AVMSD transposition coming up.

# Mexico



## Regulation

**Restrictions** on advertising of pre-packed F&B that do not meet nutrition criteria developed by COFEPRIS & inspired by EU Pledge criteria.

Products not meeting nutritional criteria will not be advertised during specific day parts if audience is composed of  $\geq 35\%$  of children aged 4-12 years old.

Application of nutritional criteria during following day times:  
Weekdays 2:30PM and 7:30PM; weekend 7:00AM-7:30PM

### Latest developments:

- PAHO and NGOs putting pressure on further regulation of M2K marketing and the establishment of common nutrition criteria.
- Chilean model for labelling under discussion.
- New leftist government to take office in December 2018. Expected to consider FOP labelling and potentially further marketing restrictions in Q3 2019.

## Industry initiative

**Mexico Pledge**, 2011, 14 members:



IFBA companies launched a broader “Commitment to the Health of Mexicans” in September 2017.

# New Zealand



## Regulation

- **Free-to-Air Television broadcasters Code:** no advertising, sponsorship or prize packs allowed during pre-school television programming. Limited advertising in school-age children's (aged 5-13) programme times
- **Children and Young People's Advertising Code** (adopted 1 March 2017): bans "occasional" food and beverage advertisements and sponsorship advertisements to target children or to be placed in media where children under 14 represent more than 25% of the audience. The Food and Beverage Classification System (FBCS) has been endorsed by the ASA as an interim nutrient profiling system.

## Industry initiative

Pledge rules integrated in code (applies to all).

## Latest developments:

- New Zealand continues to rank among the highest in terms of obesity (see [OECD report](#))
- New labour-led government (since October 2017) may challenge status quo. Labour has been calling for more ambitious public health measures when in opposition.
- [Study](#) found 10% of adolescents potentially reached by 'unhealthy' food advertising on Facebook
- the Minister of Health has two meetings with industry with the intent of establishing an industry taskforce to [address factors leading to obesity](#). ANZA has been asked to take the lead on behalf of the taskforce on "food and beverage marketing"



# The Netherlands



## Regulation

Dutch Advertising Code bans food advertising to children <7.

For advertising targeting children aged 7-13, an advertising code states that only products that meet common nutrition criteria (similar to EU Pledge) are eligible.

Toothbrush logo to feature on press and TV adverts for confectionery aimed at children <14.

No food product adverts associated with a certain television programme specifically intended for children broadcast during and directly after that programme.

Strict rules on use of “kids idols” in food ads.

In January 2019 the code was updated to restrict the use of licensed media characters on pack and in-store marketing (see page 70).

In September 2017 Amsterdam announced a ban on ‘unhealthy’ food advertising aimed at children and adolescents in metro stations as of 1 January 2018.

## Industry initiative

On 1 January 2015, EU pledge-based rules were integrated into the new advertising code restricting food and beverage advertising to children was adopted by the Dutch Federation of the Food and Groceries Industries (FNLI). It thereby **applies to the entire industry.**

### Latest developments:

- Rumors of Rotterdam going the same way as Amsterdam in banning HFSS M2K in metro stations.

# Norway



## Regulation

No adverts in connection with children's programmes or 10 minutes before or after a children's programme.

No individuals or characters popular with children to feature in children's products' adverts.

Health Ministry temporarily dropped proposal to ban "HFSS" food (based on stringent nutritional criteria) advertising to children <16 and gave industry two years to prove that SR works.

## Industry initiative

Since 1 January 2014: F&B industry **commits** not to advertise to children under 13 products that don't meet **nutrition criteria**. This covers all marketing except packaging, ordinary display in stores and sponsorship where only corporate or brand logo is used.

### Latest developments:

- 2016: The Food and Drink Industry Professional Practices Committee (MFU) is under tight scrutiny of the Government Health Directorate which would like to see children defined as <16 or even <18. There is also greater interest from the MoH on the use of brand mascots following **BEUC's report**.
- Norway's Consumer Council has called for regulations to protect 12-18 year olds against influencer marketing of 'HFSS' food products following an **investigation** which revealed that such products are promoted on popular YouTube channels aimed at young audiences.
- The Ministry of Health will carry out a second evaluation of the MFU in 2019.

# Peru



## Regulation

- [Law 30021](#) regulating HFSS marketing was approved in May 2013 and its accompanying [implementation rules](#) in June 2017. The restricted age range is under 16. The law mandates that, by 17 June 2019, products not meeting the criteria (Chilean nutrition criteria used) bear the “Chilean” black octagons front-of-pack and in visual ads.
- Advertising restrictions have been in effect since Feb. 17, 2018. These restrictions prohibit messages or testimonials that entice consumption, but not characters themselves, provided that they cannot be interpreted as incentivizing consumption. Likewise, products exceeding the nutrient limits cannot be promoted through the use of prizes, gifts or promotions. Gifts themselves can be given as long as they are not promoted in ads or front-of-pack.
- WFA member association ANDA, and the self-regulatory ad standards body CONAR, have developed a set of guidelines and CONAR also provides copy advice service.

## Industry initiative

[Peru commitment](#) on food and beverage advertising applies since 2013 (16 signatories).

# Philippines



## Regulation

No statutory restrictions.

## Industry initiative

Philippines Pledge, 2011, 13 members:



### Latest developments:

2017 House of Commons Bill suggests TV watershed ban for sugar-sweetened beverages (SSBs)

# Poland



## Regulation

On 9 January 2015, an amendment to the Law on Food Safety and Nutrition banning the advertising and the sale of “unhealthy foods” in school premises in Poland was published in the Official Journal. The law entered into force 1 September 2015. MoH to determine the restricted foods separately.

### Latest developments:

- Despite both regulation and self regulatory initiatives, some officials in the Ministry of Health and Ministry of Culture are in favour of further limiting HFSS foods advertising as well as children’s participation in (any) advertising.
- In November 2017 Polish industry agreed to develop common advertising standards, including on advertising to children.

## Industry initiative

Code Governing Food Advertisements Addressed to Children, 2010, industry-wide, equivalent to EU Pledge. Signatories:



Since 1 January 2015, under a voluntary agreement signed with the National Broadcasting Council (NBC), the 7 major Polish broadcasters restrict the advertising of products that do not meet nutrition criteria during programmes primarily targeting children. The criteria are based on the EU Pledge nutrition criteria and there is also a monitoring system in place.

# Portugal



## Regulation

No statutory restrictions in place.

### Latest developments

- April 2018: Revised proposal banning HFSS food marketing to children in Portugal, to go through legislative process. Children defined as under 16s and a 20% audience composition threshold would be applied for TV. Reference to WHO EURO remains
- May 2018: the centre-right group tabled yet another version of the bill, which would apply to under 14s and also recognises the role of self-regulation.
- **March 2019: Plenary adopted draft bill with unanimity.** The MPs suggest banning HFSS marketing to U16s, including the use of characters. Nutrition criteria would be set based on WHO and EU recommendations. **Enters into force on 16 June 2019 – but nutrition criteria still not set.**

## Industry initiative

**Portuguese Pledge**, 2009

27 members:



# Romania



## Regulation

2017 Audiovisual Code bans year forbids child actors aged 3-15 from “interacting with food products” in TV commercials.

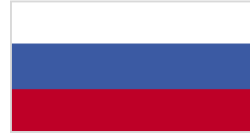
## Industry initiative

[Ethical Code for Food Product Advertising Targeting Children](#), 2009, 50 members (applies to all)

## Latest developments

Audiovisual Code sets out rules on child actors that have been difficult to interpret and apply coherently. Code is to be reviewed already in 2018 (?).

# Russia



## Regulation

No advertising on school materials.

Length of advertising breaks during children's and educational programmes proportionate to the length of the programme (e.g. 15-minute programme: advertising break limited to 1min before and 1min after).

## Industry initiative

Russian Pledge, 2010, 9 members:



### Latest developments:

2015 Draft “Vasily Shestakov” bill proposes ban on HFSS product marketing between 7am and 10pm. The issue has been raised with the PM in October 2015 who has confirmed that such a proposal is not seen as needed. However, they would still like to see industry offer a solution. Routes to deliver such a proposal are currently being explored (e.g. FIAC). WFA supporting RAA (and collaboration with RusBrand). There is also discussion on wider efforts on self regulation.



# Singapore



## Regulation

Singapore adopted a new self-regulatory code of conduct in 2014, which includes interpretative guidelines.

### Latest developments:

December 2018: Government opened consultation on measures targeting sugar-sweetened beverages (SSBs) as part of strategy to fight diabetes. These included FOP labelling, marketing ban, sales ban and taxes.

## Industry initiative

Responsible Advertising to Children initiative, 2012, 13 members



NB: The Pledge formed the basis of the 2014 SCAP code of conduct.

# Slovenia



## Regulation

In July 2016, Slovenian Health Ministry released [dietary guidelines](#) based on WHO Europe NP to restrict food and beverage advertising during children's programmes, but self-regulatory codes of conduct are developed by media service providers.

The MoH WHO NP uses WHO EURO NP but with adaptations to allow for 100% fruit and vegetable juices and more flexibility for dairy products.

## Industry initiative

No pledge.

### Latest developments:

Government considering adopting WHO Europe NP for the purpose of implementing the EU AVMS Directive into law (NB Slovenia was part of the working group which led their development).

# South Africa



## Regulation

Singapore adopted a new self-regulatory [code of conduct](#) in 2014, which includes [interpretative guidelines](#).

## Industry initiative

[Pledge on Marketing to Children](#), 2009, 31 members.

### Latest developments:

Department of Health's proposal (May 2014, R429) to ban the advertising of "unhealthy" products targeting children and to introduce a watershed ban (6am-9pm) on TV and radio for "unhealthy" food advertising.

Although initially shelved thanks to a concerted effort by industry to rally around a more proportionate food marketing code, the MoH has made clear their intention to propose statutory laws on both FOP and M2K (2017).

October 2018: Advertising Standards Body (ASASA) went into liquidation.

November 2019: Advertising Regulatory Board (ARB) took over the role of enforcing advertising standards.

# South Korea



## Regulation

“Energy dense and nutrition poor food” adverts banned between 5-7pm and during and after children’s (aged 4 to 18) programmes.

EDNP foods subject to the regulation included food products that did not satisfy the nutritional standards of Korean Food & Drug Administration.

The specific nutrition standards applying to snacks and to meals are available [here](#).

The law has been renewed twice, first in 2013 and again in 2015. In 2017 the law was amended to no longer include an expiration date.

## Industry initiative

No pledge.

# Spain



## Regulation

Regulation forbids adverts on state-owned public channels since 2010, No children's testimonials, no characters popular with children.

Specifically on food marketing, **Co-regulatory PAOS Code**: no advertising to <15 online and <13 on other media platforms ("ads directed at children" determined on basis of product, placement & advertising content).

No TV-promotions for F&B products during programmes directed at children <1#.

## Industry initiative

No pledge but discussions ongoing to codify EU Pledge by introducing EU Pledge rules into PAOS.

### Latest developments:

- In November 2016, Health & Social Services Committee of the Spanish Congress approved a **non-binding resolution** calling on the labelling & marketing of HFSS products.
- In October 2016, the Andalusian government **approved** a draft bill that includes restrictions to F&B advertising to children <15.
- November 2018: Minister of Health Spanish Health Minister has now **announced** a new package to tackle obesity problem, incl. PAOS revision and Nutriscore.
- Elections April 2019

# Sweden



## Regulation

No terrestrial TV and radio advertising to children <12 (TV4).

No individuals or characters playing a prominent role in children's programmes to feature in adverts.

No adverts immediately before or after a programme (or part of a programme) primarily addressed to children <12.

## Industry initiative

No pledge.

### Latest developments:

- [2018 Childhood obesity report](#) indicated plans to introduce M2K restrictions

# Switzerland



## Regulation

No advertising break during children's programmes.

No advertising in and around schools.

## Industry initiative

Swiss Pledge, 2010, 13 members:



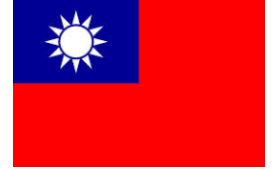
Intersnack



Unilever



# Taiwan



## Regulation

Effective 1 January 2016, ban on 'unhealthy' food (snacks, candies, beverages, frozen treats, fast food exceeding set thresholds for fat, saturated fat, sodium and added sugar) adverts on children's channels between 5pm and 9pm.

Ban on use of toys as giveaways to market HFSS foods in children's programming (local criteria define HFSS).

## Industry initiative

No pledge.

### Latest developments:

- Pressure from FDA to extend restrictions to all HFSS advertising.
- FDA requested DoH to increase inspections and supervision of marketing activities of F&B industry.



# Thailand



## Regulation

No statutory restrictions.

## Industry initiative

Thai Pledge, 2008, 6 members:

*Coca-Cola* *Kellogg's* MARS

 Nestlé  PEPSICO   
Unilever

CNC under development.

### Latest developments:

- Pressure from FDA to extend restrictions to all HFSS advertising.
- FDA requested DoH to increase inspections and supervision of marketing activities of F&B industry.

# Turkey



## Regulation

2018 Radio and TV Board (RTUK) [regulation](#) restricts 'HFSS' ads to children on TV and on radio based on WHO EURO NP model, and makes health messages obligatory in all TV for 'HFSS' products.

## Industry initiative

[Turkish Pledge](#), 2011 (renewal 2017) :  
Pepsico, Coca-Cola, Nestlé, Unilever, Danone, Mondelez, Ferrero, Mars, Eti, Uludağ, Ülker

### Latest developments:

January 2019: There is a new advertising law introducing stricter rules on marketing to kids, complementing RTUK restrictions. Technical specifications (interpretative guidelines?) must still be given but changes are threefold:

1. HFSS ads should not be placed in and around children's media or content (goes for all media)
2. health messages encouraging a balanced diet to appear on all TV ads for HFSS foods, and to be drafted by MoH
3. some restrictions on marketing techniques appalling to children: "no gifts can be given for the interests and tastes of the children, and no other marketing techniques can be applied"



## Regulation

Ofcom rules on television advertising of food and drink products to children (<16):

- HFSS (defined by FSA Nutrient Profiling scheme) F&B adverts banned in and around programmes of particular appeal to children under 16 (on the basis of 120 index)
- No celebrities, licensed characters, promotional offers in adverts aimed at primary school children or younger
- CAP rules restricting broadcast advertising of [HFSS](#) foods to children <16 was [extended](#) to all non-broadcast media in 1 July 2017 (see [new guidance](#)).

## Industry initiative

The Advertising Association (AA) has pledged not to employ children <16 to act as brand ambassadors or in peer-to-peer marketing campaigns.

### Latest developments

On 24 June 2018 the UK government [revealed plans](#) to begin talks on a potential ban of 'HFSS' food advertising on TV before 9pm and will consider similar protection for children viewing adverts online. See [full text of the government's plan](#)

On 2 July 2018, Scottish ministers [outlined similar plans](#) for strict restrictions on the advertising, promotion and sale of unhealthy foods, in support of measures proposed by the UK government.

January - March 2019: UK government launch consultations on both [food promotions in retail sector](#) and [9 PM watershed ban](#).

# Ukraine



## Regulation

No statutory restrictions.

## Industry initiative

No pledge.

### Latest developments:

The Cabinet of Minister's Action Plan on NCDs aims at reducing the HFSS food consumption. The Cabinet has instructed relevant bodies to develop regulation on HFSS foodstuff's content control, ad restrictions, taxation and accessibility limitation in schools and school zones, etc. The Cabinet's made public its resolution on NCD in August, on the eve of the UN meeting on NCDs.

Proposals expected in 2019-2020.

# Uruguay



## Regulation

29 August 2018: [Decree](#) on Front-of-Pack labelling, along with a proposal to restrict the promotion of such products to children.

The labels will be mandatory for products exceeding [nutrient limits set by PAHO](#). (which are stricter than Chilean nutrition criteria, notably for sweeteners) and are to be placed in the front, preferably upper side of the packaging. They will take the form of a black octagon with a white border with the words “Excess of [nutrient]” in white capital letters, written above the logo of the Ministry of Health.

A label will have to be included for each nutrient that exceeds the values set in the draft Decree.

Deadline for implementation: February 2020.

## Industry initiative

No pledge.

### Latest developments:

The Government also forwarded a [Draft Law](#) restricting the promotion of such products to the Upper Chamber of the Parliament. Products bearing a label would not be allowed to feature elements attracting children’s attention, such as gifts, competitions and games (article 4). No definition of a child is provided. According to this law, the black octagons would need to appear not only on the packaging but also on ads and promotions for products exceeding the nutrient limits (article 3). This draft law still needs to go through the full [legislative process](#).

November 2018: 8 Uruguayan companies [are challenging](#) the new labelling law.

# USA



## Regulation

Communications, Consumer Choice and Broadband Deployment Act (2006) limits advertising on children's TV channels to 12 min/hour on weekdays & 10.5 min/hour on weekends.

Under FCC rules (2007), during programmes aimed at <13, cable and broadcast operators may not display addresses for websites that contain any links to commercial content.

TV channels cannot run ads that use "host selling" for websites during ad breaks adjacent to children's shows that feature the same characters.

## Industry initiative

CARU Self-Regulatory Guidelines for Children's Advertising, 1975

Extensive guidelines applicable to advertising to children <12

CFBAI, 2006, 18 members (renewed CNC in 2018) :



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