

The PolMark Project

Policies on Marketing food and beverages to children



Final project report
Annex 1: Regulatory review (WP4)
February 2010

<http://www.polmarkproject.net/>

Acknowledgements

This report arises from the PolMark project which has received funding from the European Union, in the framework of the Public Health Programme.

Additional work was undertaken during the PolMark Project supported by the Health Directorate of Norway and by the UK National Heart Forum.

This document is the sole responsibility of the authors.

The Executive Agency for Health and Consumers and the other funding bodies are not in any way responsible for the use that is made of the information contained herein.



Project No 2007325

The results discussed in this report represent the individual viewpoints of those interviewed, and thus are not necessarily representative of the official positions of the institutions or organisations for which the interviewees work.

We were able to undertake the PolMark project thanks to the informants and participants interviewed, who gave so generously of their time; to them we offer our wholehearted thanks.

Websites:

<http://www.polmarkproject.net/>
<http://ec.europa.eu/eahc/projects/database.html>

© 2010

International Association for the Study of Obesity

28 Portland Place

London W1B 1LY, UK

tel +44 (0) 20 7467 9610

www.iaso.org

TABLE OF CONTENTS

PolMark Partners	1
Abstract of project proposal	2
Executive summary	3
POLMARK SUMMARY TABLE 1: Status of policies on food marketing to children by country, WHO European region member states	4
POLMARK SUMMARY TABLE 2: Characteristics of policies on food marketing to children among WHO European region member states	7
Introduction	10
Methods	12
Results	15
European Region	15
Box 1: Pan-European activity on addressing food marketing to children	17
Other developed countries	19
Developing countries	19
Discussion	21
1 The demand for action from health policy makers worldwide is increasing	21
2 Self-regulation dominates the policy response in many developed countries	21
3 Statutory approaches are considered a feasible policy option	22
4 The number of specific restrictions on food marketing to children is increasing	24
5 The variations in the specific restrictions are increasing	25
6 Policy objectives are still insufficiently specific	26
Concluding comments	28
National Policies on Food Marketing to Children in the European Region: A Reference Guide	29
TABLE OF CONTENTS	30
I. Overview	32
I. Overview	32
II. EUROPEAN-WIDE APPROACHES	46
European Charter on counteracting obesity	46
European Union Law	47
Action by European Commission DG Sanco	48
EU Pledge	49
CIAA, ICC and EASA	49
III. NATIONAL POLICIES AND REGULATIONS	52
European Union-27	52
Austria	52
Belgium	54
Bulgaria	58
Cyprus	61
Czech Republic	63
Denmark	65
Estonia	72
Finland	74
France	79

Germany	86
Greece.....	90
Hungary	93
Ireland.....	96
Italy.....	105
Latvia.....	108
Lithuania.....	110
Luxembourg	112
Malta.....	114
Netherlands.....	116
Poland.....	122
Portugal	124
Romania.....	127
Slovakia.....	130
Slovenia	133
Spain.....	135
Sweden	142
United Kingdom	145
II. WHO European Region, non-EU, northern/western Europe.....	155
Andorra.....	156
Iceland	158
Monaco.....	163
Norway	165
San Marino	170
Switzerland.....	172
III. WHO European Region, non-EU, eastern Europe	175
Albania	176
Armenia	178
Azerbaijan.....	180
Belarus.....	182
Bosnia and Herzegovina.....	184
Croatia	187
Georgia.....	190
Israel	192
Kazakhstan	195
Kyrgyzstan.....	197
The former Yugoslav Republic of Macedonia	199
Republic of Moldova.....	201
Montenegro	203
Russian Federation	205
Serbia.....	207
Tajikistan	210
Turkey	212
Turkmentistan.....	214
Ukraine	216
Uzbekistan.....	218
<i>National Policies on Food Marketing to Children outside Europe: A Reference Guide</i>	220
TABLE OF CONTENTS	221
I. Overview	221
I. Overview	221

II. NATIONAL POLICIES AND REGULATIONS	226
Australia	226
Brazil	231
Canada	237
Chile	240
Colombia	244
Malaysia	246
New Zealand.....	250
South Africa	254
South Korea	262
Thailand.....	267
United States.....	271
<i>WP4 Regulatory Review, Deliverable 1. Network of contacts for the review of the regulatory environment in EU member states (individuals are not named).....</i>	278
<i>WP4 Regulatory Review, Deliverable 2 Summary tables of data collected in the review of the regulatory environment.....</i>	280

PolMark Partners

Principal Investigator: Tim Lobstein, IASO, 28 Portland Place, London, UK

Belgium The European Consumers' Organisation

Team members: Ruth Veal, Henry Uitslag, Joelle Come, Axel Jansen

Cyprus Research and Education Institute of Child Health

Team members: Savvas Savva, Michael Tornaritis, Monica Shiakou

Czech Republic Masaryk University

Team members: Zuzana Derflerova Brazdova, Jana Fialova

Denmark Suhr's University College / Metropolitan University College

Team members: Aileen Robertson, Irene Norlund, Lene Ljungqvist, Dorthe Elisabeth Jorgensen, Liselotte Hedegaard, Elaine Jessen-Klixbull, Marielouise Maerkedahl, Nina Norgaard Sorensen.

France Institut de Recherche pour le Développement

Team members Michelle Holdsworth, Sophie Tessier, Francis Delpuech

Ireland Irish Heart Foundation

Team members: Maureen Mulvihill, Barbara Battel Kirk, Janis Morrissey

Poland Association of Polish Consumers

Team members: Grażyna Rokicka, Tomasz Odziemczyk, Iwona Olejnik, Dorota Trzmiel, Sławomir Zaborek, Barbara Eichler, Maria Postelk

Slovenia National Institute of Public Health

Team members: Mojca Gabrijelcic, Nina Scagnetti, Matej Gregorič, Vida Turk, Nina Žaler, Špela Jakob.

Spain University of Alicante

Team members: Rocio Ortiz, Carmen Davo, Carlos Alvarez-Dardet

Sweden Stockholm County Council and the Karolinska Institute

Team members: Liselotte Schafer Elinder, Filippa von Haartman

United Kingdom The International Association for the Study of Obesity (Coordinator)

Team members: Tim Lobstein, Corinna Hawkes, Andrea Aikenhead, Rachel Jackson Leach, Nina Norgaard Sorensen, Una Murray

Collaborators

Susanne Logstrup, European Heart Network, Brussels

Marie Kunesova, European Association for the Study of Obesity – Central European Initiative, Institute of Endocrinology, Prague

Observers

Tim Armstrong, Sophie Randby, World Health Organization, Geneva

Trudy Wijnhoven, World Health Organization, Copenhagen

Abstract of project proposal

Technical details

Contract number: 2007 325

Acronym: POLMARK

Starting date: 15 June 2008.

Duration of the project: 18 months

Reporting period: 9 months

Total project budget: EUR 656,190

EAHC co-funding maximum: EUR 390,700.

Project extension: EUR 27,000

EAHC co-funding: none

Co-funding from other agencies: EUR 23,500

1. General objectives

The general objective of the project is to improve understanding of the influences on children's dietary choices, and to contribute to improving the nutritional status of children in Europe, and counteracting the challenge of obesity and non-communicable disease.

2. Strategic relevance and contribution to the public health programme

The 2006 European Regional Ministerial meeting on the challenge of obesity identified marketing of foods and beverages to children as a public health issue that needed regulation. The European Commission's White Paper 'Strategy on Overweight and Obesity' also recognised this issue and urged industry to take voluntary action, to be reviewed in 2010-2011. The PolMark project is designed to provide specific intelligence resources for policy-makers to assist in these strategic objectives.

3. Methods and means

The project consists of three work packages contributing to the objectives. The first is to update the 'state of the art' review of current controls and regulations on marketing to children in all EU member states, which was last undertaken by the World Health Organization in 2005-6. The second work package will identify over 100 key stakeholders concerned with children's health and with food and beverage production and promotion (at least 10 stakeholders in each of 11 member states) and undertake interviews to assess the stakeholders' views and the likely opportunities and barriers which exist in developing policies in this area. The third work package will utilise the interview material to undertake further assessment of the health impact of food promotion according to the stakeholders' judgements, and to map the quantified health impact data in relation to the stakeholders' positions. This will support the use of health impact assessment techniques as one of the tools available to policy-makers.

4. Expected outcomes

The project's outcomes will advance understanding of current policies and policy options on marketing controls in relation to children's foods and beverages, and extend the methodology available for Health Impact Assessment.

Executive summary

Objectives: To describe the global regulatory environment around food marketing to children in 2009 and to identify changes in this environment since 2006.

Methods: Informants able to provide information on national controls on marketing to children were identified and sent a standardised template for data collection, developed and refined through iterative use with informants. Responses were encouraged by sending draft versions of completed templates to informants for their approval.

Funding from external sources (the Health Directorate of Norway and the National Heart Forum, UK) allowed the PolMark project team to extend the original research brief from the EU 27 member states to include other countries worldwide where information could be obtained.

Results: The policy environment was described in the 27 members of the European Union, and a further 32 countries. Of these 59 countries, 26 have made explicit statements on food marketing to children, and 22 have, or are developing, explicit policies in the form of statutory measures, official guidelines or approved forms of self-regulation. These figures reflect a change in the policy environment since 2006. Although there is still resistance to change, there has been significant movement towards greater restriction on promotional marketing to children, achieved through a variety of means. Government-approved forms of self-regulation have been the dominant response, but statutory measures are increasingly being adopted. The nature and degree of the restrictions differ considerably, with significant implications for policy impact. In many cases the policy objectives remain poorly articulated, resulting in difficulty in formulating indicators to monitor and assess impact.

Conclusion: To address food marketing to children, governments need to develop clearer statements of the objectives to be achieved, define the indicators which can demonstrate that achievement, and require the relevant stakeholders to account for the progress being made.

POLMARK SUMMARY TABLE 1: Status of policies on food marketing to children by country, WHO European region member states

	GOVERNMENT POLICY					PRIVATE SECTOR POLICY **		
	General government regulation *	Explicit statement in national health policy \$	Explicit statutory regulation	Explicit guidelines	Approved self-regulation	Potential/ planned future action ***	Voluntary industry commitment ****	Self-regulatory food code
EU 27								
Austria	Y					Y		Y
Belgium	Y	Y			Y IND	Y	Y#	Y
Bulgaria	Y	Y				UC	Y	
Cyprus	Y					UC	Y	
Czech Republic	Y						Y	Y
Denmark	Y	Y			Y IND		Y	
Estonia	Y						Y	
Finland	Y	Y		Y			Y	Y
France	Y		Y		Y WG	UC	Y	Y
Germany	Y	Y			Y IND"	UC	Y	Y
Greece	Y	Y draft					Y	Y
Hungary	Y						Y	Y
Ireland	Y	Y	Y			Y	Y	Y
Italy	Y	Y					Y	Y
Latvia	Y						Y	
Lithuania	Y					UC	Y	Y
Luxembourg	Y						Y	Y
Malta	Y					UC	Y	
Netherlands	Y	Y			Y IND	Y	Y#	Y

Poland	Y				Y		Y
Portugal	Y	Y		Y IND	UC	Y	Y#
Romania	Y					Y	Y
Slovakia	Y					Y	
Slovenia	Y				UC	Y	Y (TBA)
Spain	Y	Y		Y WG	Y	Y	Y#
Sweden	Y					Y	
UK	Y	Y	Y	Y WG	Y	Y	Y
WHO EURO - Northern/western							
Andorra							
Iceland	Y	Y		Y WG&			Y
Monaco							
Norway	Y	Y		Y WG	Y		
San Marino							
Switzerland	Y				UC	Planned	Y
WHO EURO – Eastern							
Albania	Y						
Armenia	Y						
Azerbaijan	Y						
Belarus	Y						
Bosnia and Herzegovina	Y				UC		
Croatia	Y	Y			Y		
Georgia	Y						
Israel	Y	Y draft			UC		
Kazakhstan	Y						
Kyrgyzstan	Y						
Macedonia	Y				Y		
Moldova	Y	Y			UC		
Montenegro							
Russia	Y					Planned	
Serbia	Y	Y			UC		
Tajikistan	Y						
Turkey	Y	Y draft			Y	Planned	Y
Turkmenistan							
Ukraine	Y						

Uzbekistan

Y

Blank row = no information; country name in italics = information obtained through documents has not been 100% verified by a key informant

- * Regulation that affects all advertising to children, or some form of marketing control, and therefore affects food marketing to children
- \$ Action is recommended in a policy or action plan (including those commissioned by government and prepared by independent experts), which may or may not have been implemented; “health” policy could also mean nutrition and/or obesity policy
- + All implemented unless designated with a ". There are three types of government policy: statutory regulation or legislation; guidelines produced by a governmental body (which may be independent of government); and a policy of leaving it to self-regulation “approved self-regulation”, which may or may not involve government
- " The government have not yet stated that they “approve” the code, which was released in June 2009
- WG The development of the self-regulatory code and/or implementation of the code is with government involvement
- IND Self-regulation is independent of government, but has been designated by government as the current means to address advertising to children
- ** Industry self-regulatory code or commitment that is entirely independent of government policy, but may, if designated with a #, form part of government policy
- # Self-regulatory code is part of government policy
- *** Some form of governmental body is discussing developing or changing a policy on food marketing to children
- **** In the case of the EU 27, this refers to the EU Pledge
- UC Action is under consideration; Y implies that action is clearly planned or underway
- & Not official government policy, but of the government-appointed yet independent Children's Ombudsman and Consumer Spokesman

POLMARK SUMMARY TABLE 2: Characteristics of policies on food marketing to children among WHO European region member states

Country	Type of policy	Objective of policy	Sector coverage	Media channels covered	Marketing techniques covered	Guidance/restrictions/messaging	Type of restriction
EU 27							
Belgium	Approved self-regulation	Responsible advertising	Signatories to code	Not stated	Advertising	Guidance	NA
Denmark	Approved self-regulation	Reduce exposure	All advertisers	TV, radio, Internet, cell phones, print.	Advertising, sponsorship	Restrictions	Communications channels
Finland	Governmental guidelines	Responsible marketing	All	All	All	Restrictions & guidance	Specific techniques
France	Statutory regulation & approved self-regulation	Nutrition awareness	All	All media with advertising	Advertising	Messaging & guidance	NA
Germany	Approved self-regulation	Not stated	All	Advertising	All commercial communication tools used to promote foods and beverages	Guidance	NA
Ireland	Statutory regulation	Protect children	All	Broadcast media	Advertising, teleshopping, sponsorship; any form of commercial promotion in a broadcast context	Restrictions & guidance & messaging	Specific techniques
Netherlands	Approved self-regulation	Protect children	Signatories to code	All media with advertising	Advertising	Guidance	NA
Portugal	Approved self-regulation	Reduce exposure	All	All media with advertising	Advertising	Guidance	NA
Spain	Approved self-regulation	Responsible marketing	Signatories to code	All media with advertising (except labelling & packaging)	Advertising, product placement, & promotions, prize draws, competitions, & children's clubs mentioned in advertising	Restrictions & guidance	Specific techniques
UK	Statutory regulation & approved self-regulation	Reduce exposure	All	Television	Advertising, sponsorship, use of promotional offers and celebrities in TV advertising	Restrictions & guidance	Communications channel & specific techniques
WHO EURO							
Iceland	Approved self-	Reduce	Signatories	All, in general	Advertising; marketing using	Restrictions	Communications

	regulation	exposure	to code		celebrity figures; sponsorship; product placement; schools		channels & specific techniques
Norway	Approved self-regulation	Responsible marketing	All signatories to code	Broadcast & non-broadcast media carrying advertising; schools	Advertising, event sponsorship, product sampling	Restrictions & guidance	Communications channels & specific techniques

Country	Definition of a child	Definition of child-targeted	Food covered	Enforcement & monitoring	Results of enforcement evaluated	Cross-border considerations
EU 27						
Belgium	Not stated	Not stated	Not stated	Through self-regulatory organisation	Report expected	Not stated
Denmark	<13	Judged according to content, language, visuals, timing, audience	Foods as defined by a government-led front-of-pack labelling scheme	Through food industry trade association; complaints and negative publicity	Report expected	Could technically cover cross-border
Finland	<18	None	All	Nothing specific	None	Not known
France	Adults and children	Not applicable	All processed foods, drinks	Ministry of Finance	Yes	Covers all advertising in French territory
Germany	<12	No specific definition	All foods and drinks	Through complaints procedure of self-regulatory organisation	No	Covers all advertising within German territory
Ireland	<18; <15	Children's programmes, and where and where > 50% of the audience is under 18 or 15	All, and fast food/confectionary for messaging	Broadcast agency	Yes	Covers all advertising in Irish territory
Netherlands	<13; <7	Not stated	All processed foods	Complaints to food industry trade association	Yes	Cross border complaints permitted
Portugal	Not stated	Not stated	All foods	Not known	No	Not known
Spain	<12	Judged according to type of food product, and design & circumstances of ad	All foods	Through self-regulatory organisation for advertising	Yes	Cross border complaints permitted
UK	<16	SEE FOOTNOTE*	High fat, sugar, salt foods as defined by a nutrient profiling model	Through independent (self-regulatory) advertising regulator & government communications agency	Yes	Covers all UK broadcasters broadcasting in & out of UK
WHO EURO						
Iceland	Not known	No specific definition	Foodstuffs with a high content of sugar, salt, fat and trans fats, to be possibly defined by a	Not known	No	Not known

			new "health" label			
Norway	<12	Not defined	Energy-dense, nutrient-poor foods, but no specific definition	No system as yet	No	Covers only signatories within Norway

* *Definition of child targeted:* For the UK, the definition includes preschool children's programs; programs made for children under the age of 16 in children's airtime on commercial and public service broadcast channels and all cable and satellite channels; youth-oriented programming that attracts a significantly higher-than-average proportion of viewers aged younger than 16 years, defined as the proportion of those watching under the age of 16 when it is 20% higher than found in the general viewing population

Introduction

Once relatively rare, the presence of significant excess body weight now affects more than a quarter of all children in developed economies¹. It is also appearing at a dramatic rate among children in populations undergoing rapid urbanisation and exposure to western forms of food supply^{2 3}. Successful interventions to help children lose excess body weight have proved elusive, as they have with adults, and greater attention is now being given to the causes of weight gain in a child's environment. Among the potential candidates is one particularly widespread cultural phenomenon, namely the commercially-led promotion of energy-dense foods and beverages directed towards children.

Noting in 2004 that food advertising “affects food choices and influences dietary habits,” the World Health Organisation (WHO) called on Member States, the private sector and civil society to take action to address the issue as part of their Global Strategy on Diet, Physical Activity and Health⁴. In 2006, the Sydney Principles were launched by an international scientific congress on obesity outlining the criteria for restricting the marketing of foods and beverages to children⁵.

In the same year, the 53 governments in the European region unanimously adopted the *European Charter on counteracting obesity* which included a call for the regulations to “substantially reduce the extent and impact of commercial promotion of energy-dense foods and beverages, particularly to children”⁶. In 2006/2007 several leading food and beverage companies launched ‘pledges’ to reduce their marketing to children on a voluntary basis in the United States⁷, subsequently extended to other regions and countries.

In 2008, a set of recommendations was launched jointly by three international consumer and health organisations, setting out standards for marketing which they believed industry should follow⁸. In 2009, the WHO released a draft set of recommendations to “guide efforts by Member States in designing new and/or strengthening existing policies on food marketing communications to children” for discussion by Member States at the World Health Assembly in 2010⁹. Also in

¹ Wang Y and Lobstein T. Worldwide trends in childhood overweight and obesity. *Int J Pediatr Obes.* 2006;1:11-25.

² Popkin BM. The nutrition transition and its health implications in lower income countries. *Public Health Nutrition* 1998;1:5-21.

³ Zhai F, Wang H, Du S, He Y, Wang Z, Ge K, Popkin BM. Prospective study on nutrition transition in China. *Nutr Rev.* 2009;67 Suppl 1:S56-61.

⁴ World Health Organization. *Global Strategy on Diet, Physical Activity and Health* Geneva: WHO, 2004. Available from http://www.who.int/entity/dietphysicalactivity/strategy/eb11344/strategy_english_web.pdf.

⁵ Swinburn B, Sacks G, Lobstein T, Rigby N, Baur LA, Brownell KD, Gill T, Seidell J, Kumanyika S; International Obesity TaskForce Working Group on Marketing to Children. The 'Sydney Principles' for reducing the commercial promotion of foods and beverages to children. *Public Health Nutr.* 2008;11:881-6.

⁶ European Regional Office of the World Health Organization. *WHO European Ministerial Conference on Counteracting Obesity: Conference Report.* . Available from. <http://www.euro.who.int/document/E90143.pdf>.

⁷ Council of Better Business Bureaus. *Children's Food and Beverage Advertising Initiative.* Available from <http://www.eu-pledge.eu/press.php?id=1>.

⁸ Consumers International, the International Obesity TaskForce and the International Association for the Study of Obesity. *Recommendations for an International Code on Marketing of Foods and Non-Alcoholic Beverages to Children.* London: CI/IOTF/IASO, March 2008. Available from http://www.junkfoodgeneration.org/documents/marketing_code.pdf.

⁹ Executive Board of the World Health Organization. *Prevention and control of noncommunicable diseases: implementation of the global strategy; Report by the Secretariat.* Paper EB126/12. Geneva: WHO 2009. Available from http://apps.who.int/gb/ebwha/pdf_files/EB126/B126_12-en.pdf.

2009, a European network of governments concerned with food marketing to children released a proposed 'Code on Marketing' as a set of principles to guide action¹⁰.

The question then arises about the responses being made by governments and industry to these calls and pledges for action. A review published in 2004 of national regulatory strategies on food marketing to children surveyed in 2002-2003 found that no single government specifically regulated food marketing to children, although a small number had general controls that restricted the promotion of products including food and beverages¹¹. In most cases the advertising industry operated under self-regulatory codes which sometimes included reference to food advertising to children, but in most countries surveyed at the time did not.

Within three years the regulatory landscape had changed. A review completed in early 2006 found several governments were considering regulatory proposals specifically addressing food marketing to children, with three countries (France, Ireland, UK) developing statutory regulations and one (Finland) developing government agency guidance, and other governments (e.g. Spain) introducing measures to support stronger self-regulation related to food marketing¹². The advertising industry had also responded with more comprehensive codes to guide food advertising to children.

The present paper describes the results of a third review, undertaken in 2009 and conducted as part of a project investigating the views of stakeholders on marketing controls, in anticipation of a European Commission (EC) review of the operation of self-regulatory approaches in the region, scheduled for 2010¹³. The objective of the review was to describe the policy and regulatory environment in 2009, and to identify changing trends in this environment since the review in 2006.

The survey conducted also added to previous reviews in several ways. First, it was more comprehensive: it included almost all European countries (as defined by the WHO European Region of 53 countries), and identified several other countries worldwide where policies have been developed and information was available. Second, it included a survey of government policy statements on food marketing to children in national nutrition/obesity/health policies, plans or strategies. Third, it included voluntary food industry pledges as well as self-regulatory approaches by the advertising industry. Lastly, it developed a methodology to collect information on the details of the policies in a systematic, repeatable way that can be used in future studies.

¹⁰ The European network on reducing marketing pressure on children. Code on Marketing of Food and Non-Alcoholic Beverages to Children. Oslo: Norwegian Directorate of Health, August 2009. Available from http://www.helsedirektoratet.no/vp/multimedia/archive/00193/Code_on_Marketing_F_193239a.pdf,

¹¹ Hawkes C. Marketing food to children : the global regulatory environment Geneva: World Health Organization, 2004.

¹² Hawkes C. Marketing food to children: changes in the global regulatory environment, 2004-2006. Geneva: World Health Organization, 2007. Available from http://whqlibdoc.who.int/publications/2007/9789240682122_eng.pdf.

¹³ European Commission. White Paper on A Strategy for Europe on Nutrition, Overweight and Obesity related health issues. COM(2007) 279 final 30.5.2007. Brussels: European Commission, 2007. Available from http://ec.europa.eu/health/ph_determinants/life_style/nutrition/documents/nutrition_wp_en.pdf.

Methods

The first step was the design of a template common to all countries to capture the information required (Table 1). Early versions were refined through an iterative process during the first two months of the survey, based on the range of initial responses and the available information.

Table 1: Template used to collect information on policies and regulations on food marketing to children

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
	Restrictions
	Guidance
	Messaging
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	
Additional self-regulation and voluntary approaches on marketing to children	
Source of information	

The template was designed to obtain information in seven key areas:

- The presence of government policies that affect marketing to children in general
- The presence of national nutrition, obesity or health policies, action plans or strategies, and, if present, whether they refer to food marketing to children
- The presence of explicit government policies on food marketing to children, divided into four groups: (i) statutory regulation/legislation; (ii) official guidelines (i.e. guidelines that are not legally binding but have been issued by a government or government-approved body); (iii) approved self-regulation (i.e. self-regulation that has been developed in collaboration with, or at the request of, government); and (iv) “encouraging” self-regulation (i.e. when the government has made a policy statement saying they favour self-regulation, but not been directly involved in the development of a code).
- The presence of specific details in the government regulations, guidelines and approved/encouraged self-regulations (where they existed), such as “objectives”, “definition of a child”, “foods covered”, and how the regulation was implemented (e.g.

restrictions on advertising, compulsory messages such as warnings or health promotion messages, 'good practice' guidelines). Details were also requested about the types of media (e.g. television, internet, school settings) and the techniques used (e.g. traditional advertising, product placement, sponsorship).

- Monitoring, enforcement and evaluation processes, and any results of these processes.
- The presence of independent self-regulation or voluntary commitments by the advertising and food industry.
- The presence of multi-country initiatives on food marketing to children.

The next step was to complete the template as much as possible for each country on the basis of information about national policies and industry actions obtained from government websites and publications, industry websites and publications, newspaper articles and personal contacts gained through previous surveys. This information was compiled into the template and was then sent to a key informant in each country. The intention was to minimise the effort required from informants and to maximise the likelihood that they would respond by asking them to correct and improve the information already held by the researchers. However, in some cases, no information could be found about the country in question, and in these cases it was judged that sending an almost blank template would have made the process more onerous. In these cases, a list of four simple questions was sent to start the process of engagement. These questions were:

- 1) Does your country have any form of national food, nutrition or health policy or action plan? If so, does it refer to food marketing to children (that is, the advertising and promotion of high-calorie, nutrient-poor foods)?
- 2) Is there any government policy on food marketing to children in your country?
- 3) Is the government planning to take any action in the future?
- 4) Have the food and/or advertising industry taken any action to address food marketing to children in your country?

It should be noted that it was important to state the definition of "food marketing to children". This was added during the iterative phase for clarification, since initial responses from informants sometimes referred to policies on food labelling and/or the marketing of breast-milk substitutes as policies on food marketing to children. The definition was repeated in the covering e-mail sent with the template.

Informants were selected on the basis of their first-hand knowledge of the development and implementation of policies and regulations in this area. A list of potential informants was compiled for each country and ranked in order of preference according to how close they were to the policy-making process. The first ranked informant was always a government official with knowledge of policy development, and their names and contacts details were obtained from WHO contacts and reports, conference materials, the European Network on reducing marketing pressure on children, and personal knowledge based on the experience of earlier reviews. In most cases the informant list also included a representative from a consumer organisation or health-related non-governmental organization, with names and contact details provided by Consumers International, the European Consumers' Organisation (BEUC), national heart associations and the European Heart Network. The list also included researchers who had conducted studies on food marketing in their own countries: these names were obtained from a search of the published literature using the database PubMed, and from an earlier EC-funded project, PORGROW¹⁴. Finally, informants

¹⁴ 14. The PorGrow Consortium. PorGrow - Policy options for responding to the growing challenge of obesity. Brighton: University of Sussex, 2007. Available from <http://www.sussex.ac.uk/spru/1-4-7-1-8.html>.

were selected from the trade associations for advertising and the food industry with close connections to the development of codes and pledges.

The template was sent to each of the informants via e-mail. If no response was received, informants were telephoned to verify they had received it. If the first informant was still unresponsive, the next informant was contacted. At times, the initial informant provided another more appropriate contact. The initial response rate was high for informants for which the PolMark research team had already had previous personal contact, but lower for the other respondents. The key informants were listed in the “sources of information” section of the template unless they requested that their name be withheld.

Informants responded by altering the text in the template directly or highlighting corrections as comments. This process ensured that the information was checked for accuracy and verified. However, earlier reviews had indicated that even sources close to the policy-making process may possess partial or, on occasion, incorrect information. The information obtained was then used to revise the information in the template, and sent back to the original informant for double checking, and also often checked with second and subsequent informants. In almost all cases, the process led to adequate verification of the information, but due to the complexity and changing nature of the information, it is possible that some details presented in this paper are out-of-date or inaccurate for other reasons.

The survey was carried out over a period of a year between October 2008 and October 2009. Data from countries obtained early in the survey period were re-verified towards the end of the survey period to capture any subsequent developments.

The final stage of the study was to analyse the changes in the regulatory environment around food marketing to children since 2006. This was conducted by comparing the number, nature and content of the policies and regulations between the previous review in 2006 and the results of the present review.

Results

European Region

Information was obtained for 49 countries of the 53 in the WHO European Region. The survey found that almost all countries have general regulations on advertising to children (48 out of the 49 countries), with 22 of the 27 EU countries having self-regulatory advertising organisations that apply a general code on children, as do four of the non-EU countries (Iceland, Norway, Switzerland and Turkey).

Twenty countries have included explicit statements on food marketing to children in their national nutrition/obesity/health policies, plans or strategies (three of which are still in draft) (refer to Table 2, p.16). Twelve countries have developed explicit policies on food marketing to children, 11 of which also refer to food marketing to children in national health plans; three are statutory regulations, one is official guidelines, seven are approved forms of self-regulation and one is more generally “encouraging” of self-regulation. Two of the countries with statutory regulation have also developed self-regulatory codes as accompanying measures.

In addition, 24 European countries, 14 of which have no existing policy in place, say that they plan to take some form of further action to address food marketing to children, such as adopting an action plan or new policy, or changing an existing regulation.

In terms of voluntary initiatives, 15 countries have codes implemented by self-regulatory organisations for advertising, advertising associations, or food industry trade associations that provide guidance on food marketing to children, all of which are EU member states. These self-regulatory codes usually follow the “Principles of Food and Beverage Product Advertising” developed by the Confederation of the Food and Drink Industries of the EU (CIAA) in 2004 (revised 2006)¹⁵ The codes provide general principles on the nature of marketing communications, such as that they should not encourage excessive consumption, undermine the promotion of healthy diets, or obscure the distinction between programme and editorial content and advertising. Specific restrictions concerning the media and techniques used and the nutritional content of the products do not feature in most of these codes, although such measures are being increasingly adopted when governments are involved in their development (as discussed below).

In addition, the EU Pledge made by 11 leading multinational food companies applies in all 27 EU member states, has been extended to one other country in the WHO European region (Russia) and is in the process of being extended to two more (Turkey and Switzerland). This pledge is restrictive in nature, as it commits the companies not to advertise products of specified nutritional criteria to children under the age of 12. The pledge is described in more detail in Box 1 (following Table 2).

Considering the larger European region (defined by the World Health Organization) it can be seen that policy development has occurred mainly in the EU and the countries neighbouring to the west and north in Europe. There are no implemented policies in eastern European countries outside the EU or in the Euro-Asian countries of the WHO region, although future action is planned in seven of these countries, and five have referred to food marketing to children in national nutrition, obesity or health policies.

¹⁵ Principles of Food and Beverage Product Advertising. Brussels: CIAA, 2004. Available from <http://www.ciaa.be/documents/positions/CIAA-Principles-of-Food-and-Beverage-Product-Advertising.pdf>.

Table 2: Countries with actions on food marketing to children

Countries with statements about food marketing to children in nutrition/obesity/health policies, plans or strategies	Countries with policies on food marketing to children	Countries who report that they plan to take future action on food marketing to children
Belgium Bulgaria Denmark Finland Germany Greece* Ireland Italy Netherlands Portugal Spain Sweden UK	<i>Approved self-regulation %</i> Belgium Denmark France Netherlands Portugal Spain UK Iceland Norway	Austria Belgium Bulgaria Cyprus France Germany Greece Ireland Lithuania Malta Netherlands Portugal Slovenia Spain Sweden UK
Iceland Norway Croatia Israel* Moldova Serbia Turkey*	<i>Encouraging self-regulation @</i> Germany Australia Canada United States	Norway Switzerland Bosnia Croatia Israel Macedonia Moldova Serbia Turkey
Australia Canada New Zealand***	<i>Official guidelines \$</i> Finland	Moldova Serbia Turkey
Brazil Colombia South Korea	<i>Statutory regulation</i> France Ireland UK Brazil* Chile* Colombia Malaysia South Korea	Australia Canada United States Brazil Colombia Chile South Korea

* In draft

** A new code was published by the national advertising association in July 2009, but not officially approved

*** Policy shelved by new government

\$ Official guidelines refer to guidelines that are not legally binding but have been issued by a government or government-approved body.

% Approved self-regulation refers to self-regulation that has been developed in collaboration with, or at the request of, government.

@ Encouraging self-regulation means the government has made a policy statement saying it favours self-regulation, but has not explicitly approved a particular code.

Box 1: Pan-European activity on addressing food marketing to children

The **European Charter on counteracting obesity** was adopted by the Ministers and delegates attending the WHO European Ministerial Conference on Counteracting Obesity in 2006¹⁶. The Charter includes the statement that “specific regulatory measures should include: the adoption of regulations to substantially reduce the extent and impact of commercial promotion of energy-dense foods and beverages, particularly to children”.

The WHO Regional Office has also encouraged member states to collaborate on the development of policies to tackle obesity. One country, Norway, has established the European Network on Reducing Marketing Pressure on Children. This has a membership of nearly twenty member states and has published its own recommended **Code on Marketing of Food and Non-Alcoholic Beverages to Children** which provides a set of principles and polices as a guide to member states, and also recognises the problems of cross-border marketing over which member states may have little or no effective jurisdiction¹⁷.

The EC **Audiovisual Media Services Directive** (the successor to the Television Without Frontiers Directive which regulates advertising on audiovisual services in the EU) was adopted in 2007. It includes a paragraph on food advertising (article 1 (7), inserted Chapter IIa article 3(e)2)¹⁸

“Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.”

Action has also been taken by the **EC Directorate for Health and Consumers (DG Sanco)** to encourage voluntary action. The EU Platform on Diet, Physical Activity and Health encourages the private sector to make commitments on food advertising to children. The White Paper “A Strategy for Europe on Nutrition, Overweight and Obesity related health issues” issued by DG Sanco in 2007 states that “The Commission’s preference, at this stage, is to keep the existing voluntary approach at EU level due to the fact that it can potentially act quickly and effectively to tackle rising overweight and obesity rates” and continues with a proposal to review this position in 2010¹⁹.

The industry has acted in response to these calls for self-regulation. In December 2007, the “**EU-pledge**” was launched, in which eleven leading food companies committed to not advertising products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines (as interpreted by the company making the pledge), where “advertising to children under 12 years” means advertising to media audiences with a minimum of 50% of children under 12 years, and advertising means advertising on TV, print and Internet (some

¹⁶ European Regional Office of the World Health Organization. WHO European Ministerial Conference on Counteracting Obesity: Conference Report. . Available from. <http://www.euro.who.int/document/E90143.pdf>. Accessed 4 December 2009.

¹⁷ The European network on reducing marketing pressure on children. Code on Marketing of Food and Non-Alcoholic Beverages to Children. Oslo: Norwegian Directorate of Health, August 2009. Available from http://www.helsedirektoratet.no/vp/multimedia/archive/00193/Code_on_Marketing_F_193239a.pdf, accessed 4 December 2009

¹⁸ Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities Available from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0065:EN:NOT>

¹⁹ European Commission. White Paper on A Strategy for Europe on Nutrition, Overweight and Obesity related health issues. COM(2007) 279 final 30.5.2007. Brussels: European Commission, 2007. Available from http://ec.europa.eu/health/ph_determinants/life_style/nutrition/documents/nutrition_wp_en.pdf.

companies vary the figure of 50%)²⁰. These general parameters apply to all members of the EU Pledge, but each of the eleven companies has specific pledges. Further details are given at [http:// www.eu-pledge.eu/](http://www.eu-pledge.eu/).

The private sector industry also took further action following the developments of “Principles of Food and Beverage Product Advertising” in 2004 (revised 2005) by the Confederation of the Food and Drink Industries of the EU (CIAA)²¹ and a “Framework on Food and Beverage Communications” by the International Chamber of Commerce (ICC)²². National members have been developing related **self-regulatory codes** to apply nationally, as has the industry group responsible for promoting self-regulation of advertising in Europe; the European Advertising Standards Alliance (EASA) encourages the application of the ICC Framework among its members.

²⁰ Council of Better Business Bureaus. Children's Food and Beverage Advertising Initiative. Available from <http://www.eu-pledge.eu/press.php?id=1>.

²¹ International Food and Beverage Alliance. Update Since November, 2008. Presentation made to the Food and Beverage Industry Consultation on Marketing of Foods and Non-Alcoholic Beverages to Children. Presented to the World Health Organization, Geneva, Switzerland, 31 August 2009.

²² International Chamber of Commerce. ICC Framework for Responsible Food and Beverage Communications. Paris: ICC, 2006. Available from http://www.iccwbo.org/uploadedFiles/ICC/Policy_pages/332%20FINAL_Framework_Food_and_Beverage.pdf. Accessed 8 December 2009.

Other developed countries

Information was sought from Australia, New Zealand, Canada, the United States and Japan. It was reported from Japan that no action has been taken, but there have been some developments in the other countries.

Australia, Canada, New Zealand and the United States have existing statutory regulations or co-regulatory arrangements on advertising to children in general. These regulations provide general guidance or set limited restrictions on scheduling, but are not fundamentally restrictive in nature. Three of the countries – the United States is the exception – refer to food marketing to children in national health strategies, although in New Zealand the strategy is no longer in place following a change of government.

None of the countries have implemented regulations specifically concerning food marketing to children. Canada and the United States have followed a policy of “encouraging” self-regulation. In Australia, a taskforce established by the government recommended in 2009 that food marketing to children be dealt with through self-regulation in the first instance; the government has yet to say if it accepts the recommendation, but has been generally encouraging of self-regulation in the past. Also in 2009, the Australian communications regulator decided against imposing any new restrictions on food advertising to children in its revised Children’s Television Standards²³.

Voluntary pledges by specific companies to restrict food advertising to children are in place in Australia, Canada and the United States. These pledges are similar to the EU Pledge in that they apply to young children (under the age of 12 years and in one case under 14 years), apply mainly to advertising on TV, print and Internet, and use self-defined nutritional criteria to define what foods can and cannot be advertised. In addition, in New Zealand, leading broadcasters developed a code that restricted the advertising of foods defined as “to be consumed occasionally”.

All the countries have general self-regulatory codes on food advertising to children. As in Europe, these codes usually refer to the nature of food marketing communications, rather than specifying the nutritional quality of the products being advertised, the media used or the frequency of the advertising activity.

Developing countries

Detailed information was obtained for the seven developing countries where policy action was identified (see Table 2). Three countries, Brazil, Malaysia and South Korea, have statutory regulations or co-regulatory arrangements on advertising to children in general; these regulations provide general guidance or set limited restrictions on scheduling, but are not fundamentally restrictive in nature. In Brazil, Colombia and South Korea, national plans on nutrition or obesity refer specifically to the importance of food marketing to children. Policies on food marketing are being developed in the context of a broader strategy to address obesity and promote healthy eating in Chile, Malaysia and South Africa.

²³ Australian Communications and Media Authority. ACMA releases new children’s television standards. Media Release 118/2009. Canberra: ACMA, September 2009. Available at http://www.acma.gov.au/WEB/STANDARD/pc=PC_311872.

One country, Malaysia, has a statutory regulation that restricts the advertising of fast food to very young children (aged 4-9), but it is reported that the regulation is not being enforced. A second country, South Korea, has (in March 2009) passed legislation that restricts food advertising to children, but implementation has been delayed until 2010. Colombia also has legislation on food advertising to children (as of October 2009), but this sets a framework for restricting advertising in the future, as opposed to setting out details. One other country, Thailand, has a regulation in place that was developed in the context of food advertising, but actually covers all advertising to children, not just food. The Thai regulation imposes some limited restrictions on the amount of TV advertising and on the advertising of promotions and use of characters popular with children.

In addition, three governments are in the process of developing regulations. In Brazil, an independent government agency proposed a regulation in 2005 which would restrict most forms of food marketing to children and also includes provisions for adults. The draft regulation has been subject to consultation and amendments, but it is still not clear, as of December 2009, whether it will ever be published.

In Chile, a law has been drafted that would restrict advertising to children; the law is expected to be passed in 2010 or 2011. In South Africa, a draft revision to existing food regulations would restrict food advertising to children under the age of 16. In late 2009 the South African Ministry of Health was awaiting the results of the development of the WHO recommendations on marketing food to children before proceeding.

With regard to industry action, the survey found that voluntary food industry pledges and/or self-regulatory codes issued by the advertising industry exist in all of the seven countries. Extensions of the EU Pledge have been launched in Brazil, South Africa and Thailand, although the company-specific commitments to the pledges have not been published. It is also reported that extensions of the EU Pledge are being planned for Mexico, Peru, Chile, UAE, India and the Philippines²⁴.

Brazil, Chile, South Africa and Thailand have codes on food advertising to children developed by the self-regulatory organisations for advertising. All of these codes have been developed or revised recently in the context of national and global concern about obesity, and influenced by the ICC Framework on Food and Beverage Communications (Box 1). In addition, Colombia and Malaysia have single articles in self-regulatory codes on food advertising predating these recent developments.

²⁴ International Food and Beverage Alliance. Update Since November, 2008. Presentation made to the Food and Beverage Industry Consultation on Marketing of Foods and Non-Alcoholic Beverages to Children. Presented to the World Health Organization, Geneva, Switzerland, 31 August 2009.

Discussion

Comparing the regulatory environment in 2009 with the situation in and 2006, six key trends can be identified.

1 The demand for action from health policy makers worldwide is increasing

Demand by health policy makers and regulators for action to address food marketing to children has increased throughout the developed world. Over 65% of countries in the region covered by the WHO European Office now have statements which specifically refer to food marketing to children in national health policies, plans or strategies, or say that they plan to take some action to control food marketing to children. Although these references to action are mainly in the north and western regions of Europe, they are emerging in eastern Europe, especially south-eastern Europe. Calls for action to address marketing of food to children have also been made in all other industrialised countries surveyed with the exception of Japan.

In developing countries, the issue of childhood obesity is usually not high on government health agendas, and economic pressures create barriers to regulating industry behaviour. Despite this, health policy makers or regulators in seven of the more industrialised developing countries have clearly articulated that they believe that action is needed to reduce the effects of food marketing to children.

2 Self-regulation dominates the policy response in many developed countries

From the information gathered in this review, it is apparent that “approved” or “encouraged” self-regulation is the dominant policy response. That is, governments are making a clear statement that they favour self-regulation (for the time being, at least) as the preferable mechanism for addressing the problem (as distinct from self-regulation occurring independently in the absence of any policy statement). In Europe, eight of the 12 governments with policies have collaborated with the private sector in developing a code, or have requested that the private sector acts, and have then monitored the response (termed here “approved self-regulation”) (see Table 2 above). In one European country, the policy is one of “encouraging” self-regulation. Australia, Canada and the United States have also pursued the policy of encouraging self-regulatory approaches.

However, the self-regulatory approach does not simply mean business-as-usual. In most cases governments are demanding more from self-regulation than previously. Between 2004 and 2006, a key trend in the regulatory environment was the national application of the self-regulatory guidelines developed by the CIAA and the ICC (see Box 1, above)²⁵. Increasingly, governments have become more involved in the process and demanded more from the codes. In Spain, for example, the self-regulatory code bans food product placement in TV programming – a commonly used technique in the country – and has established a “pre-copy” advice system to

²⁵ Hawkes C. Regulating food marketing to children: trends and policy drivers. *American Journal of Public Health* 2007;97:1962–1973

ensure compliance²⁶. In France, a joint government-industry charter was developed in 2009 to encourage more “healthy” advertising to children. In the Netherlands, the self-regulatory code bans food advertising in primary schools and kindergartens, and the government has called on the parties responsible to extend the self-regulatory code to restrictions to children under age 12. The codes developed by official consumer agencies in Norway and Iceland in collaboration with the private sector both call for complete restrictions on food marketing to children. The most complete approach is found in Denmark where a code restricting several different types of advertising to children is implemented by the food industry trade association. In the UK, the government is considering voluntary principles which would cover all forms of food marketing to children to complement its statutory restriction on television advertising.

In the United States the regulatory agency, the Federal Trade Commission (FTC), is asking more of self-regulation: in 2008 it requested the industry to voluntarily impose greater restrictions on other marketing techniques beyond the existing pledge on advertising²⁷. The FTC will also identify additional measures to strengthen industry self-regulatory initiatives, in a report due to be published in 2010. In Australia, the recommendation for self-regulation is not just for a general code, but for specific restrictions on the marketing of energy-dense, nutrient-poor foods and beverages on free-to-air and Pay TV before 9pm.

In Europe, the preference for self-regulation reflects pan-European advice, via DG Sanco and the Audiovisual Media Services Directive, that governments should first consider self-regulatory approaches (Box 1). As in other countries, this reflects the prevailing political assumption that companies can and should regulate themselves.

Self-regulation is not simply developing as a result of government policy. In fact, three forms of self-regulation have been emerging in parallel. First is the “approved” or “encouraged” approach. Second, self-regulatory organisations and/or food industry trade associations have developed codes entirely independent of government. Third, specific companies are making pledges. This has implications for what is actually meant by “self-regulation” of food marketing to children. In the EU it becomes even more complex: approved approaches and codes are national-level processes while the EU Pledge is an EU level process, accountable to the EU Platform on Diet, Physical Activity and Health²⁸. This means that while governments may want to assess the “success” of self-regulation in their own countries through their national approved or encouraged approaches, the EC may refer to the results of the EU Pledge, while self-regulatory organisations for advertising may refer to their own industry codes.

3 Statutory approaches are considered a feasible policy option

The favouring of self-regulation in Europe and developed nations in general does not mean that governments have declared themselves completely satisfied with self-regulation, nor that statutory approaches are not emerging. This is most notable in developing countries. In Chile a Code of Advertising Standards on food advertising to children has been developed by the advertising industry with the vocal support of the Ministry of Health, and other countries in the region have

²⁶ Código de Autorregulación de la Publicidad de Alimentos Dirigida a Menores, Prevención de la Obesidad y Salud (Codigo PAOS). Madrid: Ministry for Health and Consumers, 29 March 2005.

²⁷ Federal Trade Commission. Marketing Food to Children and Adolescents. A Review of Industry Expenditures, Activities, and Self-Regulation. A Report to Congress. Available from <http://www.ftc.gov/opa/2008/07/foodmktng.shtm>.

²⁸ European Commission. EU Platform for Action on Diet, Physical Activity and Health. Available from http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platform_en.htm.

all developed, or are trying to develop, statutory approaches. Chile itself has also drafted a law that would restrict advertising to children.

There is also statutory action in Europe. The Spanish government says it is “satisfied” with its self-regulatory code, but is also discussing statutory measures that would include food marketing to children. In Norway, the Health Directorate is planning to continue with policy development after the forthcoming WHO recommendations are published. There are also proposals for statutory approaches in countries including Bosnia, Greece, Israel, Macedonia, Moldova and Serbia.

Significantly, too, some countries have already chosen the statutory route. The UK has banned advertising of high fat, sugar, salt foods during programmes ‘of particular appeal’ to children under the age of 16. France has required nutritional messages on all food advertising targeted to adults and children since 2007; a proposal to actually ban advertising to children failed by one vote in 2009. Ireland has banned the use of celebrities in children’s food advertising and required warnings on fast food and confectionary advertisements since 2005, and in September 2009 passed a new broadcasting law that mandates the broadcasting agency to draft a code to regulate advertising to children. Details are not specified, but the law permits the agency to “prohibit the advertising in a broadcasting service of a particular class or classes of foods and beverages considered by the Authority to be the subject of public concern in respect of the general public health interests of children”²⁹.

In the US, a small statutory step has also been taken. The Omnibus Appropriations bill passed by Congress in July 2009 required the development of an Interagency Working Group on Food Marketing to Children, to include the FTC, the Food and Drug Administration, the Centers for Disease Control and Prevention, and the US Department of Agriculture. The group is directed to conduct a study and develop nutrition standards for food marketing aimed at children who are 17 years old or younger, and determine the scope of the media to which such standards should apply. In Canada, the Federal government is currently examining all policy options to control food marketing to children.

Government support for self-regulation is also frequently accompanied by the statement that if it fails, governments will take a regulatory route instead. This was a guiding principle for the EC’s initiative in 2005, when the then Health and Consumer Commissioner Markos Kyprianou stated that the food industry had a year to stop “advertising directly to children” or face legislation³⁰. A similar approach has been suggested by the government-commissioned Preventative Health Taskforce in Australia which recommended that self-regulation is given four years to phase out advertising of energy-dense foods on television before 9pm or face legislation³¹.

²⁹ Government of Ireland. Broadcasting Act 2009. Office of the Attorney General, Dublin, 2009, section 42. Available from <http://www.irishstatutebook.ie/2009/en/act/pub/0018/print.html>.

³⁰ Mason J, Parker G. EU legal threat to junk food advertising. London: Financial Times 19 January 2005. Available from <http://news.ft.com/cms/s/6733027a-6a53-11d9-858c-00000e2511c8.html>.

³¹ Preventative Health Taskforce. Australia: The Healthiest Country by 2020 - National Preventative Health Strategy - the roadmap for action. Canberra: Commonwealth of Australia, 2009, p 126. Available from [http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/nphs-roadmap/\\$File/nphs-roadmap.pdf](http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/nphs-roadmap/$File/nphs-roadmap.pdf).

4 The number of specific restrictions on food marketing to children is increasing

Regulations may provide general guidance on food marketing to children, impose specific restrictions or mandate messaging (Table 3). A recent trend is towards the greater adoption of specific restrictions on food marketing to children, rather than just general guidance. All the regulations and draft regulations in developing countries are restrictive in nature. There is also increasing interest in messaging: the regulations in Thailand and draft regulations in Brazil and Chile include nutritional messages or warnings on adult-directed advertising.

In Europe, the implemented policies comprise a mix of specific restrictions of various natures, mandatory messages, and general guidance on food marketing to children, with most policies including more than one component (Table 3). Guidance is the most common approach (9 countries), followed by specific restrictions (8 countries) and messaging (2 countries). Four of the specific restrictions specify the communications channels (e.g. no TV advertising to children) and 7 out of the 8 address the use of specific techniques (e.g. no celebrities in children’s advertising). Of those that impose restrictions, 2 are statutory regulations, 2 are explicit government guidelines, and 7 are approved forms of self-regulation.

Table 3: Forms of national regulations on food marketing to children \$

Guidance*	Restrictions**	Messaging***
Belgium	Denmark	France
Finland	Finland	Ireland
Germany	Ireland	
Ireland	Netherlands	Brazil (draft)
Netherlands	Spain	Chile (draft)
Portugal	UK	Thailand
Spain		
UK	Iceland	
	Norway	
Norway		
	Australia (not yet official government policy)	
	Canada	
	United States	
	Brazil (draft)	
	Chile (draft)	
	Malaysia	
	South Africa (draft)	
	South Korea (not yet implemented)	
	Thailand (applies to all child-directed advertising)	

\$ Columbia not included since only a framework

* “Guidance” refers to general provisions on the content of advertising, to encourage more ethical advertising and ensure that the content does not directly depict unhealthy eating habits, rather than imposing any restrictions on advertising

** “Restrictions” refer to prohibitions on the use of communication channels and/or marketing techniques to market food to children

*** “Messaging” refers to the application of nutrition or health messages or warnings to food advertising

This trend is also in evidence in the self-regulatory arena, where “pledges” that specify restrictions on advertising to children have taken over from general self-regulatory codes as the leading form of industry action in this area. All the pledges specify that there should be no advertising specifically made for children (under age 12/14) and in Canada and the United States, the pledges include restrictions on the use of licensed characters, product placement, and interactive games.

From this summary, it can be seen that there is no clear relationship between the specificity or degree of restriction on the one hand and the approach through statutory or self-regulatory or voluntary measures on the other hand. The statutory ban in the UK is the most restrictive of the implemented controls specifically targeting food marketing to children, although it only covers TV broadcasting, and then only programmes in which the proportion of viewers under age 16 years is 20% higher than the proportion of children aged under 16 in the general population. This means that many popular evening entertainments are not covered despite being seen by larger absolute numbers of children. Other statutory approaches are also limited in their comprehensiveness, such as the ban on the use of celebrities in Ireland and the required messaging in France: these are less restrictive, at least on paper, than the industry voluntary pledges which promise not to advertise to children under the age of 12. However, these pledges cover only advertising made specifically for young children, are not implemented sector-wide and apply only to products nominated by each company.

5 The variations in the specific restrictions are increasing

Opportunities for variation in the specific restrictions are (i) the communication media (channels) covered, (ii) the marketing techniques covered (iii) the definition of a child (age), (iv) the definition of what is a child-targeted form of promotion, and (v) the food and beverage products covered. If a messaging approach is taken, specifications are also needed for the text, format, duration etc. of the message.

With regard to communications channels, a key trend over the past three years has been expansion beyond television. The voluntary pledges, for example, extend to Internet, print, and, for some, radio and occasionally other media. Different regulations include different types of marketing techniques, such as premium offers, the use of characters and celebrities popular with children, product placement and sponsorship. Some government restrictions refer to schools, as do most of the pledges and some of the self-regulatory codes.

Nonetheless, television advertising remains the dominant focus of regulations. Many communications channels and marketing techniques are still not referred to, and the restrictions implemented in the UK and Thailand (and planned in South Korea and on paper Malaysia) focus on television advertising. In the UK the use of TV sponsorship is also restricted (because it is viewed as a form of advertising) while South Korea prohibits the offering of free toys in fast food advertising on radio and Internet as well as television. The draft regulation in Brazil is unusual in restricting most forms of marketing: no advertising on TV, no marketing in the electronic media, no sales promotions, no sponsorship of educational activities, no marketing in schools or anywhere where children receive care, including any reference to these foods in educational materials.

There is no consistency in the age of the child covered by restrictions. Malaysia’s regulation concerns only children aged 4-9 years. Brazil, Spain and Thailand have selected age 12 years, the approved self-regulations in Denmark and the Netherlands age 13 years, the draft law in Chile

under 14 years, while in Ireland the restriction on the use of celebrities applies to advertising to children under the age of 15 years, and in South Africa and the UK the proposed and implemented controls apply to children under age 16 years. Less restrictive approaches may extend to older age groups. The guidelines in Finland apply to all minors according to the national definition of under 18 years. The messaging provisions in place in France – and in the draft regulation in Brazil – affect all advertising, whether it is targeted at children or not.

With regard to voluntary approaches, there is a general statement in the “pledges” that they only cover children under the age of 12 years (though the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children is an exception in applying to children under the age of 14 years). This in turn is associated with a definition of what is actually meant by broadcast advertising “when the audience is made up of more than 50% of children under the age of 12” (although some companies have selected a lower figure). This is in contrast to the more restrictive but still not comprehensive definition in the UK (described in point 4, above). There are many further variations. On paper, the regulation in Malaysia covers programs with a TVR (television rating) of 4% for children aged 4-9, while in Spain, the definition calls for a case-by-case assessment based on the type of food product being promoted, the design of the advertisement, and the circumstances in which the diffusion of the advertisement is carried out.

Perhaps the most significant difference is in the foods covered. Some policies cover all foods, others only groups of foods, and yet others apply only to foods with specific nutrient profiles. Brazil, South Africa, South Korea and the UK, have developed nutrient criteria to define the foods covered and not-covered, as have food companies in their pledges. The criteria are very different. For example, the regulation in Brazil would restrict the advertising of any product with more than 15g sugar per 100g, whereas in South Korea it is 17g per serving size and only for snacks (both countries also have additional criteria). There are many differences within the criteria adopted by the food companies in the pledges and some companies (e.g. Mars Incorporated and Coca-Cola) extend the restriction to all their food or beverage products. Where criteria do exist in the voluntary pledges, they are all less stringent than the UK rules. A study of breakfast cereals conducted in the United States found that, out of the 43 “better-for-you” cereals surveyed that are permitted to be marketed under the US voluntary pledge, 36 (84%) would not be permitted to be advertised on children’s TV in the UK³².

Like South Korea, South Africa’s draft proposal takes the approach of mixing a food list with nutrient criteria – they have a long list of foods “not basic to the diet” some of which are accompanied by additional nutrient criteria (South Africa is currently developing a nutrient profiling model which may replace this list). The regulation in Malaysia covers just “fast foods”, while Australia (in their policy document) and Chile refer to “energy-dense, nutrient poor foods” and “foods with excessive fats, sugars and salt”.

6 Policy objectives are still insufficiently specific

The objectives of the policies and regulations surveyed were frequently found to be unclear or were focussed on poorly specified outcomes, for example ‘a reduction of obesity’ or similar chronic disease risk factors. Others had process-oriented aims, such as setting guidelines or engaging relevant stakeholders, while others had more measurable objectives, such as specific

³² Rudd Center for Food Policy and Obesity. Cereal F.a.c.t.s (Food Advertising to Children and Teens Score): Evaluating the Nutrition Quality and Marketing of Children’s Cereals. Newhaven: Yale University, 2009. Available from www.cerealfacts.org/media/Cereal_FACTS_Report.pdf.

changes to children's exposure to food marketing. Several of the key informants had difficulty in articulating the objectives of their own policy or regulation.

Two of the government policies state clearly that their objective is to "reduce exposure" to advertising. Five policies appeared to have this aim (as supported by key informants in some cases), but it was not explicitly stated. An additional country also agreed that their objective was to reduce exposure, but the "approved" self-regulatory code clearly did not have this aim. Five policies, according either to statements or key informants, had the objective of achieving "responsible" marketing, but it was not clear what this meant. Two policies said the purpose was to "protect children", but it was not clear from what. One (concerning nutritional messages) stated that the aim was to increase nutritional awareness. Two countries had only broad health-related objectives to improve the health of the population. Two policies had no stated aim and key informants were not able to clarify the aim.

The lack of specificity indicates ambiguity among policy makers about what they want to achieve and how to achieve it. It makes it difficult to develop indicators for monitoring and evaluation. Indeed, while there are an increasing number of actions taken by governments and industry to monitor and evaluate the impact of their policies, a lack of agreed exposure or outcome indicators makes it difficult to compare and contrast the effects of different approaches. The need for monitoring and impact assessment is becoming ever more critical.

Concluding comments

From this review, it can be seen that the policy environment around food marketing to children has changed, and is still changing, as a result of government and industry activity. There has been considerable movement towards greater restriction on promotional marketing to children, achieved through a variety of means. Yet the nature and degree of the restrictions differ considerably, with significant implications for evaluating their effects.

Moreover, there is still significant resistance to change, within both governments and the private sector. The survey presented here was of health policy makers and regulators within the administrative wing of governments. We did not survey other government offices, such as communications, trade and industry, or the political sections of government. In these other departments there appears to be more opposition to market regulation, especially with regard to statutory action. For example, in Australia, the communications regulator decided against imposing any restrictions on food television advertising to children, citing a lack of clarity of evidence to link food television advertising and obesity and undue high costs to industry³³.

Even in the UK, where regulators came to a differing conclusion for TV advertising, it is notable that the government is exploring a non-statutory route to other forms of food marketing to children. In Germany, the political programme of the government that came to power in 2009 states that: “We reject politically governing consumption and patronizing consumers through prohibition of advertising ... for assumed unhealthy food”³⁴. As noted, a proposal in France to ban advertising to children failed by one vote in 2009. In the developing countries that have drafted statutory restrictions, most have not been implemented or enforced. In Malaysia it was reported to us informally that the regulation is not taken seriously; in South Korea the implementation of the rule was delayed from March 2009 to January 2010, with a provision that it must be evaluated after three years, and discontinued if proved ineffective. In Brazil, there is considerable political and industry opposition to the regulation that has been in draft form since 2005 and it is not clear whether it will ever be published in the prevailing political climate.

This analysis suggests that if government health departments are serious about addressing food marketing to children, they need to maintain pressure for action on industry and more resistant parts of government. A key question for governments may no longer be whether “statutory regulation” or “self-regulation” is a better approach, but rather *who should be in control*. If governments want to be in control, they need to develop clearer statements of the objectives to be achieved, define the indicators which can demonstrate that achievement, and develop a means of holding the relevant stakeholders to account for the progress that needs to be made. There is no reason why this cannot involve setting targets for industry to follow, and using statutory powers to ensure that industry reaches those targets and does not backslide, using measures that are well-accepted in a variety of other sectors.

³³ Australian Communications and Media Authority (ACMA). Review of the Children’s Television Standards 2005 – Final Report of the Review. August 2009. Available from http://www.acma.gov.au/webwr/aba/contentreg/codes/television/documents/review_of%20childrens_tv_standards_2005.pdf.

³⁴ Wachstum. Bildung. Zusammenhalt. Der Koalitionsvertrag Zwischen CDU, CSU und FDP. 17. Legislaturperiode. Available from <http://www.heute.de/ZDFheute/download/0,6741,7012935,00.pdf>.

National Policies on Food Marketing to Children in the European Region: A Reference Guide

Disclaimer: Every effort has been made to obtain accurate information about national policies, but inaccuracies may remain given the ongoing developments in this area and the involvement of often several government departments or agencies. In case of any inaccuracy, please contact tlobstein@iaso.org.

TABLE OF CONTENTS

I. Overview	32
II. EUROPEAN-WIDE APPROACHES	46
European Charter on counteracting obesity	46
European Union Law	47
Action by European Commission DG Sanco	48
EU Pledge.....	49
CIAA, ICC and EASA	49
III. NATIONAL POLICIES AND REGULATIONS	52
European Union-27	52
Austria	52
Belgium	54
Bulgaria	58
Cyprus	61
Czech Republic	63
Denmark	65
Estonia.....	72
Finland.....	74
France	79
Germany	86
Greece.....	90
Hungary	93
Ireland.....	96
Italy.....	105
Latvia.....	108
Lithuania.....	110
Luxembourg	112
Malta.....	114
Netherlands.....	116
Poland.....	122
Portugal	124
Romania	127

Slovakia.....	130
Slovenia.....	133
Spain.....	135
Sweden.....	142
United Kingdom.....	145
II. WHO European Region, non-EU, northern/western Europe	155
Andorra.....	156
Iceland.....	158
Monaco.....	163
Norway.....	165
San Marino.....	170
Switzerland.....	172
III. WHO European Region, non-EU, eastern Europe.....	175
Albania.....	176
Armenia.....	178
Azerbaijan.....	180
Belarus.....	182
Bosnia and Herzegovina.....	184
Croatia.....	187
Georgia.....	190
Israel.....	192
Kazakhstan.....	195
Kyrgyzstan.....	197
The former Yugoslav Republic of Macedonia.....	199
Republic of Moldova.....	201
Montenegro.....	203
Russian Federation.....	205
Serbia.....	207
Tajikistan.....	210
Turkey.....	212
Turkmentistan.....	214
Ukraine.....	216
Uzbekistan.....	218

I. Overview

This report presents the status of policies on food marketing to children in Europe, as defined by the World Health Organisation (WHO) European Region, a region that includes 53 countries (listed in Table of Contents). Information was obtained for 49 countries, 39 of which were independently verified by a key informant. Key informants usually came from government or a government agency, but also from consumer groups and non-governmental organisations (NGOs), academia, and the private sector.³⁵

Information was sought in six key areas:

- 1) European-wide approaches on food marketing to children
- 2) Explicit statements in national nutrition/health policies or action plans on food marketing to children
- 3) Explicit government policies on food marketing to children, categorised into three:
 - a) Statutory regulation/legislation
 - b) Official guidelines (i.e., guidelines issued by a government or government-approved body)
 - c) Approved self-regulation (i.e, self-regulation that has been developed in collaboration with, or at the request of, government)
- 4) Details of the explicit government policies, where they exist
- 5) Presence of general government policies on marketing to children
- 6) Independent self-regulation or voluntary commitments by the advertising and food industry

There are currently five different pan-European mechanisms or documents that deal in some way with food marketing to children: the European Charter on counteracting obesity, the Audiovisual Media Services Directive (the successor to the Television Without Frontiers Directive), action by European Commission DG Sanco in the form of the EU Platform on Diet, Physical Activity and Health and the White Paper “A Strategy for Europe on Nutrition, Overweight and Obesity related health issues”, the EU Pledge to restrict advertising to children under the age of 12 made by 11 multinational food and beverage companies, and the self-regulatory food code developed by the International Chamber of Commerce (ICC) and promoted by the European Advertising Standards Alliance (EASA), and the principles on food marketing communications developed by the Confederation of the Food and Drink Industries of the EU (CIAA).

³⁵ *The specific key informants are listed in each national table. An additional key informant was Laure Alexandre, Policy and Implementation Manager at the European Advertising Standards Alliance. The author would like to acknowledge and thank the key informants for the time and effort they put into responding to questions.*

At a national level, the results from the 49 countries are summarised on Table 1 and Table 2. The survey found that almost all countries have general regulation on advertising to children (48 out of the 49 countries), and all but 5 EU countries have advertising self-regulatory organisations that apply a general code on children, as do 3 non-EU countries in the north/west of Europe (Iceland, Norway, Switzerland). In the non-EU eastern section, however, only Turkey has a self-regulatory body for advertising. Specific to food marketing to children, 20 countries have included explicit statements on food marketing to children in national health, food, nutrition and/or obesity policies or actions plans; three of these are still in draft and, as of August 2009, subject to change (Figure 1).

Twelve countries have developed explicit policies on food marketing to children (11 of which follow from explicit policy statements); three are statutory regulation, one is official guidelines; and eight are approved forms of self-regulation (Figure 2); two of the countries with statutory regulation have also taken self-regulatory approaches as accompanying measures. (In one of the countries with a policy of “approved” self-regulation, the new self-regulatory code was published independent of government in July 2009 and has not yet been “approved.”) The most common objective of these policies can be described as “responsible marketing” (four countries) and “reduce exposure” of children to advertising (four countries) (Figure 3). The objectives of other national policies are to protect children (two countries), and provide a form of nutrition education (one country). One policy has no stated aim.

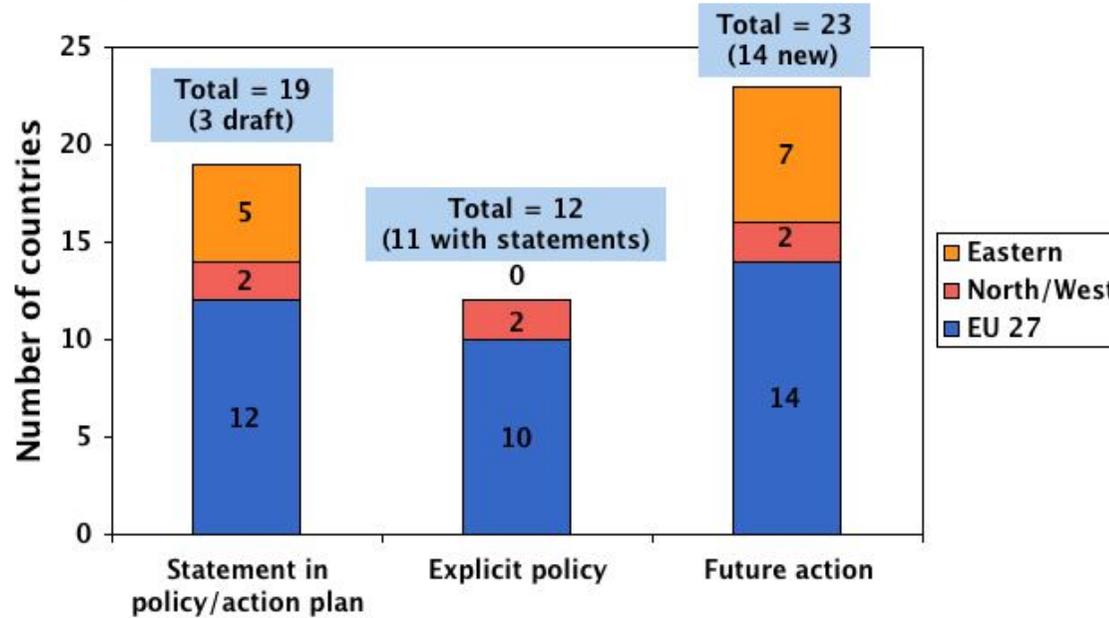
The implemented policies comprise a mix of general guidance on food marketing to children, specific restrictions of various natures, and mandatory messages, with most policies including more than one component (Figure 4). Guidance is the most common approach (nine countries), followed by specific restrictions (eight countries) and messaging (two countries). Four of the specific restrictions impose restrictions on communications channels (e.g. no TV advertising to children), and seven out of the eight address the use of specific techniques (e.g. no celebrities in children’s advertising) (Figure 5). Of those that impose restrictions, two are statutory regulations, two are explicit government guidelines, and seven are approved forms of self-regulation.

In addition, 24 countries, 14 of which have no existing policy in place, say that they plan to take some form of further action to address food marketing to children, such as adopting an action plan or new policy, or changing an existing regulation (Figure 1). In terms of voluntary initiatives, 15 countries have codes implemented by self-regulatory organisations for advertising, advertising associations, or food industry trade associations that provide guidance on food marketing to children, all of which are in the EU-27 (Figure 6). In addition, the EU Pledge program by 11 leading multinational food companies applies in all 27 EU countries, and is under development in three non-EU countries in the region (Russia, Turkey, Switzerland).

Overall, policy development has occurred mainly in the EU-27 and countries of north and western Europe. There are no implemented policies in eastern European and Central Asian countries outside the EU, although future action is planned in seven of these countries, and five have referred to food marketing to children in their national health or nutrition policies.

Figure 1

Statements, policies, future actions on food marketing to children in Europe

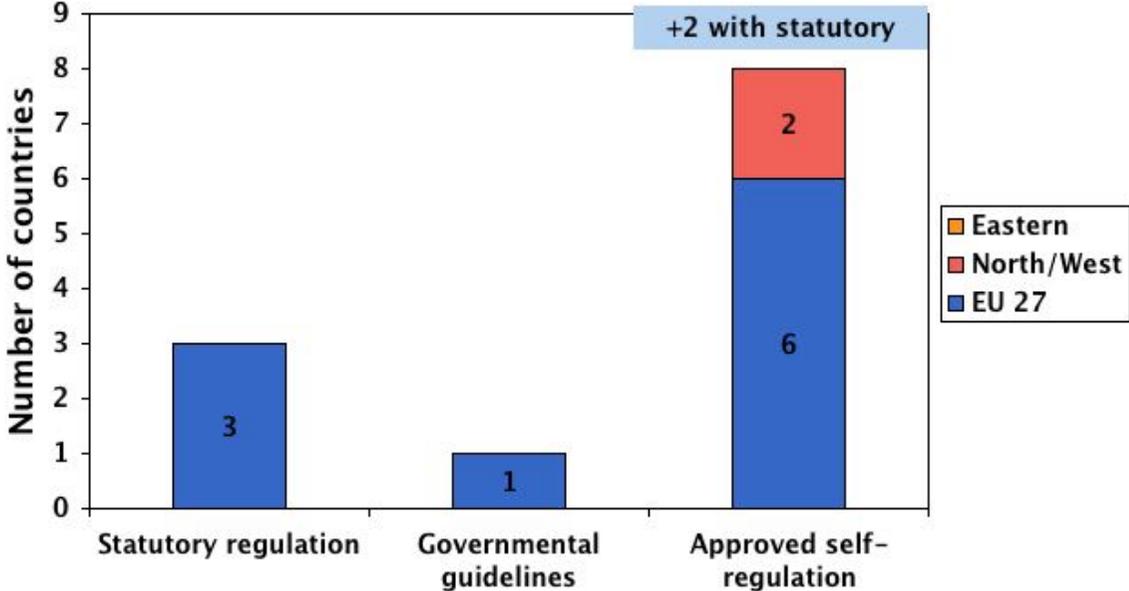


Country list		
Statement	Policy	Future action
Belgium	Belgium	Austria
Bulgaria	Denmark	Belgium
Denmark	Finland	Bulgaria
Finland	France	Cyprus
Germany	Germany	France
Greece*	Ireland	Germany
Ireland	Netherlands	Greece
Italy	Portugal	Ireland
Netherlands	Spain	Lithuania
Portugal	UK	Malta
Spain		Netherlands
Sweden	Iceland	Portugal
UK	Norway	Slovenia
		Spain
Iceland		Sweden
Norway		UK
		Norway
Croatia		Switzerland
Israel*		
Moldova		Bosnia
Serbia		Croatia
Turkey*		Israel
		Macedonia
		Moldova
		Serbia
		Turkey

*in draft only

Figure 2

Types of policies

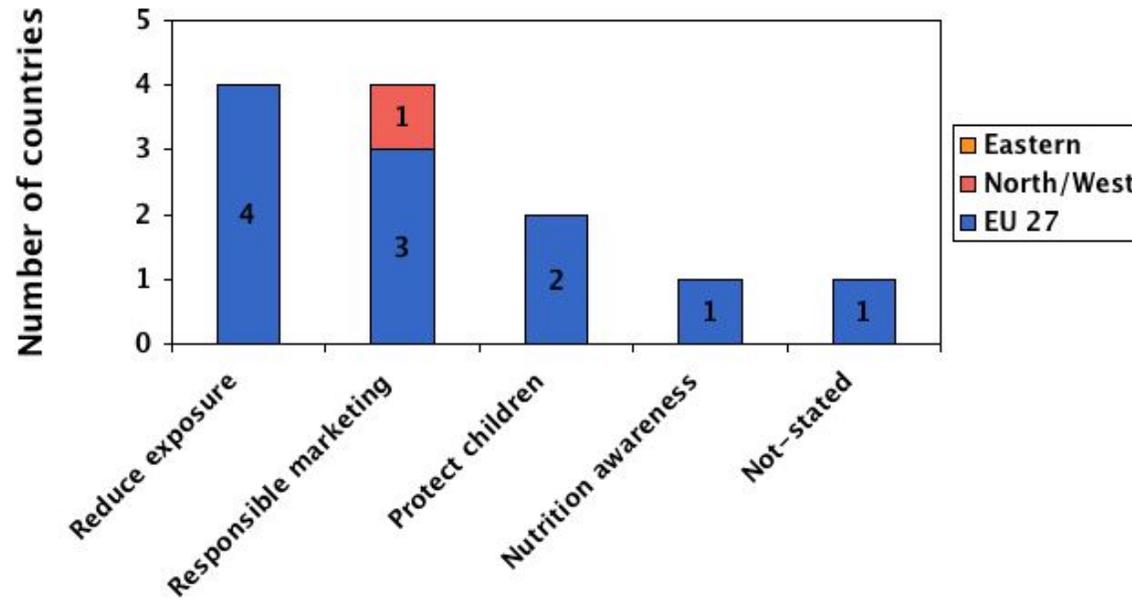


Country list		
Statutory	Official guidelines	Approved self-regulation
France Ireland UK	Finland	Belgium Denmark Germany* Netherlands Portugal Spain Iceland Norway

* not yet "approved"

Figure 3

Policy objectives

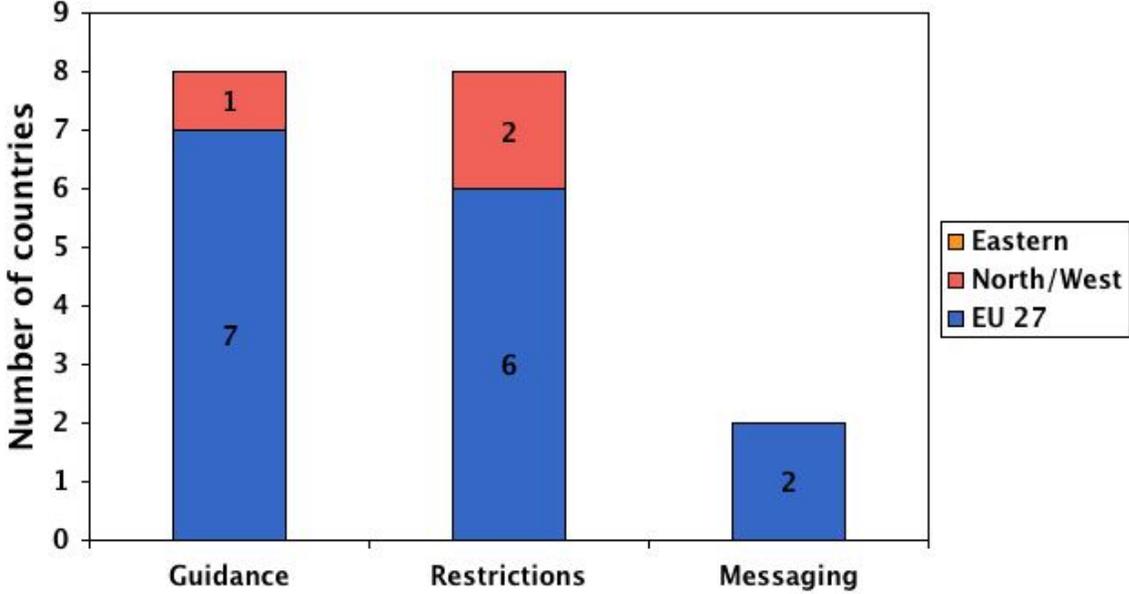


Country list		
Reduce exposure\$	Nutrition awareness	Protect children
Denmark Portugal UK Iceland	France	Ireland Netherlands
Responsible marketing	None stated	
Belgium Finland Norway Spain	Germany	

* meaning volume, amount or quantity

Figure 4

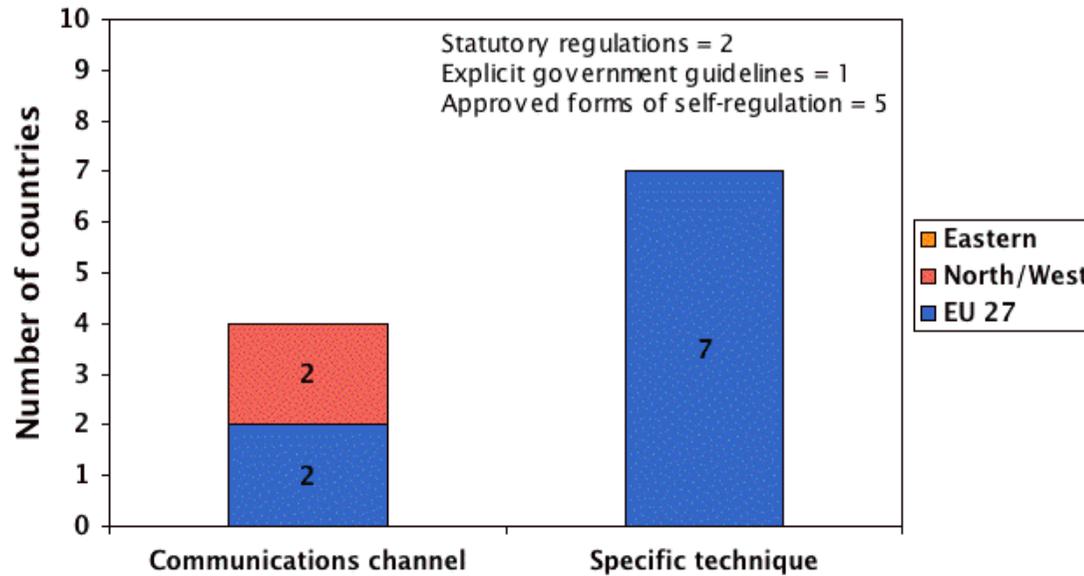
Content of policies



Country list		
Guidance	Restrictions	Messaging
Belgium	Denmark	France
Finland	Finland	Ireland
Germany	Ireland	
Ireland	Netherlands	
Netherlands	Spain	
Portugal	UK	
Spain		
UK	Iceland	
	Norway	
Norway		

Figure 5

Type of restrictions



Country list

Communications channel	Specific technique
------------------------	--------------------

Denmark
UK

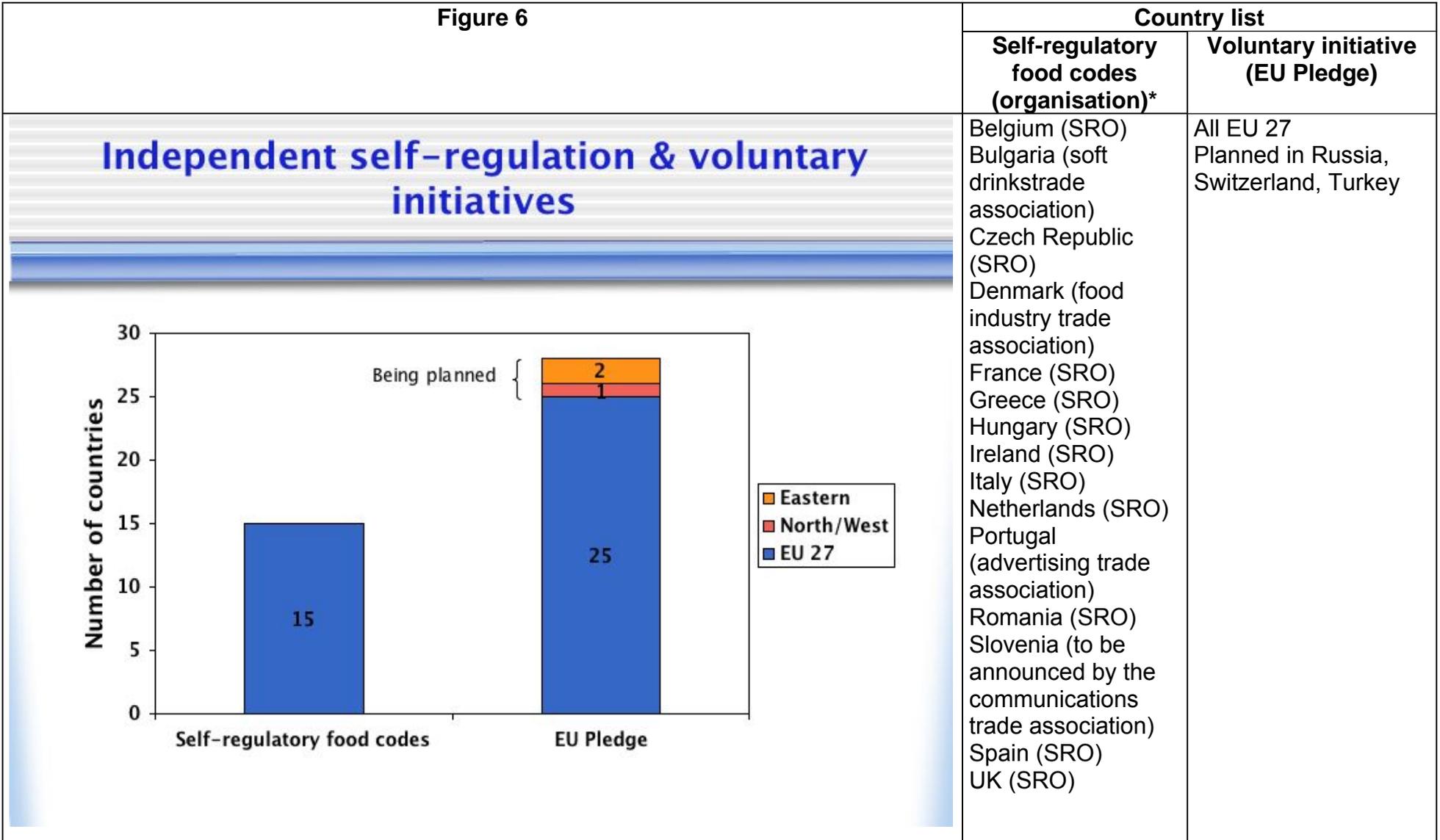
Finland
Ireland
Netherlands

Iceland
Norway

Spain
UK

Iceland
Norway

Figure 6



* organisation means the organisation that applies the code; SRO refers to self-regulatory organisation for advertising; only includes codes developed at a national level, even if ICC code is applied

Table 1: Status of policies on food marketing to children by country, European Region

	GOVERNMENT POLICY					PRIVATE SECTOR POLICY **		
	General government regulation *	Explicit statement in national health policy \$	Explicit statutory regulation	Explicit guidelines	Approved self-regulation	Potential/ planned future action ***	Voluntary industry commitment ***	Self-regulatory food code
EU 27								
Austria	Y					Y		Y
Belgium	Y	Y			Y IND	Y	Y#	Y
Bulgaria	Y	Y				UC	Y	
Cyprus	Y					UC	Y	
Czech Republic	Y						Y	Y
Denmark	Y	Y			Y IND		Y	
Estonia	Y						Y	
Finland	Y	Y		Y			Y	Y
France	Y		Y		Y WG	UC	Y	Y
Germany	Y	Y			Y IND"	UC	Y	Y
Greece	Y	Y draft					Y	Y
Hungary	Y						Y	Y
Ireland	Y	Y	Y			Y	Y	Y
Italy	Y	Y					Y	Y
Latvia	Y						Y	
Lithuania	Y					UC	Y	Y
Luxembourg	Y						Y	Y
Malta	Y					UC	Y	
Netherlands	Y	Y			Y IND	Y	Y#	Y
Poland	Y						Y	Y
Portugal	Y	Y			Y IND	UC	Y#	Y
Romania	Y						Y	Y

	GOVERNMENT POLICY						PRIVATE SECTOR POLICY **		
	General government regulation *	Explicit statement in national health policy \$	Explicit statutory regulation	Explicit guidelines	Approved self-regulation	Potential/ planned future action ***	Voluntary industry commitment ****	Self-regulatory food code	Self-regulatory body with general child code
Slovakia	Y						Y		Y
Slovenia	Y					UC	Y	Y (TBA)	Y
Spain	Y	Y			Y WG	Y	Y	Y#	Y
Sweden	Y	Y				Y	Y		Y
UK	Y	Y	Y		Y WG	Y	Y	Y	Y
WHO EURO - Northern/western									
Andorra									
Iceland	Y	Y			Y WG&				Y
Monaco									
Norway	Y	Y			Y WG	Y			
San Marino									
Switzerland	Y					UC	Planned		Y
WHO EURO - Eastern									
Albania	Y								
Armenia	Y								
<i>Azerbaijan</i>	Y								
<i>Belarus</i>	Y								
Bosnia & Herzegovina	Y					UC			
Croatia	Y	Y				Y			
Georgia	Y								
Israel	Y	Y draft				UC			
Kazakhstan	Y								
<i>Kyrgyzstan</i>	Y								
Macedonia	Y					Y			
Moldova	Y	Y				UC			
Montenegro									

	GOVERNMENT POLICY					PRIVATE SECTOR POLICY **		
	General government regulation *	Explicit statement in national health policy \$	Explicit statutory regulation	Explicit guidelines	Approved self-regulation	Potential/ planned future action ***	Voluntary industry commitment ****	Self-regulatory food code
Russia	Y						Planned	
Serbia	Y	Y				UC		
Tajikistan	Y							
Turkey	Y	Y draft				Y	Planned	Y
Turkmenistan								
Ukraine	Y							
<i>Uzbekistan</i>	Y							

Blank row = no information; country name in italics = information obtained through documents has not been 100% verified by a key informant

* Regulation that affects all advertising to children, or some form of marketing control, and therefore affects food marketing to children

\$ Action is recommended in a policy or action plan (including those commissioned by government and prepared by independent experts), which may or may not have been implemented; “health” policy could also mean nutrition and/or obesity policy

+ All implemented unless designated with a ". There are three types of government policy: statutory regulation or legislation; guidelines produced by a governmental body (which may be independent of government); and a policy of leaving it to self-regulation “approved self-regulation”, which may or may not involve government

" The government have not yet stated that they “approve” the code, which was released in June 2009

WG The development of the self-regulatory code and/or implementation of the code is with government involvement

IND Self-regulation is independent of government, but has been designated by government as the current means to address advertising to children

** Industry self-regulatory code or commitment that is entirely independent of government policy, but may, if designated with a #, form part of government policy

Self-regulatory code is part of government policy

*** Some form of governmental body is discussing developing or changing a policy on food marketing to children

**** In the case of the EU 27, this refers to the EU Pledge

UC Action is under consideration; Y implies that action is clearly planned or underway

& Not official government policy, but of the government-appointed yet independent Children's Ombudsman and Consumer Spokesman

Table 2: Characteristics of policies on food marketing to children in 12 WHO European member states

Country	Type of policy	Objective of policy	Sector coverage	Media channels covered	Marketing techniques covered	Guidance/restrictions/messaging	Type of restriction	Definition of a child	Definition of child-targeted	Food covered	Enforcement & monitoring	Results of enforcement evaluated	Cross-border considerations
EU 27													
Belgium	Approved self-regulation	Responsible advertising	Signatories to code	Not stated	Advertising	Guidance	NA	Not stated	Not stated	Not stated	Through self-regulatory organisation	Report expected	Not stated
Denmark	Approved self-regulation	Reduce exposure	All advertisers	TV, radio, Internet, cell phones, print.	Advertising, sponsorship	Restrictions	Communications channels	<13	Judged according to content, language, visuals, timing, audience	Foods as defined by a government-led front-of-pack labelling scheme	Through food industry trade association; complaints and negative publicity	Report expected	Could technically cover cross-border
Finland	Governmental guidelines	Responsible marketing	All	All	All	Restrictions & guidance	Specific techniques	<18	None	All	Nothing specific	None	Not known
France	Statutory regulation & approved self-regulation	Nutrition awareness	All	All media with advertising	Advertising	Messaging & guidance	NA	Adults and children	Not applicable	All processed foods, drinks	Ministry of Finance	Yes	Covers all advertising in French territory
Germany	Approved self-regulation	Not stated	All	Advertising	All commercial communication tools used to promote foods and beverages	Guidance	NA	<12	No specific definition	All foods and drinks	Through complaints procedure of self-regulatory organisation	No	Covers all advertising within German territory
Ireland	Statutory regulation	Protect children	All	Broadcast media	Advertising, teleshopping, sponsorship; any form of commercial promotion in a broadcast context	Restrictions & guidance & messaging	Specific techniques	<18; <15	Children's programmes, and where > 50% of the audience is under 18 or 15	All, and fast food/confectionary for messaging	Broadcast agency	Yes	Covers all advertising in Irish territory
Netherlands	Approved self-regulation	Protect children	Signatories to code	All media with advertising	Advertising	Guidance	NA	<13; <7	Not stated	All processed foods	Complaints to food industry trade	Yes	Cross border complaints permitted

Country	Type of policy	Objective of policy	Sector coverage	Media channels covered	Marketing techniques covered	Guidance/restrictions/messaging	Type of restriction	Definition of a child	Definition of child-targeted	Food covered	Enforcement & monitoring	Results of enforcement evaluated	Cross-border considerations
											association		
Portugal	Approved self-regulation	Reduce exposure	All	All media with advertising	Advertising	Guidance	NA	Not stated	Not stated	All foods	Not known	No	Not known
Spain	Approved self-regulation	Responsible marketing	Signatories to code	All media with advertising (except labelling & packaging)	Advertising, product placement, & promotions, prize draws, competitions, & children's clubs mentioned in advertising	Restrictions & guidance	Specific techniques	<12	Judged according to type of food product, and design & circumstances of ad	All foods	Through self-regulatory organization for advertising	Yes	Cross border complaints permitted
UK	Statutory regulation & approved self-regulation	Reduce exposure	All	Television	Advertising, sponsorship, use of promotional offers and celebrities in TV advertising	Restrictions & guidance	Communications channel & specific techniques	<16	SEE FOOTNOTE	High fat, sugar, salt foods as defined by a nutrient profiling model	Through independent (self-regulatory) advertising regulator & government communications agency	Yes	Covers all UK broadcasters broadcasting in & out of UK
WHO EURO													
Iceland	Approved self-regulation	Reduce exposure	Signatories to code	All, in general	Advertising; marketing using celebrity figures; sponsorship; product placement; schools	Restrictions	Communications channels & specific techniques	Not known	No specific definition	Foodstuffs with a high content of sugar, salt, fat and trans fats, to be possibly defined by a new "health" label	Not known	No	Not known
Norway	Approved self-regulation	Responsible marketing	All signatories to code	Broadcast & non-broadcast media	Advertising, event sponsorship, product	Restrictions & guidance	Communications channels & specific	<12	Not defined	Energy-dense, nutrient-poor foods, but	No system as yet	No	Covers only signatories within

Country	Type of policy	Objective of policy	Sector coverage	Media channels covered	Marketing techniques covered	Guidance/restrictions/messaging	Type of restriction	Definition of a child	Definition of child-targeted	Food covered	Enforcement & monitoring	Results of enforcement evaluated	Cross-border considerations
				carrying advertising ; schools	sampling		techniques			no specific definition			Norway

UK *Definition of child targeted*: Preschool children's programs; programs made for children under the age of 16 in children's airtime on commercial & public service broadcast channels & all cable and satellite channels; youth-oriented programming that attracts a significantly higher-than-average proportion of viewers aged younger than 16 years, defined as the proportion of those watching under the age of 16 is 20% higher than the general viewing population

II. EUROPEAN-WIDE APPROACHES

There are five different European (or EU)-wide approaches to food marketing to children, each of which takes a very different form: the European Charter on counteracting obesity, the EC Audiovisual Media Services Directive (the successor to the Television Without Frontiers Directive), action by DG Sanco in the form of the EU Platform on Diet, Physical Activity and Health and the White Paper “A Strategy for Europe on Nutrition, Overweight and Obesity related health issues”, the EU Pledge to restrict advertising to children under the age of 12 made by 11 multinational food and beverage companies, and the self-regulatory food codes developed by the Confederation of the Food and Drink Industries of the EU (CIAA) and the International Chamber of Commerce (ICC), with the supported of the European Advertising Standards Alliance (EASA).

European Charter on counteracting obesity

The European Charter on counteracting obesity was adopted, as a matter of policy, by the Ministers and delegates attending the WHO European Ministerial Conference on Counteracting Obesity in 2006 (Istanbul, Turkey, 15–17 November 2006).³⁶ The charter declared a “commitment to strengthen action on counteracting obesity in line with this Charter and to place this issue high on the political agenda of our governments.” It set out a framework for action, which included the statement that (paragraph 2.4.6)

“Policy tools range from legislation to public/private partnerships, with particular importance attached to regulatory measures.” And then... “specific regulatory measures should include: the adoption of regulations to substantially reduce the extent and impact of commercial promotion of energy-dense foods and beverages, particularly to children, with the development of international approaches, such as a code on marketing to children in this area”.

This statement thus committed the signatories to this principle.

³⁶ Online at: <http://www.euro.who.int/document/e89567.pdf>

European Union Law

In the European Union, advertising to children (termed “minors”) is covered under the Audiovisual Media Services (AMSD) (Directive 2007/65/EC).³⁷ The Directive provides broad principles for guiding all audiovisual communications to children (Article 3e1(g)), by stating:

“audiovisual commercial communications shall not cause physical or moral detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.”

It also provides some scheduling restrictions for children’s television programmes less than 30 minutes of duration (article 11):

“The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least thirty minutes. The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes.”

AMSD replaced Council Directive (89/552/EEC), commonly known as the Television Without Frontiers Directive (TVWF), which was in place between October 1989 and December 2007 but covered only television. Both articles 3e1g and 11 appeared in TVWF (as Articles 11 and 16) and thus have already been adopted into national law in all EU countries. Regulations in many other non-EU European countries were also influenced by TVWF.

There are two changes in the AMSD from TVWF with implications for marketing to children. Firstly, the TVWF effectively banned product placement, whereas the AMSD permits it under certain conditions, BUT NOT in children’s programmes. Second, and relevant here, there is an addition for food advertising (article 3e2).

“Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing

³⁷ Online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0065:EN:NOT>

nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended”

Owing to its relatively recent adoption, the new AMSD provisions have not been yet adopted into national law in most countries.

Action by European Commission DG Sanco

In 2005, the Directorate General for Health of the European Commission (DG Sanco) created the “EU Platform on Diet, Physical Activity and Health (“EU Platform”).³⁸ The Platform is a forum where members can make commitments to contribute to the pursuit of healthy nutrition, physical activity and the fight against obesity, and where those plans can be discussed. Hosted and funded entirely by the European Commission, the members are food companies and their trade associations, and NGOs. Membership is only permitted for companies (and NGOs) that make commitments to the Platform, and monitor those commitments. Five areas of action were identified by the Platform: consumer information, including labelling; education; physical activity promotion; composition of foods, availability of healthy food options, portion sizes; and marketing and advertising. The Platform thus became a focal point for the food, advertising and communications industries to make commitments on advertising and marketing to children. In late 2008, there were 25 officially reported member commitments to the Platform in the area of marketing and advertising. These included social marketing and education campaigns to promote healthy lifestyles, healthy eating and the understanding of advertising; the strengthening of self-regulatory codes on advertising and their implementation; restrictions on advertising to children in primary schools and/or under the age of 12; and restrictions on product sales in schools.

In 2007, DG Sanco published a White Paper “A Strategy for Europe on Nutrition, Overweight and Obesity related health issues.”³⁹ In light of the commitments made to the EU Platform, and of the recommendation in the AMSD, the White Paper encouraged countries to adopt self-regulatory approaches to food marketing to children. But they did state that the issue would be revisited in 2010:

“The Commission’s preference, at this stage, is to keep the existing voluntary approach at EU level due to the fact that it can potentially act quickly and effectively to tackle rising overweight and obesity rates. The Commission will assess this approach and the various measures taken by industry, in 2010 and determine whether other approaches are also required.”

³⁸ Online at: http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/docs/platform_charter.pdf

³⁹ Online at: http://ec.europa.eu/health/ph_determinants/life_style/nutrition/documents/nutrition_wp_en.pdf

EU Pledge

In line with their commitment to the EU Platform to take action to address obesity, eleven major food and beverage companies announced “a common commitment to change the way they advertise to children in the EU” in December 2007. In the so-called “EU-pledge,” the companies committed to not advertising products to children under 12 years, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines, where “advertising to children under 12 years” means advertising to media audiences with a minimum of 50% of children under 12 years, and advertising means advertising on TV, print and Internet.⁴⁰ These general parameters apply to all members of the EU Pledge, but each of the eleven companies have specific pledges with the nutritional criteria etc.

The EU Pledge was made subsequent to an existing commitment to the EU Platform made by the Union of European Beverages Associations (UNESDA) in 2005. The commitment is similar to the EU Pledge. In the commitment, UNESDA members pledge:

- Not to place any marketing communication in printed media, websites or during broadcast programmes specifically aimed at children (where children are under age 12 and make up at least 50% of the audience).
- To avoid any direct appeal to children to persuade parents or other adults to buy products for them or to do anything else that goes expressly against the wishes or authority of a parent, guardian or educator.

CIAA, ICC and EASA

In 2004, the Confederation of the Food and Drink Industries of the EU (CIAA) published a set of “Principles of Food and Beverage Product Advertising” (revised in 2005 to include all marketing communication). These principles aimed to provide a common self-regulatory framework for standards set by countries and companies. The same year, the International Chamber of Commerce (ICC) published a similar set of guidelines that interpret existing guidelines in the context of food marketing communications (updated in 2006 to include all marketing communications).

⁴⁰ Online at: <http://www.eu-pledge.eu/>

As part of its commitment to the EU Platform, the CIAA has encouraged its members to work in countries with self-regulatory organisations for advertising to develop national codes based on the principles. And the industry group responsible for promoting self-regulation of advertising in Europe, the European Advertising Standards Alliance (EASA), encourages the application of the ICC Framework among its members, which consist of self-regulatory organisations for advertising throughout Europe. The application of the ICC Framework has been monitored by the World Federation of Advertisers. The Framework states that:⁴¹

- Nutrition information and claims about nutrition and health benefits should have a sound scientific basis. Claims should be conveyed consistent with the nature and scope of the evidence, providing the consumer with supportable information. Nutrition information and claims should also be judged by the likely perception of the reasonable consumer, especially where children and young people are concerned.
- Food and beverage marketing communication should not encourage or condone excess consumption and portion sizes should be appropriate to the setting portrayed. Marketing communication should not undermine the importance of healthy lifestyles.
- Copy, sound and visual presentations in marketing communication for food and beverage products should accurately represent the material characteristics of the product featured, such as taste, size, content nutrition or health benefits, and should not mislead consumers concerning any of those characteristics. Food products not intended to be substitutes for meals should not be represented as such.
- Food and beverage marketing communication should not undermine the promotion of healthy balanced diets, nor the importance of a healthy active lifestyle.
- Marketing communication directed towards children for food and beverage products should not create a sense of urgency, or inappropriate price minimisation. While fantasy, including animation is appropriate in communication with younger as well as older children, care should be taken not to exploit a child's imagination in a way that could mislead him/her about the nutritional benefits of the product involved.
- Food and beverage marketing communication should not mislead consumers about potential health or other benefits from the consumption of the advertised product. In marketing communication to children or young people, this includes such things as status or popularity with peers, success in school or sports, or intelligence.
- Food product marketing communication should not undermine the role of parents and other adults responsible for a child's welfare in guiding diet and lifestyle choices.

Advertisements should not include any direct appeal to children to persuade their parents or other adults to buy advertised products for them.

⁴¹ Online at: http://www.iccwbo.org/uploadedFiles/ICC/Policy_pages/332%20FINAL_Framework_Food_and_Beverage.pdf

Sales promotion offers addressed to children should provide the conditions of the premium offer, sweepstake or contest being advertised in terms that children can understand. Marketers should strive to be sure that young children have an understanding of the products to be purchased, if any, to receive the premium; and for sweepstakes and contests, the conditions of entry, types of prizes and the likelihood of winning.

III. NATIONAL POLICIES AND REGULATIONS

European Union-27

Austria

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	There is no national policy or action plan on nutrition or obesity, although the Ministry of Health intends to prepare one in the near future.
Government policy specific to food marketing to children	No, but see “future actions”.
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	

Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	In light of the recommendation in the European Commission Audiovisual Media Services Directive (EC-directive 2007/65/EC), the government is currently holding discussions with national television agencies concerning the development of a "code of conduct" on food marketing to children. A result is expected at the end of 2009.
Government policies that address marketing to children in general	The "Federal Law Stipulating Provisions for Private Television" (Private Television Act) applies Articles 11 and 16 of the TVWF Directive.
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory organisation is Österreichischer Werberat (ÖWR) (Austrian Advertising Council). They have a self-regulatory code (Österreichischer Selbstbeschränkungskodex) which contains standard provisions on children. As an EU Member, the EU Pledge applies.
Source of information	Federal Law Stipulating Provisions for Private Television" (Private Television Act). Online at: http://www.rtr.at/en/rf/PrTV-G/PrTV-G%20english.pdf Österreichischer Selbstbeschränkungskodex Online at: http://www.aeforum.org/reg_env/austria_1.pdf Dr. Fritz Wagner, Ministry of Health, Families and Youth, Vienna, Austria. Personal Communication May 2009.

Belgium

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>In December 2005, the Federal Public Service of Health, Food Chain Safety and Environment published a “National Food And Health Plan For Belgium” (NFHP-B). The aim of the policy document was to tackle the problems created by poor dietary habits and inadequate physical activity. Noting that: “Advertising for foodstuffs has an impact both on the ideas that consumers have of certain foodstuffs and on their choice. When addressing children and young people, advertising is sometimes exaggerated and can lead them to adopt harmful eating habits. Advertising that does not conform to the objectives of the NFHP-B may create confusion in the consumer’s mind and should be avoided”, the policy calls for “ethical behaviour on the part of commercial operators and the advertising sector and evaluation of the measures proposed. It then states that: “Aware of this problem, the food industry has made itself subject to a code of professional ethics. The working group has arrived at a consensus according to which the signing of the self-regulating code of the FEVIA (The Food Industry Federation) and the UBA (The Belgian Association of Advertisers) on advertising for foodstuffs represents a useful instrument for taking the problem of advertising messages in hand (including advertising targeting children and young people). This approach will be supported by the NFHP-B subject to an in-depth and objective evaluation of the observance of the code before the end of 2005. This evaluation will be carried out by the sectors concerned and/or by the Advertising Ethics Board, responsible for supervision of the code, and will be made public. The parties involved are requested to alert the Advertising Ethics Board of any infraction of the code by players in the food sector on the Belgian market and to check the effectiveness of the code from this point of view. They are also asked to act as mediators vis-à-vis consumers wishing to make complaints. If the results of the evaluation show that the code is not effective enough in inciting companies to carry out their advertising activities in a responsible manner, other legislative initiatives will be examined. The NFHP-B urges the other sectors concerned to adopt this code of ethics if they have not already done so, or to initiate similar initiatives. Finally, in consultation with consumers’ representatives the sectors concerned are asked to develop educational measures to help the consumer adopt a critical attitude towards advertising and promotional messages.”</p>
<p>Government policy specific to food marketing to children</p>	<p>Yes, approved self-regulation (see above) through the Food Industry Federation (FEVIA) code on food advertising, and, in case of failure, legislation</p>
<p>Name and description of</p>	<p>National Food And Health Plan For Belgium (2005)</p>

policy	
Date of implementation	January 2005, with publication of the FEVIA/UBA Code
Objective of policy	Aim of government policy is responsible and ethical advertising to children. FEVIA code has no stated aim but follows CIAA Principles which aim to promote advertising that follows sound principles (ie responsible advertising).
Sector coverage	Membership of FEVIA and UBA
Communication media covered	Not clarified, but could assume all media in which advertising appears
Marketing techniques covered	Advertising
General approach: restrictions/guidance/messaging	Guidance only
Restrictions	None
Guidance	<i>Content</i> Closely follows the Confederation of the Food and Drink Industries of the European Union (CIAA) code e.g. food advertising should not depict excessive consumption <i>Claims</i> Must be scientifically based
Messaging	None
Definition of a child	Not stated
Definition of child-targeted	Not stated
Food covered	Not stated
Enforcement mechanisms	The code is supervised by the self-regulatory organisation, the Jury d'Ethique Publicitaire (JEP). Enforcement is intended to function through a complaints system. There are penalties for companies that do not respect the code, such as a ban on the communications campaign.
Monitoring mechanism	Complaints
Evaluation mechanisms	The NFHP-B stated that the Code would be subject to an in-depth and objective evaluation of the observance of the code before the end of 2005. This evaluation was not carried out, but the Federal Ministry of Health say that the FEVIA code will be soon evaluated and suggestions made for amendments.
Results of enforcement, monitoring and evaluation	None

Cross-border considerations	Not stated
Stakeholder roles	<ul style="list-style-type: none"> - Government sets policy - Food industry trade group and advertising trade group responsible for implementation - Enforcement and evaluation the responsibility of the self-regulatory organisation, the Jury d’Ethique Publicitaire
Potential/planned future action	The Federal Ministry of Health believe that stronger actions are needed than the self-regulatory code to reduce the pressure of marketing to children. The Federal Ministry of Health has thus recommended to the three Belgium Communities to adopt regulations to reduce the volume of marketing of foods at the top of the food pyramid, and increase the amount of marketing of those at the base. They are also considering adding health messages to food television advertisings, as done in France. A consumer survey is scheduled for the last quartile of 2009 to identify if there would be interest in the idea.
Government policies that address marketing to children in general	<p>A “five minute rule” is in place for the French Community and specific to the public TV Channel (RTBF), which limits advertising around children’s programmes in the five minutes immediately before and after children’s programmes (Contrat de gestion de la RTBF, applies to children under the age of 12)</p> <p>No commercial advertising inside schools (Pacte scolaire article 41)</p>
Additional self-regulation and voluntary approaches to marketing to children	<p>The self-regulatory organisation is the Jury d’Ethique Publicitaire (Jury of Advertising Ethics). It directly applies the ICC International Codes, including the provisions on children.</p> <p>As an EU Member, the EU Pledge applies. In December 2008, the FEVIA/UBA announced that it was recommending its members to follow the EU Pledge.</p>
Source of information	<p>National Nutrition and Health Plan (2006). https://portal.health.fgov.be/pls/portal/docs/PAGE/INTERNET_PG/HOMEPAGE_MENU/MIJNGEZON DHEID1_MENU/PRODUITSDECONSOMMATION1_MENU/ALIMENTATION1_MENU/PLANNUTRITIONSANTE1_MENU/INFOPOURPROFESSIONNELS1_MENU/INFOPOURPROFESSIONNELS1_DOCS/NFHP-B.PDF FEVIA (Belgium Food Industry Federation). CODE DE PUBLICITÉ POUR LES DENRÉES ALIMENTAIRES. Available at: www.jep.be/media/pdf/code_sectoriel/FEVIA_fr.pdf UBA. Publicité pour les denrées alimentaires : action de Fevia, UBA et Fedis 01/12/08. Online at : http://www.ubabelgium.be/uba/view/fr/actualites/publicite_pour_les_denrees_alimentaires_action_de_feviauba_et_fedis</p>

	<p>Le Jury d’Ethique Publicitaire (JEP). Online at : http://www.jep.be/fr/codes-regles/ Laurence Doughan, Co-Coordnatrice du Plan National Nutrition Santé belge et expert en politique nutritionnelle, Service Public Fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement, Direction Générale Animaux, Végétaux et Alimentation, Division Denrées alimentaires et autres produits de consommation, Brussels, Belgium, Personal Communication, May 2009.</p>
--	--

Bulgaria

Statements about food marketing to children in national policies/action plans on nutrition or obesity	The relevant policy document is the Republic Of Bulgaria Council Of Ministers “Food And Nutrition Action Plan 2005 – 2010” (2006). The plan calls for legislative measures on the marketing of unhealthy foods for children (TBI, MH 2005-2006) and new standards for nutritional content, food labelling, and food marketing to reduce the risk for obesity and its complications.”
Government policy specific to food marketing to children	No specific policy has been developed since the Action Plan.
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of monitoring, enforcement and	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	It has been reported that “other regulations are currently under preparation as the Ordinance of the Ministry of Health on... the Regulations related to advertising of foods intended to children.” The Bulgarian Parliament Commission on Health and Youth and Sport have discussed measures to restrict the marketing of foods to children, but no further action has been taken.
Government policies that address marketing to children in general	The Radio and Television Act (Promulgated State Gazette No. 138/24.11.1998, Amended, SG No. 60 & 81/1999; 79/2000; 96 & 112/) applies article 16 of the TVWF Directive; it also states that children's broadcasts shall not be interrupted at all by advertising (Article 83) which appears to go beyond the TVWF Directive The Consumer Protection Act (Promulgated, State Gazette No. 99/9.12.2005, revised 2006 and 2007, effective upon entry to EU) includes advertisements that “may cause moral or psychological damages to children” in the definition of unfair advertising (Art. 39(5)).
Additional self-regulation and voluntary approaches to marketing to children	In May 2009, there was no self-regulatory body in place for advertising, but it was close to being officially launched The Bulgarian Soft Drinks Association issued a Code for Responsible Commercial Communications and Sales Practices of Soft Drinks in 2006. The Code is based on the UNESDA Code. It includes the pledge that: - No marketing should be placed in printed media, websites, or broadcast programmes specifically targeted at children; the commercials should be clearly separated from the TV programmes; should not include direct stimulation of the children to persuade their parents or others to purchase the advertised products; should not advertise products inappropriate for their age; should present the information without exploiting children’s inexperience or credibility -No commercial communications in primary schools The self-regulatory council of the Bulgarian Soft Drinks Association is responsible for monitoring and enforcement. As an EU Member, the EU Pledge applies.
Source of information	National Food and Nutrition Action Plan 2005-2010. Ministry of Health, Sofia, 2006./www.fnap.government.bg/" Federal Ministry for Health/ Federal Ministry of Food, Agriculture and Consumer Protection, Germany. Prevention for Health Nutrition and Physical Activity - A Key to Healthy Living, Badenweiler, Germany.

	<p>Conference from 25 – 27 February 2007. European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Sonya Galcheva, Dept. of Paediatrics and Medical Genetics, Varna University Hospital, Bulgaria. Personal Communication, October 2008, April 2009.</p>
--	--

Cyprus

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The relevant policy document is the National Nutrition Action Plan, published in 2007, with a three year horizon. It does not refer to food marketing for children. The next Nutrition Action Plan will be prepared in early 2010 and will include new and emerging issues
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	There has been no discussion in Parliament regarding food marketing to children. The Parliamentary Health Committee is, however, considering placing the issue on their agenda. Cyprus also participates in the European Network on Reducing Marketing Pressure on Children and says it may follow their recommendations.
Government policies that address marketing to children in general	The Radio and Television stations law (1998) includes a section on children, which states that advertising should not exploit the credulity of children (Reg 34.7). The same law also prohibits toy advertising to children (Reg34.4).
Additional self-regulation and voluntary approaches on marketing to children	No self-regulatory body for advertising. As an EU Member, the EU Pledge applies.
Source of information	Radio and Television stations law, 1998. Online at: http://www.aeforum.org/reg_env/cyprus_eng.pdf Savvas C Savva MD, Pediatrician, Research & Education Institute of Child Health, Nicosia, Cyprus. Personal Communication, May 2009.

Czech Republic

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The most relevant policy document is the “National Action Plan against Obesity” promulgated by the Ministry of Health and endorsed in 2007 which is based on the WHO Global Strategy on Diet, Physical Activity and Health. But the plan never came into action. In 2004, the Minister of Health established the National Council for Obesity as a permanent specialist advisory body to the Ministry of Health. The basic task of the Council is the implementation of the National Action Plan against Obesity. The Council has not met since autumn 2007.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement,	

monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No action on food marketing to children is planned at this point.
Government policies that address marketing to children in general	Act No. 231/2001 of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts applies Article 16 of the TVWF Directive. Act no. 40/1995 Sb., on regulation of advertisements (latest revision 2006) also states that: §2c: In relation to persons <18 years, advertisement is not allowed to a) support harmful behaviour which can negatively affect their health, psychical or moral development b) recommend products or services using their lack of experience and credulity c) move their parents to buy products or services d) play on their special dependence to their parents and other persons e) show them by improper way in emerging situations, §6a: it is forbidden to include advertisement interrupting reporter news, religious programme or programmes for children.
Additional self-regulation and voluntary approaches to marketing to children	The General Assembly of the Czech Advertising Standards Council (Rada Pro Reklamu) approved a new Code of Advertising Practice in December 2005 (latest revision 2008), which includes the articles: - advertisements of food and non-alcoholic beverages should not undermine healthy and balanced diets - public relations activities in schools should only take place after the approval by the school director The Code also includes articles on children which follow the ICC Codes. As an EU Member, the EU Pledge applies.
Source of information	Act No. 231/2001 of 17 May 2001 on Radio and Television Broadcasting Operation and on Amendments to Other Acts. Online at: http://www.rrtv.cz/en/static/laws.htm Kodex Reklamy. Prague, Rada Pro Reklamu, 2005. Online at: (http://www.rpr.cz/cz/dokumenty_rpr.php) Prof. MUDr. Zuzana Brázdová, Department of Preventive Medicine, School of Medicine, Masaryk University of Brno, Czech Republic, personal communication, April 2009

Denmark

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>The National Action Plan Against Obesity states in the section on “Children/Nutrition/Public Sector,” that one option for the public sector is to “introduce stricter rules for TV advertising and marketing that target children.”</p> <p>The Danish Consumer Ombudsman has also stated that “Businesses which sell and promote unhealthy foodstuffs such as sweets, crisps, soft drinks and the like have a particular responsibility to live up to when marketing this product range to children and young people. The choice of medium as well as the marketing concept and its contents should be subjected to careful consideration and with the age group in mind. Commercial communication promoting unhealthy foodstuffs should not give the impression that even moderate consumption of the unhealthy product may actually be healthy or guarantee you success. Commercial communication of this kind should not encourage or stimulate immoderate consumption of unhealthy foodstuffs or undermine healthy eating habits and lifestyles.”</p> <p>Note: In 2007/2008, the Ministry of Food, Agriculture and Fisheries conducted a comprehensive public survey on the amount character and effect of food marketing to children. The survey showed that:</p> <ul style="list-style-type: none"> - There has been an explosion in the amount of marketing channels - Marketing is increasingly integrated; it is more difficult to identify commercials, and different forms are linked together; many of the techniques are based on the active participation of children (e. g. competitions) <p>The Ministry of Food Agriculture and Fisheries stated that they would use the results of the survey to develop policy in this area</p>
<p>Government policy specific to food marketing to children</p>	<p>Yes, leaving it to approved self-regulation, but legislation if it does not work. The Danish Government has stated that it will support EU-regulation if self-regulation initiatives do not yield satisfactory results.</p>
<p>Name and description of policy</p>	<p>The private, self-regulatory initiative “Forum of responsible food marketing communication” (Forum for Fødevarereklamer) a group of industry partners, was launched in December 2007. It developed a code on food advertisements targeted at children: “Code of responsible food marketing communication.”</p> <p>The government welcomed the step, viewing self-regulation as a positive first step.</p> <p>The initiative is led by the Danish Food and Drink Federation. The partners are the Confederation of Danish Industries, Danish Chamber of Commerce, Federation of Retail Grocers in Denmark, TV2 DANMARK, Danish Brewers’ Association, Danish Newspaper Publishers’ Association, Association of Danish Advertisers, Association of Danish internet medias, Danish Association of Advertising and Relationship Agencies, Danish Magazine Publishers’ Association</p>

Date of implementation	1 January 2008
Objective of policy	The objective of the government policy is to stop marketing of unhealthy foods to children in media targeted towards children, but not in family programs and those targeted at adults
Sector coverage	Signatories to the code (e.g. food companies, retailers and media companies)
Communication media covered	All media channels, but with specific reference to: television, radio, Internet, cell phones, print.
Marketing techniques covered	Advertising and sponsorship, including: <ul style="list-style-type: none"> - Advertising in children's programs in television or radio, or programs that specifically appeal to children. - Webpages on the Internet directed towards children for example game sites, chat rooms, pages with children products such as toys or computer games directed towards children, regardless of whether the homepage comes from a third party or from the company itself. - Text messaging services, content rated services or other cell phone marketing directed towards children. - Printed media, such as magazines, comic books et cetera, or pages in printed media that are directed towards children. - Advertising, sponsorship of programmes, direct marketing through cellphones.
General approach: restrictions/guidance/messaging	Restrictions
Restrictions	No advertising or sponsoring of foods with a high content of sugar, fats or salt in media or parts of the media where the target audience is less than the age of 13
Guidance	None (although found in earlier self-regulatory code)
Messaging	None
Definition of a child	Under the age of 13, following the voluntary code for soft drinks advertising (see below) (note: the definition of children by the Consumer Ombudsman is higher – 15/18)
Definition of child-targeted	Child targeted media are defined according to: <ul style="list-style-type: none"> - Content, use of language and visual effects - Whether or not children under the age of 13 are participating - Time of broadcasting - Expected consumers - Actual consumers
Food covered	Foods high in fats, sugars, salts, as defined by the voluntary front-of-pack nutrition labelling system

	called “SPIS-mærket” (The “EAT label”) which labels foods according to “most”, “less” or “least”. The system is voluntary but the nutrient standards for the foods were developed by the Danish Food Administration.
Enforcement mechanisms	The Code is enforced through complaints and dialogue; the Forum for Food Commercials has a website where complaints can be made by any party. If a complaint is received, the Danish Food and Drink Federation review it and, if deemed necessary, contact the food company and request them to change the advertisement. There are no penalties, but the Federation tells the company that if they do not comply, they would not support them in the case of negative media publicity for the violation. According to the Federation, the threat of bad publicity to the brand acts as a real deterrent.
Monitoring mechanism	As for enforcement
Evaluation mechanisms	On June 3 2009, a report on the effect of the code was published by the Forum for Food Commercials “Annual Report – Code After One Year”.
Results of enforcement, monitoring and evaluation	<p>According to the Danish Food and Drink Federation, there have been around 10 complaints from consumer organisations since the code was launched, 3 from consumers and 2 from politicians. The Federation also conducts its own internal monitoring. In response to 7 of the complaints from consumer organisations, the food companies changed their food advertising immediately; in 3 of the cases, more work was needed to encourage them to change.</p> <p>The “Annual Report – Code After One Year” found that (own translation):</p> <ul style="list-style-type: none"> - A survey of random sample of media agencies (members of the Forum) found that advertisers say they observe the code and they believe it is easy to implement. A great majority of those surveyed also said they believed that the code was having the effect of reducing the amount of food advertising to children. - Surveillance by the organisation “Media Secretariat” (using Gallup-TV media data) found that children’s exposure to advertising of fats foods, chocolates and soft drinks fell significantly after 2006. - An independent study for the major channel, TV2 (also using Gallup-TV media data) found a significant decline in advertisements for chocolate, deserts, candy, fats foods and soft drinks since 2007; cheese is the only food product experiencing a slight increase - A survey by the Danish Internet Association (FDIM) in 2009 found that its members were aware of the code and that the leading children’s websites in Denmark were observing the code with

	<p>no advertising of high fat, sugar, salt foods on leading sites</p> <ul style="list-style-type: none"> - In newspapers, there are no reports of major problems with applying the code <p>From personal observation by government officials, some food companies, including Coca Cola, McDonalds, Nutella, Kinder and Tuborg, do still air advertisements on TV that could be interpreted as being targeted towards children, such as for sports drinks. But these advertisements are apparently around family programs that, according to the definition of child-targeted, are not considered “children’s programs,” even though many children do watch these programmes.</p> <p>Government officials also say that there is no real issue around whether the nutrient criteria are precisely adhered to – there is a sense that it is obvious which foods should and should not be advertised by the companies that adhere to the code.</p>
Cross-border considerations	<p>Most cross-border broadcasts come from the UK, where a more restrictive approach applies, so this also affects advertising in Denmark; there is not a lot of advertising broadcast from other countries, but technically, it would be covered by the code.</p>
Stakeholder roles	<p>The private sector was responsible for developing the code, with no government involvement; it is also responsible for implementing the code, which again has no government involvement.</p> <p>The Ministry of Food, Agriculture and Fisheries is responsible for initiatives on marketing of unhealthy foods to children in cooperation with the Ministry of Economic and Business Affairs represented by The National Consumer Agency (overall, the agency deals with food safety and health from farm to fork including development, co-ordination and the formation of rules and regulations)</p> <p>The Ministry of Health is responsible for setting nutrition and obesity policy; prevention and health promotion are in general also part of their remit.</p> <p>The Consumers Ombudsman has the power to intervene if their general principles (set out above) are not followed, but this has never taken place.</p> <p>Consumer organisations actively lobby for government regulation.</p>
Potential/planned future action	<p>The government believes the self-regulatory code is working, and thus for the present, actions will be limited to "monitoring" the development. The government established a commission that analysed different preventative measures, including regulating marketing towards children. The commission released its findings in April 2009, but food marketing to children was not included in their recommendations.</p> <p>The Danish Food and Drink Federation believe the code is working well. They say that given that marketing is a dynamic concept, they will continue to revise and update the code. They will continue to</p>

	disseminate the code among industry groups to enhance awareness and compliance with the code, and disseminate information about the code among other European countries.
Government policies that address marketing to children in general	<p>There are three relevant government laws and guidelines on marketing to children in Denmark. The most comprehensive are the guidelines (not law) issued by the Danish Consumer Ombudsman on “Children, Young People and Marketing Practises”. The guideline is intended as a tool to guide the marketing practices of businesses, advertising agencies, lawyers and other private sector concerns. It provides an interpretation of the two relevant laws and goes beyond them to set its own norms. The guidelines also refer to food (see above).</p> <p>The first of these laws is the Marketing Practices Act (Markedsføringsloven) No. 1389 of 21. December 2005, last amended in 2007. Article 8(1) titled “Marketing directed at children and young people” provides that such form of marketing “shall be framed with specific regard to their natural credulity and lack of experience and critical sense, as a result of which they are readily influenced and easy to impress.” Para. 2 regulates that it “must not directly or indirectly incite them to violence, use of intoxicants (including alcohol) or other dangerous or inconsiderate behaviour, nor make unwarrantable use of violence, fear or superstition in order to influence them.” When it comes to the Internet Article 4 provides that the advertisements have to be clearly distinguishable as such regardless of the form and media in which it appears, especially when directed to children and young people.</p> <p>The Radio and Television Broadcasting Act No. 338 of 11 April 2007 provides that the Minister for Culture may lay down detailed rules on radio and television advertising. On this basis, the Minister has issued the Executive Order Concerning Radio and Television Advertising and Programme Sponsorship, which, in Articles 17-24, lays down the provisions for the protection of minors. According to the Order, advertising may not be presented in such a way that it may have a mentally or morally detrimental effect on minors, and it may not exploit minors’ natural credulity and loyalty. Advertisements may not appeal to minors to persuade others to buy the advertised product. They may not mislead minors concerning the products and the price.</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>The self-regulatory organisation for advertising, the Reklame Forum (RF), is no longer in operation. The Danish Brewers Association issued a set of guidelines on the marketing of soft drinks in May 2005: “Principles of marketing of soft drinks”. The guidelines state that:</p> <ul style="list-style-type: none"> - when marketing soft drinks, adverts will be presented in such a manner that they do not conflict with a healthy well-balanced diet and a healthy and active lifestyle; - when marketing soft drinks, the members of the Danish Brewers’ Association will not encourage excessive consumption; - the members of the Danish Brewers’ Association will not actively promote soft drinks in basic schools (pupils aged 6–16 years);

	<ul style="list-style-type: none"> - soft drinks vending machines will not be placed in primary schools; - members will not promote soft drinks in primary schools; - members support the principles of no advertising in classrooms and will therefore not sponsor school books etc; - members will not promote soft drinks directly towards children under 13 years of age; for instance adverts in the media or commercials on television will not be aired before or after programmes with children as the main target group <p>In April 2004, the Danish Food and Drink Federation (FI) adopted some “Principles of marketing of foods,” but these have now been superseded by the Forum for Food Commercials</p> <p>As an EU Member, the EU Pledge applies. According to the Danish Food and Drink Federation the Pledge is less restrictive than the Forum for Food Commercials because it is up to each company to apply it, rather than being sector wide. They report that food companies have told them that the Danish approach is more restrictive than the rest of Europe.</p>
Source of information	<p>National Action Plan Against Obesity: Recommendations and Perspectives Short version. National Board of Health, Center for Health Promotion and Prevention, Copenhagen, 2003. Online at: http://www.sst.dk/publ/publ2003/National_action_plan.pdf</p> <p>Danish Consumer Ombudsman. Children, Young People and Marketing Practises (Børn, unge og markedsføring) (July 2006). Online at: http://www.forbrug.dk/english/dco/dcoguides/guidelines-and-guidances/childrenmarketing/</p> <p>European Network on reducing marketing pressure on children. Report from the first meeting in Oslo, Norway, 17-18 January 2008. Online at: http://www.helsedirektoratet.no/vp/multimedia/archive/00044/Final_report_first_m_44659a.pdf</p> <p>Forum for Fødevarereklamer (Forum of responsible food marketing communication). and January 2008. Online at: http://kodeksforfoedevareklamer.di.dk/NR/rdonlyres/6FF86171-8D10-4B1B-9740-21CEC0EBA987/0/codefoodmarketing_engJan2008.pdf</p> <p>Bekendtgørelse om Ernæringsmærket (Notice on Nutrition Labelling). Danish order no. 330 of 3rd of April 2007. Online at: http://www.foedevarestyrelsen.dk/NR/rdonlyres/FEBDB492-C75E-41DF-98AB-67911A1B37BD/0/Bekendtgørelse_om_ernæringsmærket.pdf</p> <p>The Marketing Practices Act no. 1389 of 21 December 2005, as amended by Act no. 538 of 8 June 2006, Act 1547 of 20 December 2006 and Act no. 181 of 28 February 2007. Online at: http://www.forbrug.dk/english/dco/lawsandacts/marketing-practises-act/</p> <p>The Danish Consolidated Radio and Television Broadcasting Act no. 338 of 11 April 2007. Online at: http://www.kum.dk/graphics/kum/English%20website/Legislation/Bekendtg%F8relse%20af%20lov%20om%20radio_EN.pdf</p>

	<p>Hawkes C. Marketing food to children: changes in the global regulatory environment 2004-2006. Geneva: World Health Organization; 2007.</p> <p>Salima Benali, Adviser, Danish Food and Drink Federation, Denmark. Personal Communication, June 2009.</p> <p>Morten Carlmann Andersen, Head of section, The Ministry of Food, Agriculture and Fisheries, Danish Veterinary and Food administration, Division for Nutrition. Personal Communication December 2008 and May 2009.</p>
--	---

Estonia

Statements about food marketing to children in national policies/action plans on nutrition or obesity	The Food and Nutrition Action Plan for Estonia was published by the Ministry of Social Affairs in 2002. More recently, the “National Strategy for Prevention of Cardiovascular Diseases 2005–2020” was published by the Ministry of Social Affairs in 2005. It includes a statement under “Research” that Estonia is participating in the international project “Children and Obesity and Associated Avoidable Chronic Diseases”. The goal of the project is to stop childhood obesity and it is mainly focused on environmental factors: measurement and analysis of the impact of food marketing and advertising on children and youth.
Government policy specific to food marketing to children	No (but not verified)
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	

Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Not known
Government policies that address marketing to children in general	Advertising Act, passed 11 June 1997 (RT1 I 1997, 52, 835) (entered into force 1 January 1998) applies article 16 of the EU TVWF Directive):
Additional self-regulation and voluntary approaches on marketing to children	None.
Source of information	The National Strategy for Prevention of Cardiovascular Diseases 2005–2020. Online at: http://www.tai.ee/failid/HeartStrategy.pdf Advertising Act, passed 11 June 1997 (RT1 I 1997, 52, 835). Online at: http://www.aeforum.org/reg_env/estonia_2.PDF and https://www.riigiteataja.ee/ert/act.jsp?id=12945067 Note: this information has not been independently verified by a key informant.

Finland

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The most recent relevant action plan is the “Action Programme for Implementing National Nutrition Recommendations” (2003). It does not specifically mention marketing food to children, but it is mentioned in a 2008 government resolution on nutrition (see below).
Government policy specific to food marketing to children	Yes, official guidelines that are an elaboration of general legal provisions on marketing to children. The “Government Resolution on development guidelines for health-enhancing physical activity and nutrition” (2008) states that “Food marketing to children and young people should not be contradictory with health promotion messages. If necessary, the state will create regulatory systems alongside corporate self-regulation that restrict marketing of unhealthy foods to children and young people and ensure efficient monitoring of the regulations.” The government is not currently planning to develop legislation in this area, but the National Institute for Health and Welfare (formerly the National Institute for Public Health) and the Consumer Agency and Ombudsman has developed guidelines based on the premise that food marketing to children should follow the relevant provisions of the existing Consumer Protection Act.
Name and description of policy	“Children’s and Foodstuffs Marketing,” a set of guidelines to facilitate the interpretation of the Consumer Protection act to food marketing to children. They were drafted by Consumer Agency and Ombudsman and the National Public Health Institute, with the participation of the National Food Agency and the National Board of Education.
Date of implementation	2005
Objective of policy	To provide a guide for advertisers to use when planning marketing of foodstuffs to children To promote responsible food marketing in light of the evidence that food advertising to children can contribute to unhealthy consumption habits and that children are more susceptible to advertising
Sector coverage	All marketers
Communication media covered	All in general, though with specific guidance for different channels
Marketing techniques covered	All in general, though with specific guidance for different techniques
General approach: restrictions/guidance/messaging	Guidance with some restrictions

Restrictions	<ul style="list-style-type: none"> - No product placement in children’s programmes - It is forbidden for marketing to employ cartoon or other figures familiar to children, because a child can not immediately recognise it for what it is. - Free gifts should not be part of the main part of the marketing campaign. Marketing of free gifts in conjunction with products that interest children should be examined in the light of different criteria from those that usually apply. Children are not as able as adults to assess the value of an article of this kind. Since a free gift of little value in monetary terms can be more enticing to a child than the actual product, it is easy to influence a purchase decision by offering a free gift. That is why special care must be taken when marketing foodstuffs to ensure that presentation of a free gift does not become the main thing that interests a child in an advertisement or on a package. - Collector promotions and sweepstakes should not be used to market foods to children because “If a collector’s series is associated with a product, collecting the series can easily become the main thing for a child. Marketing must not cause situations in which minors pressure their parents to buy a certain product only because of the collector’s items that come with it. Parents have the right to decide what the family purchases without a child’ eagerness to collect being exploited in marketing of the main product. That is why collector’s series of a kind that can be acquired only by buying a product must not be associated with foodstuffs.”
Guidance	<p>Advertising must not call parents’ power of decision into question nor give a child a false conception of its own power.</p> <p>It is not acceptable in advertising to invoke parental responsibility for upbringing by prompting a sense of guilt.</p> <p>Nor is it permissible in advertising to appeal to a child’s emotions by exploiting their lack of experience or credulity.</p> <p>Advertising must not create the impression in the minds of children that human dignity, quality of life and good social relations can be compensated for or obtained with food.</p> <p>Attention should be paid in advertising to the kinds of dietary habits that are promoted with the aid of idols.</p> <p>Advertisements must not present situations in which people act in ways that are contrary to the values generally accepted in society or situations that could lead to a child injuring itself or others if it mimicked them.</p> <p>Nor may advertising contain elements that frighten children.</p> <p>Violence may not be used at all in marketing aimed at children.</p> <p>Marketing should not include inappropriate sexual content</p>

	<p>An advertisement must not give a misleading impression or entice people into adopting unhealthy dietary habits.</p> <p>Advertising should not convey a product as healthy when it is not. If a claim relating to some or other healthy property of a product is made in marketing, any other “more unhealthy” property that it may possess must be clearly highlighted when sweets, soft drinks, potato crisps or other products containing high levels of sugar, salt or fat are advertised, the impression must not be given that the products would be an acceptable substitute for ordinary nutrition or recommendable as a snack.</p>
Messaging	No
Definition of a child	Below 18 (following the UN Convention on the Rights of the Child)
Definition of child-targeted	None
Food covered	All foods
Enforcement mechanisms	Enforcement occurs through monitoring by the Consumer Ombudsman. This takes place after advertising has been published or broadcast. Depending on the situation the Consumer Ombudsman can remind a business of marketing rules or conduct negotiations to stop a campaign that is not in compliance with the law. The Consumer Ombudsman can also impose a ban or petition the Market Court for a ruling. A ban is usually backed by a conditional fine.
Monitoring mechanism	There has been no specific monitoring of “Children’s and Foodstuffs Marketing” above and beyond the general monitoring activities of the Consumer Ombudsman
Evaluation mechanisms	None
Results of enforcement, monitoring and evaluation	None
Cross-border considerations	Not known
Stakeholder roles	<p>The Guidelines were developed by two agencies that are part of, but independent of, government: the Consumer Ombudsman and the National Institute of Public Health (now the National Institute of Health and Welfare).</p> <p>The Consumer Agency & Ombudsman are responsible for monitoring, and the Consumer Ombudsman and the Market Court are responsible for enforcement.</p>
Potential/planned future action	None planned.
Policies that address marketing to children in	The main law in this area is the Consumer Protection Act. Although it does not particularly mention children, it used to guide the guidelines of the Consumer Agency and Ombudsman (see below) and

general	<p>states that:</p> <ul style="list-style-type: none"> -No conduct that is inappropriate or otherwise unfair from the point of view of consumers shall be allowed in marketing. - Marketing that does not convey information necessary in respect of the health or economic security of consumers shall always be deemed unfair. - False or misleading information shall not be conveyed in marketing. <p>The Act on Television and Radio Operations (744/1998; amendments up to 1251/2006 included) applies the EU TVWF Directive, stating that “Advertising and teleshopping shall not be inserted in any television broadcast of ... children’s programmes, when their scheduled duration is less than 30 minutes”</p> <p>The Finnish Consumer Agency and Ombudsman have several relevant guidelines. Most recently, the “Guidelines on Minors, Marketing and Purchasing (2004) comprise ten “theses” intended to provide guidance to marketers when planning advertising and other forms of marketing, such as sponsorship, product placement, Internet, sales promotions and “advergames”, which state that marketing aimed at minors should be judged on a stricter basis than other marketing and advertising that <i>generally reaches</i> minors can be judged on the same basis as advertising <i>targeted</i> at minors. It calls for correct, truthful and adequate concrete information about products, no lotteries or competitions where participation is through purchasing a product and a giveaway may not be the main item in marketing. The Consumer Agency & Ombudsman and the National Board of Education also have some guidelines “Cooperation between schools and businesses including marketing and sponsorship (2004, revised 2007) which state that “Drink and candy machines can act as advertising in themselves. According to the Consumer Protection Act, parents have the right to decide what kind of marketing their children are exposed to, up to the age of 18.”</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>The self-regulatory organisation for advertising is the Maionnonnan eettinen neuvosto (MEN); it applies the ICC Codes, including the one on children and food, but has not developed specific separate codes. The Federation of the Brewing and Soft Drinks adopted the UNESDA Guidelines on marketing of beverages in 2007, which prohibit marketing (i.e., no vending machines) in primary schools and advertising on vending machines in secondary schools.</p> <p>As an EU Member, the EU Pledge applies.</p>
Source of information	<p>National Nutrition Council 2003. Action Programme for Implementing National Nutrition Recommendations. Online at: http://wwwb.mmm.fi/ravitsemusneuvottelukunta/Toim_ohj_ENG.htm</p> <p>Government Resolution on development guidelines for health-enhancing physical activity and nutrition. Brochures of the Ministry of Social Affairs and Health 2008:10eng. Online at:</p>

http://www.stm.fi/c/document_library/get_file?folderId=39503&name=DLFE-6412.pdf
Consumer Agency and Ombudsman and the National Public Health Institute, Guidelines “Children’s and Foodstuffs Marketing” October 2005. Online at:
<http://www.oph.fi/english/page.asp?path=447,88611,18918,65218,46961>
Ministry of Justice. Consumer Protection Act (29/2005). Online at:
<http://www.finlex.fi/en/laki/kaannokset/1978/en19780038>
Act on Television and Radio Operations (744/1998; amendments up to 1251/2006 included). Online at:
<http://www.finlex.fi/fi/laki/kaannokset/1998/en19980744.pdf>
Katri Vaananen, Consumer Ombudsman, Finland. Personal Communication, November 2008.
Sirpa Sarlio-Lahteenkorva, Ministry of Social Affairs and Health, Health Department, Health Promotion and Disease Prevention, Finland. Personal Communication, May 2009.

France

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>No. There have been two nutrition and health action plans produced by the French Ministry of Health in the past ten years, the first in 2001 and the second in 2006. The first, <i>Plan national nutrition santé (National Nutrition and Health Programme) 2001-2005</i> highlighted, among other nutrition related problems, obesity in children and adults and set population dietary objectives. <i>Le Deuxième Plan National Nutrition Santé (Second National Nutrition and Health Programme) 2006-2010</i> updates the action plan, but also does not mention food advertising in particular.</p>
<p>Government policy specific to food marketing to children</p>	<p>Yes, statutory legislation. Although there is no national policy statement on food advertising, Public Health Law (Act n°2004-806 of 9 August 2004) includes a regulation that requires messages on advertisements for foods and drinks (Article 29). It also states that advertisers that do not comply must pay a fee to Institute Prévention et d'éducation pour la santé (INPES). The law stated that the messages were required, but did not detail what the messages should be. These were defined as part of a separate process, which had to be signed by decree. The decree was signed (by the Ministries of Health and Agriculture) and immediately implemented on February 27, 2007 (Decree n° 2007-263 of 27 february 2007 relating to adverts and promotional messages for certain foods and drinks and amending the Public Health Code). It establishes the terms and conditions relating to health information that must accompany adverts and promotional messages for certain foods and drinks. There have been several follow-up actions since then. In 2008, the Ministry of Health and Sports released a press dossier, which stated that (own translation) “the results in this field are still insufficient (i.e., with regard to food advertising, especially because young people are still influenced by food advertising) and the positive changes of behaviours that can arise from the messages could be further supported by additional measures. The concern was that, despite the messages, children were still being exposed to food advertising. In response, the Ministry of Health and Sports organized a “conciliation” meeting on food advertising with the private sector in March 2008. The aim of the meeting was to develop a framework in which the private sector could register voluntary pledges for the reduction of food advertising for specific foods during television programs for children, including consideration of scheduling, the market techniques (such as product placement), the age limits and the foods covered. The Ministry of Health stated also that: “In the event of failure of this step, legislative prospects could be considered jointly with the Ministry for the Culture and the Communication.” In follow up to the meeting, on 18 February 2009, a “Charter for the Promotion of Healthy Diets and Physical Activity during TV Programmes and Advertising” was signed between the Ministry of Health and the Ministry of Culture and broadcasters, advertising agencies, and the food industry, including the</p>

	French Association of Communications Agencies (AACC), the French Advertisers Association (UDA), the French Association of Food Industry (ANIA), which includes a revision of self-regulatory codes on advertising to children.
Date of implementation	Messaging: February 27 2007; fully implemented Charter: February 2009
Objective of policy	Awareness and education <ul style="list-style-type: none"> - To transmit consistent nutritional messages widely and regularly - To challenge the message provided in the advertising <ul style="list-style-type: none"> - The law also raises money, but this was not really a primary objective <p>Although the original objective of developing a charter was to reduce children's exposure to advertising, the dialogue between the government and industry led to a charter more focused on using the media to increase nutrition awareness.</p>
Sector coverage	All food advertisers
Communication media covered	Messaging: All media in which advertising appears - television, radio, cinema, print, outdoor, Internet banners, mail-outs. There are some exclusions: posters inside stores that provide information about food, oral messages about the products inside stores, advertisements for local and traditional fetes and fairs, packaging, and materials used to display the product.
Marketing techniques covered	Advertising
General approach: restrictions/guidance/messaging	Messaging (law) and guidance (charter)
Restrictions	None
Guidance	In the Charter, the signatories made eight pledges: 1) Increase the quality of food advertising by paying attention to <ul style="list-style-type: none"> - Attitudes and vocabulary: the limits of humour directed at children; - References to nutritional comparisons with fruit and vegetables etc. - Presentation of the messages; - Relations with educators and parents; - Guidance for economic stakeholders related to communication of the nutritional guidelines of

	<p>the Programme National Nutrition Santé (PNNS)</p> <p>2) The TV Channels and their advertising management will apply preferential fees to collective campaigns promoting products which consumption should be increased, in order to help them gain visibility.</p> <p>3) Advertisers or coalitions of advertisers from the food industry will engage to finance short education programmes aimed at young viewers, to encourage good living, eating and physical activity habits.</p> <p>4) The content of programmes (promoting healthy lives) will not feature any food industry advertising.</p> <p>5) Quotas for television stations for programming dedicated to healthy nutrition (500 hours/year)</p> <p>6) Promotion of the website mangerbouger.fr</p> <p>7) To ensure the effectiveness of the charter, the Superior council of l' audio-visual is in charge of the follow-up of the implementation this charter</p> <p>8) In addition, the ARPP (the self-regulatory organisation for advertising, see below) commits to routine inspections before the advertisements are broadcast (pre-copy)</p>
Messaging	<p>Addition of one of health messages to advertising (note: The Ministry of Health is considering changing these messages)</p> <ul style="list-style-type: none"> -For your health, eat at least five fruits and vegetables a day - For you health, undertake regular physical activity - For your health, avoid eating too much fat, too much sugar, too much salt - For your health, avoid snacking between meals <p>In television and cinema advertising, the message must be onscreen for the full length of the advertisement, and cover at least 7% of the screen, or an a dedicated billboard at the end In addition, the message must include reference to the website managed by the Institute Prévention et d'éducation pour la santé (National Public Institute for Prevention and Health Education) (INPES), mangerbouger.fr</p>
Definition of a child	The law is targeted at all food and drink advertising, not just that which targets children
Definition of child-targeted	The law is targeted at all food and drink advertising, not just that which targets children
Food covered	Drinks with added sugars, artificial sweeteners or colours, or salt, and all “manufactured” foods. This includes excludes (?) foods subject to no or minimal processing, such as fresh fruits and vegetables, spices, fresh meat and fish, boxed egg, frozen meat and fish if packed gross and with no additions except water.
Enforcement mechanisms	The Ministry of Finance is responsible for monitoring and enforcement of the messaging law. Failing to include the message results in a clear penalty: a tax equivalent to 1.5% of their advertising spending,

	<p>placed in a fund for use by INPES.</p> <p>To ensure the effectiveness of the charter, the Superior council of l' audio-visual is in charge of the follow-up of the implementation this charter; in addition, the ARPP (the self-regulatory organisation for advertising, see below) commits to routine inspections before the advertisements are broadcast (pre-copy)</p>
Monitoring mechanism	<p>The Ministry of Finances monitors the law within its tax collection framework</p> <p>For th charter, pre-copy advice by the ARPPP.</p>
Evaluation mechanisms	<p>In 2008, INPES requested a consumer opinion research institute, BVA (institut d'études de marché et d'opinion) to conduct an evaluation of the messages.</p>
Results of enforcement, monitoring and evaluation	<p>Although no exact figures are available; the Ministry of Health estimate compliance is between 95-98%. In 2008, approximately 300 000 euros were collected for non-compliance.</p> <p>It is also reported that there has been a huge increase in people accessing the website mangerbouger.fr</p> <p>The evaluation of the messages provided extensive results, including, that for children aged between 8 and14:</p> <ul style="list-style-type: none"> - 71% 8-14 yr olds remembered messages; highest proportion remembered fruits & veg (61%), avoid fatty, sugary, salty foods (38%); - 52% remembered the website www.mangerbouger.fr - 72% said messages made them pay more attention to healthy eating; - 34% said they had encouraged their parents not to buy certain foods <p>For adults (those responsible for the food choices made for meals eaten at home):</p> <ul style="list-style-type: none"> - 21% said they changed their food behaviours - 17% said they changed their food products buying choices - 87% are in favour of such a measure
Cross-border considerations	<p>The Public Health Law specifically states that the law covers all advertising diffused from French territory, and all advertising received in French territory</p>
Stakeholder roles	<p>The entire policy was developed, implemented, monitored and evaluated by government (Ministries of Health, Agriculture and Finance), led by the Ministry of Health, with the Ministry of Finance responsible for monitoring and enforcement.</p> <p>The Institute Prévention et d'éducation pour la santé (INPES) manages the website and receives</p>

	money from the tax
Potential/planned future action	<p>A restriction on food advertising to children has also been suggested in the French parliament. In September 2008, a report was made by a parliamentary mission to the French parliament about actions needed to address obesity, authorised by a deputy of the majority party. The report called for several measures on food advertising, specifically:</p> <ul style="list-style-type: none"> - to increase the rate of the tax penalty for advertisers which fail to use the messages from 1.5% to 5% - to request the superior council of audio-visual (SCUMS) and the advertising regulatory agency of publicity (ARPP) to control the advertising for foods and drinks with added sugar - to limit advertising for energy-dense foods and drinks and snack foods in television programmes with a large audience of children and teenagers <p>In 2009, an amendment to the “Hospital Reform Bill” was proposed by the deputies (i.e., the elected members of the assembly) of the majority party which would have banned TV and radio advertising for foods containing added sugar, fat or sweeteners, during programmes qualified by the Broadcasting Council as having an audience mostly composed of children and youth; advertising would also be banned during the fifteen minutes preceding and following these programs; it would also have increased the 1.5% for the tax on advertising to 3% in the Public Health Code; the amendment was debated by the National Assembly in February and March 2009, but was rejected due to disagreements with the proposed measure.</p>
Government policies that address marketing to children in general	<p>France applies the EU TVWF Directive.</p> <p>In addition, in January 2009, all advertising on public television channels in France was banned between 8pm and 6am, and will be completely prohibited as of 2011 when TV becomes entirely digital. The stated objective of the move was to allow state-run channels to make better quality programmes because they will no longer have to attract large audiences in order to secure advertising revenue; the shortfall will be funded through a higher tax on advertisements aired on private channels and a new tax imposed on internet providers and mobile phone operators.</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>The self-regulatory organisation for advertising is the Autorité de régulation professionnelle de la publicité (ARPP) (until June 2008, known as the Bureau de Vérification de la Publicité, BVP). The ARPP has a code applying standard provisions on food marketing to children. In October 2003, they added quite an extensive component on food advertising to children, which provides general guidance. Chapter 8 of “Enfant” Code (2003) states that:</p> <ul style="list-style-type: none"> - Eating behaviour: When evoking or portraying eating behaviour, advertisements should not

	<p>encourage behavioural patterns that go against the eating principles commonly embraced by a healthy lifestyle.</p> <ul style="list-style-type: none"> - Binge eating: Advertisements should not encourage children to consume any product in excess. This means, for example, portraying a child consuming a product without restraint or in unreasonable quantities. This does not, however, include the expression of satisfaction or pleasure derived from consuming the product. - Snacking: Advertisements should not encourage children to eat ceaselessly throughout the day. For example, while advertisements that depict children eating during or after some form of physical activity are justifiable, portraying inactive children snacking is unacceptable. Snacking should not be portrayed as a substitute for proper meals. - Reference to parents Advertisements should not degrade or trivialise parental authority or advice regarding the consumption of such products, nor should they suggest that parents fail to assume their responsibility. - Nutritional equivalents and comparisons: In cases where commercials include nutritional equivalence between food products, such information should be relevant from a nutritional perspective. For instance, the information should deal with the nutrients which the compared products have in common and which are present in significant quantities. The presentation of nutritional equivalence should not encourage consumers to substitute one category for another, particularly by suggesting that the benefits of two compared products are more or less the same. - Exaggerated portrayals: Advertisements should not suggest that by merely consuming a product, optimal performance or complete success in an artistic activity, at school in sport- will be achieved
Source of information	<p>SOMMAIRE- Programme National Nutrition Santé -2001 – 2005. January 31, 2001. Available online at: http://www.sante.gouv.fr/htm/actu/34_010131.htm</p> <p>Ministère de la Santé et des Sports. <i>Deuxième Programme national nutrition santé: Actions et Mesures</i>. Available online at: http://www.sante.gouv.fr/htm/actu/pnns_060906/plan.pdf</p> <p>Ministère de la Santé et des Sports. <i>Nutrition et obésité: Nouvelles mesures pour 2008 & Évaluation des messages accompagnant les publicités de l'industrie agro-alimentaire</i>. Lundi 4 février 2008, Dossier de presse .</p> <p>Direction Generale de la Sante Direction Generale de L'alimentation, Ministere de la Sante Ministere de l'agriculture et des Solidarites et de la Peche. <i>Note relative à l'information à caractère sanitaire devant accompagner les messages publicitaires ou promotionnels en faveur de certains aliments et boissons</i>. Obtained directly from the Ministry of Health and Sports.</p> <p>LOI no 2004-806 du 9 août 2004 relative à la politique de santé publique (1). Journal Officiel De La</p>

République Française
POST-TEST DES MESSAGES SANITAIRES apposés sur les publicités alimentaires auprès des 8 ans et plus. Ministry of Health and Sport; Inpes, 2008. Available online at:
www.sante.gouv.fr/htm/pointsur/nutrition/post_test_messages.pdf
ARPP. Enfant. Online at : <http://www.arpp-pub.org/IMG/pdf/Enfant.pdf>
Minister of Culture and Communications. Signature de la charte pour promouvoir une alimentation et une activité physique favorables à la santé dans les programmes et les publicités diffusés à la télévision, Mercredi 18 février 2009. Online at:
<http://www.culture.gouv.fr/culture/actualites/communiq/albanel/dpsante09.pdf>
Michel Chauillac, Programme National Nutrition Santé, Ministère de la Santé et des Sports. Personal Communication, October 2008 and April and June 2009.

Germany

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	In June 2008, the Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz (BMELV) (the Federal Ministry of Nutrition and Agriculture) and the Federal Ministry of Health released a national action plan for the prevention of overweight and associated diseases. The plan, INFORM (Deutschlands Initiative für gesunde Ernährung und mehr Bewegung, or Initiative for healthy nutrition and physical activity), includes five core actions, one of which is “information about nutrition, physical activity and health.” The subsection on “responsible provision of information” (2.2.4) includes a statement on food advertising to children, calling for the private sector to take action. It states that the government will discuss a code of conduct with the private sector, including the possibility of prohibiting advertising to children under the age of 12, including not just traditional advertising, but mobile advertising and the Internet.
Government policy specific to food marketing to children	Yes, approved self-regulation, but no specific form of self-regulation has yet been approved.
Name and description of policy	INFORM (Deutschlands Initiative für gesunde Ernährung und mehr Bewegung, or Initiative for healthy nutrition and physical activity) (2008) states that food marketing to children should be addressed through self-regulation by the private sector in addition to general laws already in place (see below). In July 2009, the self-regulatory organisation for advertising, Deutscher Werberat, released a new code on commercial communication for foods and beverages. The code was developed independently of government, and had been planned for sometime, but greater impetus came from INFORM, as well as the Audiovisual Media Services Directive, which (see section II) calls for the development of codes on food marketing directed to children. The Deutscher Werberat (DW) code had not yet been “officially” approved by government as of August 2009.
Date of implementation	The government has not yet responded to the publication of the DW code, but the implementation date is July 2009, in-line with the implementation of the AudioVisual Media Services Directive.
Objective of policy	The overall aim of INFORM is to improve diets and reduce obesity, but nothing in particular is stated about the aim of addressing food advertising to children. The objective of the code of conduct on commercial communications for foods and beverages of Deutscher Werberat is to prevent advertisements that undermine a healthy lifestyle or healthy diet or exploit children`s lack of commercial experience.
Sector coverage	All advertisers, media, retailers and communication agencies.
Communication media covered	INFORM states that any policy should cover not just traditional advertising channels, but also mobile phone advertising and the Internet. The DW Code covers all commercial communication tools used to

	promote foods and beverages.
Marketing techniques covered	
General approach: restrictions/guidance/messaging	Guidance
Restrictions	
Guidance	<p>(Personal, unofficial translation; to be updated when English translation released)</p> <ul style="list-style-type: none"> - Commercial communications for food should be designed to maintain the confidence of consumers in the quality of the advertised products - Commercial communications should not undermine healthy lifestyles or balanced nutrition and should support healthy, balanced lifestyles - Commercial communications for food should not encourage excessive consumption - Commercial communications targeted to children should take into account their vulnerability - Commercial communications for food should not encourage direct requests for purchase or consumption by children - Commercial communications for food should not be a direct call to children to ask their parents, other adults or other children, to buy the advertised product. - Commercial communications for food should not exploit the special trust children have in their parents and teachers - Sales promotions (e.g. premiums; sweepstakes, prize) should not exploit the inexperience of children - Commercial communications for food to children should not suggest that the product can replace a complete and balanced meal <p>Commercial communication for foods and beverages containing nutrients and substances with a nutritional or physiological effect, of which excessive intakes in the overall diet are not recommended, should not represent avoidance of consumption of this item in a negative manner.</p>
Messaging	
Definition of a child	<12
Definition of child-targeted	Not defined
Food covered	All foods and beverages
Enforcement mechanisms	Through the existing mechanisms of DW, which utilises a complaints system
Monitoring mechanism	
Evaluation mechanisms	

Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	It applies to all commercial communications in Germany.
Stakeholder roles	The government has set policy. The code was developed by Deutscher Werberat (DW)
Potential/planned future action	Deutscher Werberat (DW) plans to ensure compliance with the Code of Conduct, and organise the complaints procedure and the assessment of complaints. The government has yet to respond to the code, or to make any further statement about what type of self-regulation it would like to see.
Government policies that address marketing to children in general	The nationwide law for radio stations and television, the “Rundfunkstaatsvertrag”, or broadcast services state treaty contains several provisions on children. It prohibits showing children in alcohol advertisements, advertising programmes for children (e.g. programmes that consist only of advertising, such as sale / marketing programmes), and advertising during children’s programmes. In addition, the law concerning unfair marketing practices (Gesetz gegen den Unlauteren Wettbewerb, or UGW) has been revised in line with EU directive 2005/29 (“Unfair Commercial Practices Directive”) to cover advertising to children in an extra paragraph: it is not allowed to address advertising directly to children (e.g. letting a child say “buy this”, “get this” or “tell your parents...”, “get your parents to buy this”) on the basis it is an unfair practice.
Additional self-regulation and voluntary approaches to marketing to children	Deutscher Werberat has had a code in place on children since 1998: the “Verhaltensregeln des Deutschen Werberats für die Werbung mit und vor Kindern in Hörfunk und Fernsehen” (Rules of conduct of the German Advertising Council on advertising portraying or directed to children on radio and television) (introduced in 1974, latest revision 1998). It includes the provisions that advertising on television and radio must not: directly ask / invite children to buy something; exploit children’s trust in parents or other close persons; mislead children through unrealistic promises / prizes As an EU Member, the EU Pledge applies.
Source of information	INFORM: Deutschlands Initiative für gesunde Ernährung und mehr Bewegung (Initiative for healthy nutrition and physical activity). Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz, 2008. Online at: http://www.bmelv.de/cln_045/nn_1236852/SharedDocs/downloads/03-Ernaehrung/Aufklaerung/Aktionsplan__InForm/Aktionsplan__InForm,templateId=raw,property=publicationFile.pdf/Aktionsplan_InForm.pdf DEUTSCHER WERBERAT. Verhaltensregeln des Deutschen Werberats über die kommerzielle

	<p>Kommunikation für Lebensmittel (Code of the German Advertising Standards Council on commercial communications for food). July, 2009.</p> <p>Deutscher Werberat. Verhaltensregeln des Deutschen Werberats für die Werbung mit und vor Kindern in Hörfunk und Fernsehen, 1998. Online at: http://www.interverband.com/dbview/owa/IGservsearch1.opt4middlerow?puid=2847689&paid=69392&pccat=95103&pscat=4349&purl=/werberat</p> <p>Clara Meynen, Federation of German Consumer Organisations, Berlin. Personal Communication, April 2009.</p> <p>Meike Peters, German Advertising Federation (ZAW - Zentralverband der deutschen Werbewirtschaft). Personal Communication, June 2009.</p>
--	--

Greece

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	A national nutrition policy has been developed by the National Nutrition Policy Committee and currently is under consideration for its endorsement by the Hellenic Ministry of Health. The National Nutrition Policy has set five main priorities for the promotion of healthy nutrition and physical activity in the Greek population. One of these priorities is the reduction and prevention of childhood obesity. Addressing the issue of food marketing to children is included in the strategies for the reduction of childhood obesity, and specifically, it proposes to ban the advertising of “unhealthy” foods during the children programmes on television.
Government policy specific to food marketing to children	No
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	The responsible governmental authority for all issues related to marketing in Greece, including monitoring and enforcement of the law, is the Department of Consumer Affairs of the Hellenic Ministry of Development (http://www.ypan.gr).
Potential/planned future action	None planned as yet except for the endorsement of the National Nutrition Policy which calls for action on food marketing to children (see above).
Policies that address marketing to children in general	The Legal Regime Of Private Television And Local Broadcasting Corporation, Regulation Of Subjects Of Radio-Television Market And Other Provisions (2328,a-159) (1995) applies article 16 of the TVWF Directive.
Additional self-regulation and voluntary approaches on marketing to children	The Hellenic Association of Communication Agencies and The Hellenic Advertisers Association have a "Greek Code on Marketing and Communication" (1973, revised 2006) based on the existing Code of Marketing and Advertising Practice of the International Chamber of Commerce. Adherence to the Code is monitored by the self-regulatory organisation "The Council of Communication Monitoring" (SEE). The Council, with the collaboration of the Federation of Hellenic Food Industries and the Association of Businesses of Alcoholic Beverages, has developed a code on marketing of foods and beverages as an appendix to the main Code. Of its 8 articles, two address food marketing to children: Article 7: Advertisements concerning foods should not mislead the recipient (children, young adults) making her/him believe that the consumption of the advertised food or beverage will make her/him more popular or more influential to her/his friends, more clever, or more successful in school or in sports activities. Article 8: Advertisements of foods and non-alcoholic beverages should not provide specific guidance with respect to dietary and other lifestyle choices, thus avoiding the undermining of the role of the parents and, other adults responsible in the upbringing of children, adults. Advertisements should not contain a direct pledge to the children to persuade their parents to buy for them the specific products.
Source of information	The Legal Regime Of Private Television And Local Broadcasting Corporation, Regulation Of Subjects Of Radio-Television Market And Other Provisions (2328,a-159) (2005). Online at: http://www.aeforum.org/reg_env/greece_1.PDF The Council of Communication Monitoring (SEE). Greek Code of Advertising and Communications Practice (1973, 2006). Online at: http://www.see.gr/ Vicky Benetou, Paediatrician, WHO Collaborating Center for Nutrition, Dept. of Hygiene, Epidemiology and Medical Statistic, University of Athens Medical School, Greece. Personal Communication, May

2009.

Hungary

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The National Public Health Programme 2003–2013 was finalized in 2003 and in this context, the National Nutrition Policy framework were elaborated and published by the National Institute of Food Safety and Nutrition in 2005. Nutrition-related issues are also addressed in the three major national programmes launched in 2006: the National Cancer Control Programme, the National Infant and Child Health Programme and the National Programme for the Prevention and Treatment of Cardiovascular Diseases. None of these documents refer to food marketing to children.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	

Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	None planned
Policies that address marketing to children in general	The “Advertising Act” of 1997 and Act I. of 1996 on Radio and Television Broadcasting (“Broadcasting Act” 14. §). Apply the principles of article 16 of the EU TVWF Directive
Additional self-regulation and voluntary approaches on marketing to children	<p>The self regulatory organisation is the Self-regulation Advertising Board (Önszabályozó Reklám Testület, ORT). It has a Hungarian Code of Advertising Ethics (latest revision 2005) which includes 14 measures, mainly based on the code of the International Chamber of Commerce, but with additional provisions for schools, namely: (10) Advertising in a public educational institution may be carried out only with the permission of the institute's principal. The obligation to obtain such permission applies to the character of the product and service advertised, to the substance of advertisement, to the method of advertising and to the place of publication as well.(11) The school headmaster's right to permit or prohibit a particular advertisement within his own competence should not be curtailed by any contract.(12) No school advertising should disturb education or teaching, especially in respect of school-time, timetables and lessons.”</p> <p>It also applies (article 15) the ICC code on food advertising.</p> <p>In September 2006, the Hungarian food industry launched a Hungarian Platform on diet, physical activity and health (Táplálkozás, Életmód, Testmozgás Platform, the “TET” Platform). The Platform is a partnership aiming to prevent diseases associated with inappropriate nutrition, unhealthy lifestyles and inadequate physical activity; it works on a series of issues, including nutrition education and nutrition labelling. Members are food companies and trade associations and health-related NGOs, and have to agree to a set of conditions to join:</p> <ul style="list-style-type: none"> - to assist schools by promoting education in the field of nutrition and physical activity - to support their own employees in encouraging physical activity - to help consumers enjoy good nutrition - to make a commitment on food advertising , including: <ul style="list-style-type: none"> - a systematic review of the Hungarian advertising ethics code, which sets out in detail the ethical standards of food advertising;

	<ul style="list-style-type: none"> - companies that the industry still is turned on, the greater proportion of advertising self-regulation; - to initiate dialogue with civil society organizations in order to get to know their views, and also familiarize them with the operating mechanism of self-regulation; <p>further strengthening the role of the media.</p> <ul style="list-style-type: none"> - a wide range of consumers' awareness of self-regulation and have the results, and therefore on consumer advertising and PR campaigns; - to monitor progress <p>It is not known how this commitment has been followed up. As an EU Member, the EU Pledge applies Note: In 2006/7, a consortium of NGOs led by the Hungarian National Heart Foundation issued a joint declaration in 2006/7, which called for restrictions on food marketing to children. “Signatories of the common declaration recommend that unhealthy foods and drinks are defined according to nutrient profiles agreed upon at EU level. To ensure a comprehensive protection of children, signatories also recommends that audiovisual commercial communications for foods and drinks that do not respect specific nutrient profiles may not be broadcast between 06:00 am and 09:00 pm. This would cover that time when television is actually watched by the majority of children.” The NGOs asked the Hungarian Advertising Association for a response, but they provided no response.</p>
Source of information	Act I of 1996 on Radio and Television Broadcasting. Online at: http://www.aeforum.org/reg_env/hungary_1.PDF Magyar Reklámetikai Kódex (Hungarian Code of Advertising Ethics) (latest revision, September 29, 2005). Online at: http://www.ort.hu/temp/magyar_reklametikai_kodex.pdf TET Platform: Invitation to participation. Online at: http://www.tetplatform.hu/felhivas.htm Hungarian National Heart Foundation. Joint Declaration . Online at: http://www.mnsza.hu/ang_elhizas_program_tvwf_kozos.htm Dr András Nagy, Hungarian Heart Association, Kecskémet, Hungary. Personal Communication, May 2009.

Ireland

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>The Report of the National Taskforce on Obesity (2005) “Obesity: The Policy Challenges” recommended that “Ireland should play an advocacy role within the European Union to reform policies relating to healthy eating and active living among those that govern activities relating to global trade and the regulation of marketing and advertising of food to children” and that “The Department of Enterprise, Trade and Employment, the Department of Health and Children, together with the private sector and consumer groups should immediately take multi-sectoral action on the marketing and advertising of products that contribute to weight gain, in particular those aimed at children. ”</p> <p>One of the recommendations of the taskforce is that Ireland should develop a “National Nutrition Policy”. The Department of Health and Children is currently developing a national nutrition policy is due to be published in 2009.</p>
Government policy specific to food marketing to children	No statement at the political level, but policy is set in Section 7 of the Broadcast Commission of Ireland (BCI) Children’ Advertising Code. This code was developed by the BCI on the basis of statutory requirements set down in Section 19(1)(c) of the Broadcasting Act, 2001. The policy is thus statutory.
Name and description of policy	The Children’s Advertising Code, a broadcast code specific to children. There are elements specific to food, and broadcasters must also comply with the provisions in other sections in the Code. The Code was developed in a consultative process by the Broadcast Commission of Ireland (BCI).
Date of implementation	January 2005
Objective of policy	<p>In developing the Code the BCI agreed a set of objectives to guide its development of the Code. The objectives of the Code are:</p> <ul style="list-style-type: none"> -To offer protection for children from inappropriate and harmful advertising; - To ensure that Children’s Advertising acknowledges the special susceptibilities of children and does not exploit these susceptibilities; - To ensure that Children’s Advertising is fair and presents the product or service advertised in a way that is easily interpreted by children and does not raise unrealistic expectations of the capabilities or characteristics of the product or service being advertised, and; - To provide unambiguous guidelines to broadcasters, advertisers, parents, guardians and children on the standards they can expect from Children’s Advertising on Irish broadcasting services. -The Children’s Advertising Code does not have as an objective the diminution of a particular type of advert within children’s advertising. In addition, it does not have as a goal the safeguarding of current revenue level. <p>There is no explicit objective for Diet and Nutrition rules akin to the general objectives of the Code set</p>

	<p>out above. Rules in relation to Diet and Nutrition are informed by the objectives set out above and by the submissions to the three phases of consultation undertaken. In particular, the issue of diet and nutrition arose during the second phase of consultation. This is discussed in the Phase Two Statement of Outcomes under the heading ‘Safety and Avoidance of Harm’. The rationale for the approach taken is detailed in <i>this</i> Statement of Outcomes, in the Phase 3 consultation document and the Phase Three Statement of Outcomes. As stated in the Phase Three consultation document, “the rules under this heading aim to address the concerns expressed in the consultation process regarding childhood obesity and its link to children’s advertising”. These rules have been informed by a number of other concerns detailed in the aforementioned documentation including awareness raising and education. The Statement of Outcomes Phase 3 states that the prohibition on celebrities was because they are believed to have a disproportionate influence on children because of their inexperience and credulity and sense of loyalty to celebrities and sports stars (BCI Statement of Outcomes)</p>
Sector coverage	All broadcast advertising on services licensed in the Republic of Ireland or those who make use of a frequency or satellite capacity or uplink based in the Republic of Ireland.
Communication media covered	Television, radio
Marketing techniques covered	Advertising, teleshopping, sponsorship and other forms of commercial promotion in a broadcast context.
General approach: restrictions/guidance/messaging	Restrictions, guidance and messaging
Restrictions	<p>Children’s advertising shall not portray or refer to celebrities or sports stars to promote food or drink products, unless the advert is part of a public health or education campaign. Celebrities, in this instance, are defined as persons who are widely acclaimed, honoured and/or known to children. It does not include those persons or characters that become known to children solely as a result of their participation in advertising (U/15).</p> <p>In addition, for all advertising to children: Characters and personalities from children’s programmes which are currently broadcast on indigenous services shall not be used to endorse or advertise products or services in children’s advertising (U18).</p>
Guidance	<p>Children’s advertising shall be responsible in the manner in which food and drink are portrayed. It should not encourage an unhealthy lifestyle or unhealthy eating or drinking habits such as immoderate consumption, excessive or compulsive eating. U/18</p> <p>Children’s advertising representing mealtime should clearly and adequately depict the role of the</p>

	<p>product within the framework of a balanced diet (U/18). Children’s advertising must not contain any misleading or incorrect information about the nutritional value of the product. It must not make misleading or incorrect comparisons between foods. It must not imply that particular foods are a substitute or replacement for fruit and/or vegetables (U/18).</p>
Messaging	<ul style="list-style-type: none"> - All children’s advertising for fast food products, outlets and/or brands must display an acoustic or visual message stating ‘should be eaten in moderation and as part of a balanced diet’. U/18 - Children’s advertising for confectionery products must display an acoustic or visual message stating ‘snacking on sugary foods and drinks can damage teeth.’ Carbonated drinks are included with
Definition of a child	<p>Under 18, but certain rules are applied in respect of programming/adverts targeting younger children (under 15 and under 6); however, the definition of a child does not change.</p>
Definition of child-targeted	<p>With the exception of the rule prohibiting celebrities in food advertising, other than for health campaigns (Rule 7.5), all specific food advertising provisions contained in Section 7 of the Code apply to advertising for food during children's programmes (as commonly understood) and where over 50% of the audience is under 18. In the case of Rule 7.5, this rule applies to all advertising for food during children's programmes for this age group and where over 50% of the audience under 15.</p> <p>In general terms, programmes broadcast after 9pm are not regarded as children’s programmes. If a programme broadcast after 9pm and before 10pm has audience figures which show that over 50% of those watching are under 18, then in this instance the provisions pertaining to under 18s will apply. Whether the advertisement is targeted at children is defined according to</p> <ul style="list-style-type: none"> - The time it is broadcast; - The type of programme which is on when it is broadcast; - The likely profile of the audience that is watching when it is broadcast; - The target audience of the product.
Food covered	<p>All foods for general provisions. Fast foods and confectionary for warning messages. ‘Fast food’ is defined as ‘food coming under the recognised character of fast food and/or inexpensive cooked food which is prepared and served quickly and is readily accessible for purchase by children’. It is not the intention of the definition to include prepared and convenience foods or food which is purchased for preparation and cooking in the home. Fast food in this instance does not refer to the actual amount of time required to cook the food but rather the speed and ease with which the food can be procured and consumed. ‘Confectionery’ in this instance includes sugar, honey, preserves, chocolate, chocolate covered bars (excluding biscuits), non-chocolate confectionery – e.g. cereal bars – and artificial sweeteners.</p>

	Confectionary is defined in accordance with the Food Safety Authority's Guidance Note on the EU Classification of Food, No.2 (see footnote to Rule 7.6). It is also important to note that the intent of Rule 7.6 is tooth-care and not obesity, and thus also applies to carbonated diet drinks with artificial sugars. An alternative tagline can be used "snacking on diet drinks can damage teeth"
Enforcement mechanisms	<p>Enforcement is the responsibility of BCI, which monitors all advertising content the context of the BCI Compliance Policy (2006). In term of programme monitoring (including monitoring of compliance with the Children's Code); monitoring involves requesting broadcasters to submit programme recordings for a specified period along with relevant paperwork e.g. advertising logs. This material is examined to assess compliance with advertising rules. Upon completion of the monitoring process, broadcasters are notified of their compliance levels.</p> <p>The public may also send complaints to the Broadcasting Complaints Commission (BCC) for adjudication.</p> <p>Breaches of Codes (and hence breaches of Contract in the case of BCI licensed services) are notified to the relevant broadcaster. Breaches of Codes by RTE services are dealt with by the RTE Authority (the governing body of all RTE services). Further details are provided in the Compliance Policy.</p> <p>On the industry side, the CAAS (Children's Advertising Advisory Service) was established by the advertising industry to assist advertisers with the implementation of the Code. CAAS provides advice on specific adverts in the context of the Code.</p>
Monitoring mechanism	See above
Evaluation mechanisms	<p>The BCI is required to conduct a statutory evaluation of the Code every three years further to Section 19 (10) of the Broadcasting Act, 2001. The manner in which this is undertaken is a matter for the BCI. The BCI completed the first statutory review in June 2008. This entailed the following activities:</p> <ol style="list-style-type: none"> 1. Commissioned Research Projects <p>The research projects entail the following:-</p> <ol style="list-style-type: none"> i) A national public attitudinal survey ii) A targeted stakeholder consultation involving the general public, children, broadcasters and advertisers, as well as organisations representing the interests of these stakeholders. iii) A review of developments in the statutory and non-statutory regulation of children's radio and television advertising since 2003 in a range of jurisdictions including European Platform of Regulatory Authorities (EPRA) members; North America (USA & Canada); New Zealand; Australia; United Kingdom; Other relevant jurisdictions. iv) An analysis of trends in the type and volume of advertising viewed by children in the 2005-2007 period.

	<p>2. Other Activities</p> <p>A review of compliance by broadcasters to date, an examination of complaints upheld by the Broadcasting Complaints Commission and a review of issues arising from the implementation of the Code. This review examined all aspects of the Code including the Diet and Nutrition section of the Code. Decisions in respect of this review will be released in advance of the undertaking of a second stage review expected at this time to be undertaken in 2009. Research conducted will also be published.</p> <p>The second stage review will examine whether certain sections of the Code identified by the first statutory review should be amended and whether new restrictions/regulations should be introduced in respect of other products/services etc. The review will examine the rules in respect of Diet and Nutrition on account of the findings of the review but also on account of draft legislation requirements established in the Broadcasting Bill, 2008 which gives the Broadcasting Authority of Ireland [the successor to the BCI] the power to consider a prohibition on advertising for HFSS foods. The Authority may also consult with relevant public health authorities as part of its decision-making process.)</p> <p>Two documents have been released as a result of these efforts: the results of the review of advertising trends (1iv)) and a statement of outcomes regarding the Section 7 review</p>
Results of enforcement, monitoring and evaluation	<p>The Statement of Outcomes from Section 7 review found as follows:</p> <p>“The BCI wrote to the Broadcasting Complaints Commission, (BCC) concerning complaints received pertaining to Section 7. In its response the BCC stated that it had neither considered nor upheld any complaints related to either Section 7 or the Code. The BCI did not receive any public complaints in relation to Section 7 of the Code.</p> <p>It is noteworthy that in its submission, the ASAI reported that the number of complaints received by the ASAI in relation to children’s advertising has halved since the introduction of the Code. In total, 14 complaints were received in this regard in 2005.</p> <p>The Commission requested programme recordings from all TV services licensed in the state. Over 270 hours of programming was assessed for compliance with Section 7 of the Code and with the general provisions of the Code. The results of the monitoring indicated broad compliance with Section 7 with only one advert deemed to be in breach of Section 7 of the Code. It was in breach because it featured celebrities (well-known Irish rugby players).”</p> <p>Since that time, random monitoring of code compliance shows that there had been two further breaches. One was a breach of Section 7.6 for failure to include the required tagline on a confectionary advert, one was a breach of Section 7.4 for failure to include the required tagline on a fast food advert (Declan McLoughlin, personal communication; BCI news release, 2006).</p>

In addition, a review of advertising trends was published in April 2006 (BCI, 2006). Though the review presented data on the amount and type of food advertising to children it was “purely for the purposes of information and is not intended as a measure of the success or otherwise of the code.” The period reviewed was for the full year 2005 with information from 2003 and 2004 included for comparative purposes as appropriate. Data was generated for the indigenous Irish television channels (RTÉ1, RTÉ2, TV3 and TG4) and for ‘total television’ (stations attracting significant child audiences). This has been done in order to provide a broader context within which advertising on Irish television can be viewed and where necessary, assessed and analysed. The report looks at advertising seen by children of different ages groups (TVR) when watching Irish channels and total TV. There are also comparisons with adult viewing of adverts. The report also looks at the volume and viewership of advertising for different types of products including the volume and viewership at different dayparts. The report indicates that children are seeing less adverts for certain products/services. However, drops in viewership can be affected by a range of different factors and the report does not investigate, nor is it intended to examine, whether drops in TVR are related to the introduction of the Code since the Code is not intended to reduce the TVR or number of adverts. The report is intended to provide only general information and is not intended to demonstrate the impact of the Code. For total television, it found that:

- The total number of advertisements in Irish television rose from 1215232 in 2003 to 1925845 in 2005.
- 15% of these advertisements were for food (the largest single category), 7% on drinks and 9% on retail. As percentage of all food advertisements, 34% were for prepared/convenience foods (up from 29% in 2004), 20% for dairy foods and substitutes (down from 22% in 2004), and 21% for confectionary, mainly chocolate bars and sugar confectionary (down from 27% in 2004). In 2005, 56% of all drink advertisements were for carbonated soft drinks.

The review the following year found that (BCI, 2007)

- In 2006, of all of the 30 second equivalent ratings achieved by 4-17 year olds for the four stations combined, 17.6% were from advertisements within the Food category. 31.3% of these were for dairy products and substitutes (mainly yoghurts) (increase since 2003), 29.6% for prepared and convenience foods (increase since 2003), and 18.5% for confectionary (decline since 2003).
- In 2006 there were a total of 80,822 spots aired in the ‘Food’ category compared with 77,395 in 2005. This is a 4.4% increase for 2006. In 2006 there were a total of 80,822 spots aired in the ‘Food’ category compared with 77,395 in 2005. This is a 4.4% increase for 2006. Regarding the 30 sec TVRs, there is only a marginal increase (0.2%) for 4-17 year olds when comparing 2006 with 2005, suggesting that whilst the number of spots has increased by 4.4% the viewing has not increased year

	on year in line with this.
Cross-border considerations	All broadcast advertising on services licensed in the Republic of Ireland or those who make use of a frequency or satellite capacity or uplink based in the Republic of Ireland. Therefore, no cross border considerations arise.
Stakeholder roles	The main stakeholder is the BCI, a government agency that had independent status. It was responsible for developing the Code, and is responsible also for monitoring and enforcement.
Potential/planned future action	The second stage review of the Code is to be undertaken in 2009 and 2010. A full review of Diet and Nutrition rules will be undertaken in 2009. In addition, a new Broadcasting Bill proposed by the Minister for Communications, Energy and Natural Resources is well underway. The bill includes provisions to restrict the advertising of foods and beverages to children that are considered to be unhealthy and contain excessive levels of fat, trans-fatty acids, salts and sugars. The bill is expected to be enacted in September 2009, but is still subject to change. This approach is being taken on the basis that the BCI Code does not go as far enough, and that a legal approach is needed to actually restrict food advertising to children and thus reduce their exposure.
Government policies that address marketing to children in general	Section 3.2.4 of BCI General Advertising incorporates the requirements of the TWF Directive in respect of advertising to children (article 16). Other relevant specific sections of the Code include a prohibition on teleshopping exhorting children to contract for the sale or rental of products and services (Section 6.5) and restrictions on alcohol communications to children (Section 8.17, 8.18, 8.1.9, 8.10 and 8.11). Section 8.4.1 requires compliance with all European and Irish legislation regarding health and nutrition claims and with rules and regulations regarding food issued by competent authorities. All rules under this code apply to commercial communications that do not fall within the definition of children's advertising. Other relevant statutory provisions include Section 55 (2) (e) of the Consumer Protection Act, 2007 which prohibits adverts containing a direct exhortation to children to purchase a product or encourage an adult or parent to purchase.
Additional self-regulation and voluntary approaches on marketing to children	The self regulatory organisation for advertising is the Advertising Standards Authority for Ireland (ASAI). The ASAI revised and combined its three codes, on advertising, sales promotion and direct marketing in 2007. On children, the code has a series of measures following from the principles that marketing should "contain nothing that is likely to result in physical, mental or moral harm to children or that is likely to frighten or disturb them, except to promote safety or in the public interest" and "Marketing communications addressed to children should not exploit the loyalty, credulity, vulnerability or lack of experience of children"

	<p>Specific to food (section 5.9), the code states that:</p> <p>5.9 Marketing communications for food and beverages addressed to children:</p> <p>(a) should not denigrate a healthy lifestyle or encourage an unhealthy lifestyle or unhealthy eating or drinking habits; marketing communications representing mealtime should clearly and adequately depict the role of the product, where appropriate, within the framework of a balanced diet; snack foods should be clearly represented as such, and not as substitutes for meals;</p> <p>(b) should not mislead children as to the potential benefits from consumption of the product, either physically, socially or psychologically.</p> <p>5.10 Marketing communications for food and beverages representing any material characteristics of the product including size and content, as well as nutritional and health benefits, should be accurate and should not mislead children concerning any of those characteristics or the intended use of the product.</p>
Source of information	<p>Report of the National Taskforce on Obesity (2005) "Obesity: The Policy Challenges" Online at: http://www.dohc.ie/publications/pdf/report_taskforce_on_obesity.pdf?direct=1</p> <p>BCI. Presentation of quantitative material on food advertising. April 2006.</p> <p>BCI. Children's Advertising Code: Research into children's viewing patterns in Ireland, May 2007.</p> <p>BCI. Children's Advertising Code, 2004.</p> <p>Statement of Outcomes Review of Section 7 of the Children's Advertising Code (Diet and Nutrition). Downloadable from: http://www.bci.ie/news_information/press82.html</p> <p>http://www.bci.ie/news_information/press82.html</p> <p>BCI Statement of Outcomes (Phase 3) http://www.bci.ie/codes/childrens_code.html</p> <p>BCI Compliance Policy (2006). http://www.bci.ie/documents/compliance_policy.pdf</p> <p>Diet and nutrition provisions of children's code retained following review. [News release]. Dublin, Broadcasting Commission Ireland, 2 June 2006. Online at: http://www.bci.ie/news_information/press82.html</p> <p>Advertising Standards Authority for Ireland (ASAI). Manual of Advertising Self-Regulation with the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland (6th Edition). Effective January 1 2007. Online at: http://www.asai.ie/asai%20codebook.pdf</p> <p>Department of Health and Children. Report of Inter-sectoral Group on the Implementation of the Recommendations of the National Task Force on Obesity. April 2009. Online at: http://www.dohc.ie/publications/pdf/report_group_ntfo.pdf?direct=1</p> <p>Declan McLoughlin, Broadcast Commission of Ireland (BCI). Personal Communication, February and November 2008.</p>

	Ursula O' Dwyer, National Nutrition Policy Adviser, Health Promotion Policy Unit, Department of Health & Children, Ireland. Personal Communication May 2009.
--	--

Italy

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>There are three relevant documents. The National Health Plan 2003–2005, which includes healthy lifestyles and obesity prevention, the National Plan of Prevention 2005-2007 (2005) and the “Guadagnare salute” (Gaining health), adopted in 2007 by the Council of Ministers. This is a “coordinated action plan for counteracting the 4 leading risk factors for noncommunicable diseases, including poor nutrition. It is a government initiative, led by the Ministry of Health, but with institutional alliances with regions/municipalities, and partnership with the food industry, consumers associations and distribution networks. The recommended actions derive from WHO strategies. One of the aims of Gaining Health is to “make healthy choices easier”. To do so, it lists five key actions. One of these actions, focused on information, deals with marketing to children (section 5). It states that: (non-official translation)</p> <p>-To monitor and reduce the volume of the advertising of food and drinks to children through industry self-regulation and regulatory action</p>
Government policy specific to food marketing to children	Despite the mention of food marketing as a key action area in “Gaining Health” there is no government policy in this area
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	

Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	None planned
Government policies that address marketing to children in general	Italy applies the TVWF Directive.
Additional self-regulation and voluntary approaches on marketing to children	<p>The self-regulatory organisation for the advertising industry, the Istituto dell'Autodisciplina Pubblicitaria (IAP) has a "Code of Marketing Communication Self-Regulation" (1966, 47th edition effective January 16th, 2009) which includes a section on children and young people, which mentions food:</p> <p>Art. 11 – Children and young people</p> <p>Special care should be taken in messages directed to children and young people or to which they may be exposed. Such messages should avoid material that could cause psychological, moral or physical harm, and should not exploit the credulity, inexperience or sense of loyalty of children or young people. In particular, such marketing communication must not suggest:</p> <ul style="list-style-type: none"> - violating generally accepted rules of social behaviour; - acting dangerously or seeking exposure to dangerous situations; - that failure to possess the promoted product means either their own inferiority or their parents' failure to fulfil their duties; - that the role of parents and educators is inadequate in supplying healthy nutritional advice; - adopting poor eating habits or neglecting the need for a healthy lifestyle; - soliciting other people to purchase the promoted product. <p>The portrayal of children and young people in marketing communication must avoid playing on the natural sentiments of adults towards the young.</p>

	As an EU Member, the EU Pledge applies
Source of information	<p>Guadagnare salute (2007). Online at: http://www.ministerosalute.it/imgs/C_17_pubblicazioni_605_allegato.pdf "Gaining Health" The Italian Strategy To Make Healthy Choices Easier. Poster available online at: www.ccm-network.it/documenti_Ccm/convegni/convegno_fumo_2008/poster_fumo/progetto_Gaining_health.pdf Istituto dell'Autodisciplina Pubblicitaria (IAP). Code of Marketing Communication Self-Regulation” (1966, latest rev 2009). Online at: http://www.iap.it/en/codice.htm Margherita Caroli MD PhD, Head of Nutrition Unit, Department of Prevention, Azienda Sanitaria Locale Brindisi, Italy. Personal Communication May 2009.</p>

Latvia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The key policy document is “Concept of the Cabinet of Ministers – Healthy Diets 2003-2013” (2003). A plan for the implementation of the Concept was accepted by the government in November 2004. The plan includes a range of measures, including the provision of information to the public about healthy diets and lifestyles, the development of dietary guidelines, and the development of regulations on nutrition labelling, but it does not include food marketing to children.
Government policy specific to food marketing to children	No (but not verified)
Type of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border	

considerations	
Stakeholder roles	
Potential/planned future actions	Not known
Government policies that address marketing to children in general	The Advertising Law in Latvia (1999) includes a section on children (Section 5), which follows article 16 of the TVWF Directive
Additional self-regulation and voluntary approaches to marketing to children	The Latvian Advertising Association has a Code of ethics of advertising. Article. 8.3 is on “Advertising to Children” which is mainly concerned with alcohol, tobacco, drugs and gambling, but also states (point 4) that “Children and young people should not invite to imitate actions that may be in an unsafe or harmful advertising should not promote harmful habits.” As an EU Member, the EU Pledge applies
Source of information	Plans pamatnostadmu “VESELIGS UZTURS. (2003. – 2013.)” ieviesanai (Healthy Diets, 2003-2013). Apstiprinats ar Ministru kabineta 2004.gada 10.novembra rikojums Nr.856 Online at: http://phoebe.vm.gov.lv/misc_db/web.nsf/bf25ab0f47ba5dd785256499006b15a4/17cb8c1218bf81cdc2257313001f391a/\$FILE/veseligs_uzturs.pdf Advertising Law (20 December 1999). Online at: http://www.aeforum.org/reg_env/latvia_1.PDF Latvian Advertising Association (2001). Latvijas reklamas profesionalu etikas kodeks (Code of ethics of advertising). Online at: http://www.lpia.lv/?id=731 Note: this information has not been independently verified by an informant

Lithuania

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Lithuania's State Food and Nutrition Strategy State Action Plan for 2003–2010 includes specific nutritional goals, but does not mention food marketing to children
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	The Ministry of Health is considering taking action on food marketing to children.
Government policies that address marketing to children in general	The Law on Advertising (July 18, 2000. No. VIII – 1871) includes an article (Article 7) on “Advertising and Children” which applies article 16 of the TVWF Directive
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory organisation for advertising is the Asociacija Reklamos Biuras (ARB) (Advertising Bureau Association). It applies the Lithuanian Code of Advertising Practice of the Lietuvos komunikacijos agenturu asociacija (KOMAA) (Association of Lithuanian Communication Agencies). The code includes a section on children, which states that “Advertisement should not have negative impact on children’s psyche, harm them morally, affect their spiritual and physical development, and take advantage of their credulity, lack of experience or obedience.” As an EU Member, the EU Pledge applies.
Source of information	Law on Advertising (July 18, 2000. No. VIII – 1871). Online at: http://www.aeforum.org/reg_env/lithuania_1.pdf Lithuanian Code of Advertising Practice. Online at: http://www.komaa.lt/index.php?show_content_id=180 Dr. Roma Bartkeviciute, State Environmental Health Centre, Head of Nutrition Division, Vilnius, Lithuania. Personal Communication, May 2009.

Luxembourg

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	There are two relevant policy frameworks: Plan d'action pour la promotion de l'alimentation saine et l'activite physique (2006) and "Vers un plan national 'Alimentation saine et Activité physique" (2007). Neither refer to food marketing to children.
Government policy specific to food marketing to children	No. Although the government has a plan to promote healthy diets and physical activity, addressing food marketing to children is not a priority because all the food marketing directed to children is conducted through television channels broadcast from other countries, mainly Germany, France and Belgium. There is only one national television channel and it only carries advertising for local food products, such as milk, not directly targeted at children.
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	

Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	27 juillet 1991. – Loi sur les médias électroniques appliques article 16 of the TVWF Directive.
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory organisation, Luxembourg Commission for Advertising Ethics (Luxembourgoise pour l’Ethique en Publicité, CLEP) has an Ethics Code which includes standard articles on children. The Commission was officially relaunched in May 2009 following a restructuring according to the Best Practice Recommendations of the European Advertising Standards Alliance (EASA). They are due to revise the code and incorporate the ICC Framework on food advertising. As an EU Member, the EU Pledge applies.
Source of information	Vers un plan national 'Alimentation saine et Activité physique. Online at: http://www.sante.public.lu/publications/rester-bonne-sante/alimentation/plan-national-alimentation-saine-activite-physique/plan-national-alimentation-saine-activite-physique.pdf Dossier de presse: Présentation du Plan d’action pour la promotion de l’alimentation saine et de l’activité physique. 5 July, 2006. Online at: http://www.sante.public.lu/publications/rester-bonne-sante/activite-physique/plan-action-promotion-alimentation-saine-activite-physique/plan-action-promotion-alimentation-saine-activite-physique.pdf 27 juillet 1991. – Loi sur les médias électroniques. Online at: http://www.legilux.public.lu/leg/textescoordonnes/compilation/recueil_lois_speciales/MEDIAS.pdf La Commission luxembourgeoise pour l'éthique en publicité (CLEP). Code de Déontologie. Online at: http://www.clep.lu/?cat=8#2 Sven Majerus, Direcorate for Health, Luxembourg. Personal Communication, June 2009

Malta

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The main nutrition policy document is the “The Malta Food and Nutrition Policy” (1990). It does not mention obesity or food marketing to children. The recent (March 2009) draft consultation document “A strategy for the prevention of non-communicable diseases for Malta” does not refer to food marketing to children.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of monitoring, enforcement and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	The government has set up a committee to work on obesity strategy, which may include mention of food marketing to children.
Government policies that address marketing to children in general	The Broadcasting Code for the Protection of Minors (2000) provides several provisions on advertising and children (Paragraphs 6 and 8-19) including “Advertising shall not cause moral or physical detriment to minors”. The code also refers to food: 18. Advertisements shall not encourage minors to eat frequently throughout the day. Confectionery and snack food. 19. Advertisements for confectionery and snack foods shall not suggest that such products may be substituted for balanced meals.
Additional self-regulation and voluntary approaches on marketing to children	There is no self-regulatory body for advertising. As an EU Member, the EU Pledge applies.
Source of information	Subsidiary Legislation 350.05 Broadcasting Code For The Protection Of Minors, 1st September, 2000. Online at: http://docs.justice.gov.mt/lom/Legislation/English/SubLeg/350/05.pdf Charmaine Gauci, Director Health Promotion and Disease Prevention, Public Health Regulation Division, Ministry for Social Policy, Malta

Netherlands

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>In July 2004, the Dutch Ministry of Health, Welfare and Sport published “Living Longer in Good Health”, which highlighted the problems of poor diets, obesity and diabetes in the Netherlands. It suggested eight specific action points to address obesity, which included “Action item 2: Making healthy lifestyles the norm, easily and with appeal: The Regular Consultation on the Food and Drugs Act will enter agreements with suppliers of food and exercise activities to facilitate healthier choices. This applies to modifications in products, size of portions, contents of vending machines for sweets and soft drinks at schools, <i>advertising and sales activities for minors</i> and product information.”</p> <p>In May 2005, Dutch Ministry of Health, Welfare and Sport formed a “Covenant on Overweight and Obesity,” a pledge signed by the relevant government ministries and the private sector, including the Dutch Food Industry Federation. It does not mention food marketing specifically, but states that “The parties to the covenant shall each look for ways in which they can contribute, through their own activities and role in society, to achieving the government targets on overweight set out in the policy document ‘Living longer in good health 2004- 2007’.”</p> <p>Also in 2005, the Dutch Ministry of Health, Welfare and Sport released an action plan to support the Covenant. The plan included an “Action” to address food advertising. The action was the Dutch Food Industry Federation (FNLI) Food Advertising Code, which the government had requested the FNLI prepare (see below).</p> <p>In March 2009 the Ministry of Health, Welfare and Sport published the political document “Out of Balance: the burden of overweight” (“Nota Overgewicht”), in which the government announced a new policy on obesity and overweight. The report highlights the role of advertising to children, and the Government calls on the parties involved in the Food Advertising Code to adjust the code in such way that children below 12 years of age will be protected as much as possible from advertising of foodstuffs that do not fit into a healthy diet.</p>
<p>Government policy specific to food marketing to children</p>	<p>Yes. The policy is to leave it to self-regulation through the Dutch Food Industry Federation (FNLI) Food Advertising Code. The governments view is that bans can only be introduced (and can only count on support) if existing self-regulatory measures have proved to be ineffective. The government thus requested the Food Industry Federation to draw up a self-regulatory code on food marketing. The Code was published on June 2 2005.</p> <p>In 2007, a revised draft was drafted by FNLI which included a restriction of food advertising to children up to age 7 (except for advertising in the area of nutrition, health and physical activity</p>

	<p>created in cooperation with the government or any other recognized authority, and on packaging and point-of-sale material). The revision was never officially published (see “stakeholder roles” below).</p> <p>In December 2007, the Minister of Health requested in a letter to the Dutch Federation of Food Industries to adjust the Food Advertising Code in such a way that it would protect children below 12 for the advertising of foods that do not fit into a healthy diet. During a debate in Parliament the Minister of Health was asked if he was going to consider proposing legislation; his answer was that self regulation would be a preferable approach.</p>
Name and description of policy	The Dutch Food Industry Federation (FNLI) Food Advertising Code
Date of implementation	June 2 2005
Objective of policy	<p>As of 2009, that children should be protected from advertising of unhealthy foods. ‘Out of Balance states: “The Government considers advertising of unhealthy foodstuffs aimed at children up to 12 years is undesirable. The government considers this restriction achievable through self regulation”.</p> <p>There are no specific states aims of the Food Industry Federation Food Advertising Code:</p>
Sector coverage	Signatories to the code
Communication media covered	All media in which advertising appears. “The Advertising Code applies to all advertising, regardless of the medium used, unless explicitly stated otherwise.”
Marketing technique/s covered	Advertising where “Advertising is defined as any form of public commendation of goods, services or concepts. The solicitation of services is also defined as advertising (see article 1 of the Advertising Code).”
General approach: restrictions/guidance/messaging	Mainly guidance with some restrictions
Restrictions	<p>Restrictions on specific techniques</p> <ul style="list-style-type: none"> - Personalities popular with children (not including those especially developed by advertisers) must not be used to promote foods or related premiums in television and radio advertisements aimed at children - An advertisement for a food product that is associated with a certain television program specifically intended for children, shall not be broadcast in the advertising blocks during and immediately after that program - No food advertising in primary schools and “kindergarten” (age 3 to 6)
Guidance	Follows the Confederation of the Food and Drink Industries of the European Union (CIAA) code e.g. food advertising should not depict excessive consumption

	On claims, claims about nutrition or health on food products must not be misleading
Messaging	None, but separate “Confectionary Code” requires that: All television advertising for confectionary must display a stylised image of a tooth brush in ONE OF three formats - during the entire commercial, in which case the image is at least one tenth the height of the film picture - during three seconds during the commercial, in which case the image will be at least one eight the height of the picture filling the entire picture for one and a half seconds of the agree broadcasting time All advertising in printed matter targeted at children under the age of 14 shall show the toothbrush emblem which shall measure 1cm by 1.cm for A4 and A5 formats and proportionally larger or smaller for other formats
Definition of a child	Covers adults, but with specific provisions for children. Children defined as under the age of 13 in Food Advertising Code (under the age of 14 in confectionary code)
Definition of child-targeted	Not defined for Food Advertising Code
Food covered	All processed foods and drinks (ie “industrially prepared” and “packaged”)
Enforcement mechanisms	The enforcement and monitoring mechanism is complaints – any party can issue a complaint about an advertisement. There are no specific penalties, but the final (negative) judgment is published in the national newspapers.
Monitoring mechanism	See above
Evaluation mechanisms	The Code states that “The Code will be evaluated each year and if necessary revised.” The FNLI published an evaluation of the Food Advertising Code one full year after it was implemented in June 2006. In addition, the Ministry of Health, Welfare and Sport (VWS) specifies that the impact of the FNLI advertising code will also be measured by qualitative testing by VWS and the Food and Consumer Product Safety Authority (VWA), and critical monitoring of the code by the Dutch Consumers Association (Consumentenbond). Consumentenbond released a report in 2006 and in 2008. The VWA released a report about advertising to children in 2006, but the field research was done in early 2005, when the code was not in yet in place. VWS announced in “Out of Balance” that the VWA will conduct new research in 2009.
Results of monitoring, enforcement and/or evaluation	The evaluation of the FNLI published in June 2006 focused on whether complaints had been received and if so were they dealt with effectively and whether advertising broke the code. It also included a series of semi-structured interviews and a literature review. Based on the fact that

	<p>there were no complaints about adverts between January and March 2006, the study concluded that it is working well. It also said that “Based on the screening of the literature, the members of the FNLI should discuss the specific rules on advertising to children. Also, the ban on advertising in primary schools should be extended to day-care-centres.”</p> <p>The Consumentenbond research (published partly in Hollands welvaren, and in the magazine, Consumentengids, June 2006) found that:</p> <ul style="list-style-type: none"> - after a year of the code, not much changed with regard to the marketing pressure on children - the frequency of advertising of unhealthy foods to children is not regulated in the code. - nearly all advertising of foods to children is for unhealthy products (on the basis of the criteria of the Netherlands Nutrition Centre). <p>Many of the rules are vague, and therefore easy to evade (for example child celebrities should not actively promote food stuffs, but many characters popular with children, like Spongebob is used a lot in food advertising).</p> <p>In a new screening, conducted in 2008, Consumentenbond in cooperation with the Vrije Universiteit Amsterdam, concluded again that food advertising to children is nearly always for unhealthy products.</p>
Cross-border considerations	<p>Cross border advertising is considered with regard to complaints about advertising. It states that complaints about advertising coming from another country should be submitted to the European Advertising Standards Alliance (EASA) in Brussels.</p>
Stakeholder roles	<ul style="list-style-type: none"> - Government made policy decision to request action from industry - Industry responsible for development, implementation and enforcement <p>Note: When the food advertising code was introduced in 2005, Consumentenbond could not agree with the content. The code was still accepted by the Board, with the provision that it would be evaluated after one year. Also, due to this disagreement about this code, a procedure was introduced to solve similar problems in the future: if Consumentenbond does not agree with specific codes, there should be negotiation procedure with an independent chair to try to solve the problem.</p> <p>Based on its evaluation, Consumentenbond did not agree with the Code. In 2007 the Food industry federation (FNLI) revised the code (after their own evaluation), and proposed this to the board. In this proposal there was a restriction of food advertising to children up to the age of 7. This proposal was unacceptable to Consumentenbond, so this special procedure (with the independent chair) was started for the first time in history. The dispute is about the way children should be protected. Consumentenbond wanted a ban on advertising of unhealthy foods to children to at least 12 years old. The procedure was ended in January 2009, because it was</p>

	concluded that FNLI and Consumentenbond could not come to an agreement. Consumentenbond wrote a letter to the Minister of Health welfare and sports, about the failure of the parties to come to an agreement and called on the government to legislate.
Potential/planned future action	The policy document “Out of Balance: the burden of overweight” was published at the beginning of 2009 and the FNLI has not yet responded in public. The next step is in early September 2009 when Parliament will comment on the policy document.
Additional relevant policies that address marketing to children in general	Mediawet (Media Act) (1987, latest revision 2008). The Media Act also refers to the codes of conduct on advertising of foods to children, stating that the government would elaborate this issue in the Nota Overgewicht (which was not then published).
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory body for advertising is the Stichting Reclame Code (SRC) (Advertising Code Foundation) which is responsible for the Nederlandse Reclame Code (Netherlands Advertising Code), which includes a “Code For Advertising Directed at Children and Young People.” The Code goes beyond typical self-regulatory codes. It states that advertising must not mislead children and must not cause any moral or physical damage. But it also includes specific provisions on the identification of advertising e/g. “an advertisement (incl. the so-called advertorial) in a youth magazine or in other printed matter with a reach of over 25 % of children, shall be headed by the word ‘advertisement’ of 12 point size”, “If an advertisement directed at children, is made visible on a website (= a banner) or via a website (=pop-up), the advertisement shall bear the word ‘advertising message’ or ‘advertisement’, clear and at a single glance perceptible. Should the message be smaller than 150 x 50 pixels, than the abbreviation ‘adv.’ may be used.” The Code also includes a Confectionary Code, which states that advertising shall not encourage excessive consumption or imply that confectionary can replace a meal. It also requires that all television advertising for confectionary must display a stylised image of a tooth brush in one of three formats (described above): As an EU Member, the EU Pledge applies.
Sources	Dutch Ministry of Health, Welfare and Sport. Living Longer in Good Health. Available at: http://www.minvws.nl/images/Living%20longer%20in%20good%20health_tcm20-107879.pdf Dutch Ministry of Health, Welfare and Sport. Covenant on Overweight and Obesity. Available at: http://www.convenantovergewicht.nl/assets/Image/convenant_english.pdf Dutch Ministry of Health, Welfare and Sport. Striking the Right Energy Balance. Action Plan October 27 2005. Available at:

http://www.convenantovergewicht.nl/assets/Image/convenant_eng.pdf
Dutch Ministry of Health, Welfare and Sport. Nota Overgewicht. Online at: <http://www.minvws.nl/notas/vgp/2009/nota-overgewicht.asp>
THE MEDIA ACT (Bulletin of Acts and Decrees of the Kingdom of the Netherlands (Staatsblad van het Koninkrijk der Nederlanden) 1987, 249). Online at: <http://www.cvdm.nl/dsresource?objectid=6330&type=org>
Dutch Advertising Code Authority. The Dutch Advertising Code: Information about the Working Procedures of the Advertising Code Committee and The Board of Appeal. Amsterdam, Dutch Advertising Code Authority. Online at: <http://www.reclamecode.nl/bijlagen/20090428%20NRC%20Engels.pdf>
Webster J. Signalling Change. Dutch Food and Consumer Products Authority, The Hague, February 2007
Reclamecode voor voedingsmiddelen. Deze code is van toepassing op alle specifiek voor Nederland bestemde reclame-uitingen voor voedingsmiddelen. door |De Federatie Nederlandse levensmiddelenindustrie (FNLI) datum |Rijswijk, 2 juni 2005
Rapport FNLI . Evaluatie Reclamecode voor Voedingsmiddelen. door |Rifka Burggraaff, Christine Grit. datum |Rijswijk, augustus 2006
Hollands Welvaren, Hoe kinderen beïnvloed worden door reclame voor ongezonde voedingsmiddelen. Karen van Reenen, Nederlandse Hartstichting en Henry Uitslag, Consumentenbond, Den Haag, augustus 2006.
Kidsmarketing voor voedingsmiddelen, nieuwe inzichten in de mening en ervaring van Nederlanders, Afstudeeronderzoek Gezondheidswetenschappen, Rianne van den Brink, Vrije Universiteit Amsterdam, Juli 2008
Henry Uitslag, Consumentenbond, The Netherlands. Personal Communication, May 2009.
Cornerlius Crans, Ministry of Health, The Netherlands. Personal Communication, August 2009.

Poland

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The key policy document is the “National programme for the prevention of overweight, obesity and non-communicable diseases through diet and improved physical activity 2007–2016”. The programme is carried out in cooperation with the Polish Platform for Action on Diet, Physical Activity and Health, which was established in July 2005 with a particular focus on counteracting and preventing overweight, obesity and other diet-related diseases. The Platform is a counterpart of the European Platform for Action on Diet, Physical Activity and Health. The National Programme aims to reduce the incidence of overweight and obesity mainly by improving nutrition and increase of physical activity, reduce morbidity and mortality from chronic non-communicable diseases, but does not refer to food marketing to children
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	

Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	None planned.
Government policies that address marketing to children in general	The Broadcasting Act, Dz. U. 2001, No.101, 29 December 1992 (latest revision 2004) applies article 16 of the TVWF Directive. Article 16.1 states that: “advertising appealing to emotions of customers by provoking fear, exploiting superstitions or credulity of children” is not allowed.
Additional self-regulation and voluntary approaches on marketing to children	The Code of Advertising Ethics, April 2004 of the Advertising Council (Rada Reklamy) includes several standards articles on children and young people, including that advertisements and sales promotions should not exploit the credulity of children or the lack of experience of young people, nor harm them. As an EU Member, the EU Pledge applies.
Source of information	Broadcasting Act of December 29, 1992. Online at: http://www.aeforum.org/reg_env/poland_1.PDF ACT of 16 April 1993 On combating unfair competition ¹ (consolidated text) Rada Reklamy (Advertising Council). Code of Advertising Ethics, April 2004. Online at: http://www.aeforum.org/reg_env/poland_3.PDF Dorota Trzmiel, Association of Polish Consumers, Warsaw, Poland. Personal Communication, May 2009.

Portugal

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The key policy document is the National Programme against Obesity 2005-2009, which is integrated with the National Health Plan 2004–2010. The program led to the creation of “The National Platform against Obesity” in 2007. The Platform includes representatives from the health, education, economic and agricultural sectors, as well as from national associations of municipalities and civil societies. One of the strategies and interventions pledged by the Platform is: “New legislation on the marketing and advertising of foods to children and teenagers will be introduced.”
Government policy specific to food marketing to children	Yes, approved self-regulation until end of 2009; if it fails, legislation.
Name and description of policy	No particular statement outlining the policy, but the “self-regulation” it refers to is the “Code of Good Practice in Commercial Communication to Children” (Código de Boas Práticas na Comunicação Comercial para Menores) of the Portuguese Advertisers' Association (APAN) (2005).
Date of implementation	The Code of Good Practice in Commercial Communication to Children has been in place since 25 September 2005, but policy of leaving it to self-regulation has only been in place since the development of the National Platform against Obesity in 2007.
Objective of policy	The government’s aim is to reduce the amount of marketing for specific foods to children. The aim of the self-regulatory code is responsible advertising.
Sector coverage	All
Communication media covered	All media with advertising
Marketing techniques covered	Advertising
General approach: restrictions/guidance/messaging	Guidance
Restrictions	
Guidance	- The advertising of foods and drinks should not contain things that show disregard for health or healthy lifestyle practices, including encouraging excessive consumption or behaviour; - All messages and nutritional benefits for health related food and drink should be supported by a scientific basis.
Messaging	

Definition of a child	None
Definition of child-targeted	None.
Food covered	All foods
Enforcement mechanisms	Not known
Monitoring mechanism	Not known
Evaluation mechanisms	Not known
Results of enforcement, monitoring, and/or evaluation	Not known
Cross-border considerations	Not known
Stakeholder roles	The code was developed by the Portuguese Advertisers' Association, but was endorsed at a public ceremony presided over the government in the form of the Secretary of State for Trade, Services and Consumer Protection
Potential/planned future action	The Consultative Council of the National Platform against Obesity Platform are waiting until the end of 2009 to see if self-regulation from the advertising and food industries develops and is effective. If not, it is expected that the Council will recommend legislation.
Government policies that address marketing to children in general	All marketing in schools is forbidden in Portugal by law through the Code of advertising (Law 330/90) (Codigo Da Publicidade - Decreto-Lei n.º 330/90, de 23-10), which also applies article 16 of the TVWF Directive. Other laws on advertising are the Orgânica da Comissão de Aplicação de Coimas em Matéria Económica e de Publicidade, Decreto-Lei n.º 143/2007, de 27-04; Lei de Defesa dos Consumidores, Lei n.º 24/96, de 31-07; Afixação e Inscrição de Mensagens de Publicidade e Propaganda, Lei n.º 97/88, de 17-08
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory “Code of Good Practice in Commercial Communication to Children” (Código de Boas Práticas na Comunicação Comercial para Menores) (already described). It includes general guidance on children, and states that “marketing in schools: distribution of samples should not be done without supervision of teachers and after approval of the school directors.” In addition the Instituto Civil da Autodisciplina da Publicidade (ICAP) has a Code on Conduct (1991, last revised 2003), which includes a section (Article 23) on “Children and Youth”, which comprises the standard provisions that advertising should not exploit the credulity of children, nor bring them physical harm.
Source of information	WHO EURO. Meeting of Counterparts on Nutrition and Food Safety on the Second WHO European

Action Plan on Food and Nutrition Policy, Paris, 4-6 June 2007. Online at: http://www.euro.who.int/Document/NUT/2ndMtg_EAPFNP.pdf

Regulation on Advertising Aimed at Children in Europe. European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html

Instituto Civil da Autodisciplina da Publicidade. Código de Conduta (2003). Online at: http://www.icap.pt/icapv2/images/memos/Codigo%20Conduta_ICAP.pdf

Associação Portuguesa de Anunciantes. Código de Boas Práticas na Comunicação Comercial para Menores (September 2005). Online at: <http://www.apan.pt/?ref=detlegis&legis=33&ctg=6>

Ministry of Health. Plataforma Contraa Obesidade Online at: http://www.plataformacontraaobesidade.dgs.pt/PresentationLayer/homepage_institucional.aspx?menuid=113

Ministry of Health. Plataforma Contraa Obesidade: Estratégias de Intervenção. Online at: <http://www.plataformacontraaobesidade.dgs.pt/PresentationLayer/conteudo.aspx?menuid=227&exmenuid=116>

João Breda, Coordenador da Plataforma Contra a Obesidade, Direcção-Geral da Saúde, Portugal. Personal Communication, May and June 2009.

Romania

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The National Action Programme for Health and Environment, which was adopted in 1998, deals with nutrition and food safety. A Proposal for a national nutrition and healthy diet plan is currently under development by the Ministry of Public Health.
Government policy specific to food marketing to children	No, but a voluntary commitment has been put into place under an initiative of a member of parliament (see below)
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Not known
Government policies that address marketing to children in general	The Law no. 504 / July 11, 2002 - Law on Radio and Television Broadcasting, with its further modifications and completions, updated December 2008, applies the EU Audiovisual Media Services Directive
Additional self-regulation and voluntary approaches on marketing to children	<p>The self-regulatory organisation is the Romanian Advertising Council (RAC) (Consiliul Roman pentru Publicitate). It has a Code of Practice in Advertising, which refers to children.</p> <p>The RAC also has an “Ethical Code for Food Product Advertising Targeting Children.” Published in December 2008, the development of the code was initiated by Romanian liberal Member of Parliament, Magor Csibi, and signed by the National Authority for Consumer Protection. But it does not appear to be official government policy. Mr Csibi, who is Vice-President of the Environment and Public Health Commission of the European Parliament, saw the need for a code on advertising and was familiar with the EU Pledge (see above). He then facilitated the process of an adaptation of the EU Pledge for Romania, which incorporates the EU Pledge (restricting advertising on TV, Internet and print to children under the age of 12, where children make up at least 50% of the audience) and ethical guidelines, including:</p> <ul style="list-style-type: none"> - We will not post ads and /or promotions of products that do not comply with the minimum nutritional criteria based on accepted scientific proofs and /or national and international nutritional guides, on websites or blogs targeting children or user groups where more than 50% of the users are children under the age of 12. - Famous characters and celebrities from television, movies, cartoons, sport, music and history will only be used in order to advertise products that comply with the minimum nutritional criteria based on accepted scientific proofs and /or national and international nutritional guides, whenever 50% or more of their targeted audience includes children under the age of 12. - We will 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. - There will be no advertising of products containing a fun or entertainment component, targeting children under 12, if these products do not comply with the minimum nutritional criteria based on

	accepted scientific proofs and /or national and international nutritional guides. The code will be implemented through the Romanian Advertising Council (RAC)
Source of information	<p>The Law no. 504 / July 11, 2002 - Law on Radio and Television Broadcasting, with its further modifications and completions. Online at: http://www.epra.org/content/english/authorities/f_medialegislation.html</p> <p>The Ethical Code for Food Products Advertising Targeting Children, Romania. Copy obtained direct from the World Federation of Advertisers.</p> <p>WFA participates at Romanian food code launch. Press Release, December 11, 2008. Online at: http://www.wfanet.org/globalnews.cfm?id=159</p> <p>Will Gilroy, World Federation of Advertisers, Brussels. Personal Communication May 2009.</p> <p>Note: the statements about the nature of the voluntary code and government policy have not been 100% verified by government sources</p>

Slovakia

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>The two main strategic documents are Health state policy, which was updated and approved by the Government in January 2006 and the National Health Promotion Programme, which aims to address selected health determinants of overweight and obesity in the population. The goals of the programme include healthy lifestyle, health promotion in health care, family health, healthy nutrition, healthy working conditions and reducing the prevalence of chronic diseases.</p> <p>A National Obesity Prevention Programme was developed on the initiative of the National Public Health Authority in May 2005, and approved by the government in 2008. The goals are:</p> <ul style="list-style-type: none"> a) to change nutritional habits of children and adolescent - to decrease availability of food with high salt level, saturated fat acids or sugar in schools (for example, to ban sweets machines, selected soft drinks). b) the consistent performance of state health and nutritional control in the field of common meals regarding to the present knowledge about nutrition. c) to develop legislative modifications for implementation health education in schools. d) to increase health awareness of children, adolescent and adults - to increase free time activities oriented to life style changes (sport activities, education in the field of healthy nutrition), regular media campaigns, state support and use of motivation tools in advertise of healthy nutrition or products e) to increase regular physical activities - to develop sports facilities (walking, cycling) <p>The Slovak government approved the update of the “Programme for Nutrition Improvement of the Slovak Population” on 17.12. 2008. This program is aims to improve the health status of the population by enhancing their nutritional status. The programme includes: education activities in the field of healthy nutrition (oriented also to children), providing information and educating consumers (food labelling, public information campaigns, creation of national nutrition regulations, to increase of awareness about health risks for example: high intake of salt). This program is not oriented only to children, but also to all population.</p> <p>None of these policies specifically refer to food marketing to children</p>
<p>Government policy specific to food marketing to children</p>	<p>No</p>
<p>Name and description of policy</p>	
<p>Type of policy</p>	

Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/mess aging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Nothing specific now, but national programmes are updated regularly with action plans to achieve the goals defined in the national programmes.
Government policies that address marketing to children in general	Act No. 308 of 14th September, 2000 on Broadcasting and Retransmission and on Amendments of Act No. 195/2000 Coll. on Telecommunications (revised 2001) applies article 16 of the TVWF Directive (section 32(6)).
Additional self-regulation and voluntary approaches	Rada Pre Reklamou (RPR) (Advertising Standards Council) has a set of "Ethical Principles Of Advertising Practice" (2002) which includes a section on children and youth (section 2), with the

on marketing to children	standard provisions, such as “Advertisement must not abuse a natural gullibility of children and a lack of their life experiences.” As an EU Member, the EU Pledge applies
Source of information	Act No. 308 of 14th September, 2000 on Broadcasting and Retransmission. Online at: http://www.rada-rtv.sk/data/modules/download/1165259211_The%20Act%20on%20Broadcasting%20and%20Retransmission.pdf Rada Pre Reklamu (RPR) (Advertising Standards Council) has “Ethical Principles Of Advertising Practice” (2002). Online at: http://www.aeforum.org/reg_env/slovakia_1.pdf Silvia Benczeová, Head of the Department of Health Promotion, Public Health Authority of the Slovak Republic, Bratislava, Slovakia. Personal Communication April 23, 2009.

Slovenia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The National Assembly of the Republic of Slovenia adopted the Food and Nutrition Action Plan 2005 - 2010 – in 2005. It states that there should be “Promotion of healthy nourishment in children and adolescents”, through the “creation of healthy nutrition habits and attitude to healthy nutrition in children and adolescents” but it does not specifically mention food marketing to children
Government policy specific to food marketing to children	No
Type of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	In its annual action plan to the Ministry of Health, the Slovenian National Institute of Public Health will provide a report on marketing foods to children in Slovenia, including an international comparison, and provide recommendations for the future actions.
Government policies that address marketing to children in general	"The Media Act" (law No. 010-01/99-8/3, April 2001) in Slovenia applies article 16 of the TVWF Directive
Additional self-regulation and voluntary approaches on marketing to children	The Slovenian Advertising Association has a "Slovenian Code of Advertising Practice" (1994, Rev 1997, 1999) which states that (article 23) "Advertisements for foods and general products should not include illustrated or textual presentations which could mislead the consumer with regard to the composition, properties, importance or efficacy of these products" and (article 12) "Special attention should be devoted to creating and communicating advertisements aimed at young people or those in which young people appear as actors or models. Advertisements should not exploit the inherent credulity of children or their lack of experience in life." The Slovenian Advertising Association is currently creating a new Code specific to food, which is to be published in 2009. As an EU Member, the EU Pledge applies.
Source of information	THE MASS MEDIA ACT (ZMed) (2001). Online at: http://www.apek.si/sl/datoteke/File/2007/osebna%20izkaznica/public_media_act_official_consolidated_version_zmed%2Bzmed-a_unofficial_translation_english.pdf Slovenian Advertising Association. Slovenian Code of Advertising Practice (1994) Online at: http://www.aeforum.org/reg_env/slovenia_2.PDF Mojca Gabrijelcic-Blenkus, Head of Health Promotion Centre, Institute of Public Health, Ljubljana. Personal Communication, May 2009.

Spain

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The key document is the Spanish strategy for nutrition, physical activity and prevention of obesity (NAOS strategy), which was launched in 2005. It sets out specific actions for different stakeholders, including marketing food to children. Specifically, it states that: “the food industry will develop a self-regulating code in the first quarter of 2005, immediately applicable. This code will regulate the publicity and marketing of food and drink aimed at children under twelve, the hours when it can be emitted, the presentation mode of the products and the promotion, information and nutritional education that can be made. The Ministry of Health and Consumer Affairs will set up a mechanism that enables the evaluation of the potential impact of these self-regulating mechanisms, and which can be completed with the development of the necessary regulatory measures.”
Government policy specific to food marketing to children	Yes, approved self-regulation through the CODIGO PAOS – the Self-Regulatory Code on Food Advertising to Children.
Name and description of policy	The Spanish Federation of Food and Drink Industries (FIAB) issued the CODIGO PAOS, with support by the Ministry of Health & Consumer Affairs, and the advertising self-regulatory organization. It was signed in June 2005 by the three stakeholders. The code is in line with the Principles of Food and Beverage Product Advertising of the Confederation of the Food and Drink Industries of the EU that were approved in February 2004.
Date of implementation	Came into force 15 September 2005
Objective of policy	To set high levels of social responsibility in their advertising activities, in particular those directed at children, in order that they contribute to promoting the adoption of healthy diets and physical activity with a positive effect on health and well-being. To establish a set of guidelines to help companies participating in the development, implementation and dissemination of their advertising messages directed at minors.
Sector coverage	35 companies have signed up including Coca Cola, Bimbo, Kellogs, Pescanova, Campofrio, Danone, Ebro, Galina Blanca, Leche Pascual, Nestle, PepsiCo, McDonald’s and Burger King
Communication media covered	All media with advertising, with the exception of labelling and packaging of products
Marketing techniques covered	Advertising, product placement, and promotions, prize draws, competitions, and children’s clubs mentioned in advertising
General approach: restrictions/guidance/mess	Guidance and restrictions

aging	
Restrictions	<p>Prohibits the use of characters or personalities popular with children in food advertising to children under the age of 12</p> <p>Prohibits product placement for foods and drinks during programs directed at children aged younger than 12 years</p>
Guidance	<p>1. The advertising must not mislead children suggesting that the promoted food product possesses special characteristics when all similar products possess such characteristics.</p> <p>2.2. The advertisement of food or drinks should not mislead children about the benefits derived from the consumption of the product.</p> <p>2.3. The advertising cannot mislead about the characteristics of the promoted product.</p> <p>2.4. In advertisements aimed at children images that could frighten them should be avoided and precaution should be taken not to exploit the imagination of the child</p> <p>3. Sales pressure:</p> <p>3.1. The advertising should not make a direct reference for the children to buy the advertised product exploiting their inexperience or innocence. Neither should it encourage them to ask their parents or other people to purchase this product.</p> <p>3.2. Prices should be expressed clearly and exactly.</p> <p>3.3. Benefits attributed to the food or drink product must be inherent to its use. It should not give the impression of immediate results or exclusivity.</p> <p>6. Comparative presentations: comparative presentations must be done in such a way that children can clearly understand them</p> <p>7. Promotions, prize draws, competitions, and children's clubs:</p> <p>7.1. An advertising message that includes a promotion must be designed so that as well as transmitting a message regarding the promotional incentive, it clearly shows the advertised product.</p> <p>7.2. The essential conditions of the promotional offers must be set out in the advertising simply and clearly so that they are easily readable and understandable for minors.</p> <p>7.2. In order to avoid misleading children, references to children's clubs can only be made in food and drink advertisements if they fulfil the following requirements:</p> <p>- interactivity: The minor must carry out some activity that is considered an intentional incorporation into the club and receive something in exchange.</p>

	<ul style="list-style-type: none"> - continuity: There must be a continued relationship between the club and the child. - exclusivity: The activities derived from the fact of belonging to the club must be exclusive for its members and not the mere fact of purchasing a product. <p>8. Safety:</p> <p>8.1. Advertisements must avoid scenes, images or messages that encourage dangerous or inadequate use of the advertised product</p> <p>8.2. The advertisement of food and drink must not encourage children to enter strange places or talk to strangers.</p> <p>8.3. No product should present itself as a substitute for any of the three main meals.</p> <p>8.4. The importance of a healthy lifestyle such as a balanced and varied diet or physical activity should not be discredited.</p> <p>8.5. Advertising messages for food and drink should not promote or present unhealthy food or lifestyle habits such as eating or drinking immoderately, excessively or compulsively. Neither should it promote, approve or present complacent sedentary lifestyle habits.</p>
Messaging	None
Definition of a child	All minors under the age of 12. Thus some provisions are defined as being for children under the age of 12
Definition of child-targeted	<p>An advertisement will be considered to be directed at children under 12 years of age according to the following criteria:</p> <p>(i) The type of food product being promoted: any publicity shall be deemed to be directed at children under 12 years of age which objectively promotes a food product primarily addressed to the audience of said age;</p> <p>(ii) The design of the advertisement: any publicity shall be deemed to be directed at children under 12 years of age designed in such a way that the content, language and/or images are aimed at and principally suited to the audience of said age, particularly attracting their attention or interest.</p> <p>(iii) The circumstances in which the diffusion of the advertisement is carried out: any publicity shall be deemed to be directed at children under 12 years of age which is transmitted in either a medium or with a method objectively addressed principally at the audience of said age, or by means of general communication media when inserted in timetables, programming blocks, sessions or spaces directed at children under 12 years of age or with an audience principally under 12 years of age.</p>
Food covered	All food and drinks.

Enforcement mechanisms	<p>Precopy advice and monitoring through complaints, both carried out by the Spanish Advertising Self-Regulation organisation (AUTOCONTROL).</p> <p>Through the pre-copy advice system, advertisers request AUTOCONTROL's advice on a project for an advertisement or advertising campaign before it is launched to the public and any modifications recommended to bring it into compliance with the Code and relevant regulation. Copy advice is binding on the advertiser. It is provided to the requester in writing within 3-days maximum upon the reception of the request.</p> <p>The Code is also enforced through monitoring (see below). Code violators are subject to fines of between 6,000 and 18,000 EUROS. It is intended that the proceeds from any fines will be used for educational campaigns to promote healthy lifestyles. Money from the fines imposed following Autocontrol (Self-regulation) Jury convictions has been earmarked for follow-up and momentum of the PAOS Code.</p>
Monitoring mechanism	<p>Complaints. Within Autocontrol there is a Jurado de la Publicidad (Advertising Jury), an independent body which receives and judges on the complaints regarding the implementation of the Code of Advertising Conduct by AUTOCONTROL. It is responsible for resolving the possible claims concerning the advertising of the participating companies received for infringements of the standards of the Code. In the ruling of the complaints received for infringements of the present Code of the FIAB, the Jury decides on the correctness or incorrectness of the promotional or advertising activities in each of the cases in the light of the Code. In addition to declaring the incorrectness or illegality of the advertising object of the controversy and to seek the definitive suspension of the same or its modification or rectification, the ruling of the Jury which determines the infringement of the claimed advertising activity will impose, where applicable, a fine on the company claimed against.</p>
Evaluation mechanisms	<p>In autumn 2009, the Ministry of Health are going to set up a study to evaluate the 5 years of the code</p>
Results of enforcement, monitoring, and/or evaluation	<p><i>Results of precopy advice by AUTOCONTROL</i></p> <p>Between September 2005- December 2007, out of 976 advertisements for which copy advice was provided, 202 (21%) required modification; 62 (6%) not permitted. Broken down by time period, in the first 3 months, 17% not permitted, but reduced to 4% in last 3 months.</p> <p>Between January 1 2008 and December 31 2008, 355 copy advices were issued related to PAOS Code. From those, 118 (33%) required modification, and only 6 (2%) were not permitted. The reasons for the modifications are detailed below this template.# For the 6 not permitted at all, the reasons were: Showing situations of unrestrained consume/sedentary habits/minus value healthy habits; Commercial use of famous characters/celebrities in the advertising of that product; Showing misleading benefits of the product.</p>

	<p><i>Results of complaints to AUTOCONTROL</i></p> <p>September 2005-December 2007: 10 complaints to advertising jury; 3 upheld; 7 resolved 2008: 3 complaints to advertising jury during 2008; 2 not upheld; 1 extrajudicial agreement. The basis of the complaints was: 1 based on the commercial use of famous characters/celebrities in the advertising of that product; 1 based on showing situations of unrestrained consume/sedentary habits; 1 based on showing the promoted product as a substitute of a main meal (i.e., breakfast, lunch, dinner). The government says that one of the limitations of the code is that not all major food companies are members. McDonalds, for example, continues to use advertising that is inconsistent with the Code.</p>
Cross-border considerations	There have not been any cross-border complaints, but the system allows anyone to file a cross-border complaint if he/she considers that the advertising infringes the Code.
Stakeholder roles	This is a multistakeholder initiative. The government stimulated the initiative. The Code was developed by the food industry in consultation with the government and the advertising industry. The advertising industry self-regulatory organisation enforces and monitors the code (Autocontrol). Consumer groups are also involved, since 25% of the members of the Jurado de la Publicidad (Advertising Jury) of AUTOCONTROL are nominated by the Spanish National Institute on Consumer Affairs.
Potential/planned future action	The Government views the results of the PAOS Code as being satisfactory. But they intend to introduce some changes in the PAOS code through a new law currently under discussion (Law on Nutrition and Food Safety); the age of the child will be increased, and the code will cover not just advertising defined as directly targeted at children (according to the above definition), but specific scheduled hours. This regulation is underway but will not be published for several months, and is subject to parliamentary approval. In addition, the Ministry of Health will evaluate the code.
Government policies that address marketing to children in general	Spain implements the EU TVWF Directive through Act 25/1994 of 12 July, as amended by Act 22/1999 of 7 June 1999 (implementing Directive 97/36/EC)
Additional self-regulation and voluntary approaches on marketing to children	There are several self-regulatory codes referring to children that pre-date the PAOS code. The main code is the "General Code of Advertising Practice (1996, last update in 2002)" which includes a section on children (paragraph 28): Advertising messages addressed to children must be handled extremely carefully. They must not exploit the natural ingenuity, immaturity, inexperience or credulity of children or adolescents, nor must they take advantage of their sense of loyalty. Advertising messages addressed to children or adolescents, or which are susceptible of influencing

	<p>them, must not contain declarations or visual presentations which might damage them mentally, morally or physically.</p> <p>Special care will be taken to ensure that advertisements do not mislead children as to true size, value, nature, durability or performance of the advertised product. If extra items (for example, batteries) are required to use the product or to produce the results described or shown (for example, paint) this must be explicitly pointed out. Advertisements must not overestimate the degree of skill or the age limit of the children in order to enjoy or use the products.</p> <p>As an EU Member, the EU Pledge applies.</p>
Source of information	<p>Estratgeia NAOS. Spanish strategy for nutrition, physical activity and prevention of obesity. Ministry of Health and Consumers, 2005.</p> <p>Codigo PAOS. <i>Code Of Self-Regulation Of The Advertising Of Food Products Directed At Minors, Prevention Of Obesity And Health</i>. Non-official translation. March 29 2005</p> <p>European Network on reducing marketing pressure on children. <i>Summary of section A in the questionnaire to network countries: The present regulatory environment relevant to marketing to children in the network countries</i>. A preparation for the first network meeting in Oslo, 17-18 January 2008</p> <p>AUTOCONTROL. Basis About Control. Online at: http://www.autocontrol.es/</p> <p>AUTOCONTROL. General Code of Advertising Practice (1996, last update in 2002). Online at: http://www.autocontrol.es/pdfs/cod_pub_ingles.pdf</p> <p>Conference presentations by the Spanish government</p> <p>Prof. Dra. Marta Martín Llaguno, Departamento de Comunicación y Psicología Social, Colegio Mayor, Campus Universitario, San Vicente del Raspeig, (Alicante), Spain. Personal Communication May 2009.</p> <p>Juan Maneul Ballesteros, Technical adviser in the Spanish Food Safety and Nutrition Agency, Spain. Personal Communication June 2009.</p>

INTERVENTIONS IN CONNECTION WITH PAOS RULES		2008
Principle of legality: Unfair Advertising Children at risk ... (Standard 1)		14
Truthfulness	Sound presentations, visual ... it can be misleading about the characteristics of the product (Standard 3)	54

	Induction of error on the benefits of the product (Standard 4)	2
	illegible Overdelivery or incomprehensible to the children (Rule 8)	0
	Absence of additional information needed for children	0
Sales Pressure	Direct appeal to children to acquire the product or encourage them to persuade parents ...	28
	Pressure to obtain the product, create sense of immediacy or exclusivity, and so on. (Standard 10)	0
	Create the impression that the purchase or consumption of the product is greater acceptance among friends and colleagues ... (Rule 11)	0
	Using relative reduction in the price of the product (Standard 12)	1
Restrictions on the presence and participation of celebrities (Rule 13)		25
Promotion of dangerous use of the product (Standard 21)		2
Promotions	Obligation to show clearly the main product (Rule 17)	16
	To express with clarity and simplicity the essential conditions of promotional offers (Rule 18)	25
Nutrition education	Present situations which encourage immoderate consumption, sedentary lifestyle ... (Rule 23)	2
	Introducing the advertised product as a substitute for meals (Rule 24)	0
	Underestimate healthy lifestyle (rule 25). Buscar	1

Sweden

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>There are three relevant documents. “Sweden's new public health policy - National public health objectives for Sweden” was accepted by the Swedish parliament in 2003. It did not focus strongly on diet and obesity. The policy noted that intense marketing of sweet and fatty foods, such as processed and fast foods, contribute to an unfavourable environment for healthy eating.</p> <p>Also in 2003, the Swedish government commissioned the National Food Administration and the National Institute of Public Health, an independent governmental agency, to develop background material for an “Action plan for healthy eating habits and increased physical activity”. The subsequent document “Healthy dietary habits and increased physical activity, the basis for an action plan” (2005) included 79 recommendations, three of which were specifically on food marketing to children:</p> <ul style="list-style-type: none"> - The prerequisites for restricting food marketing activities targeted at children should be examined, e.g. in respect of existing legislation. Trends in marketing should be continually monitored. A collaborative group for responsible marketing should be created (Recommendation 33) - Consumer organisations should be able to apply for funding from the Swedish Consumer Agency for monitoring and publicising developments in the marketing of soft drinks, sweets, crisps, cakes and cookies and ice cream directed at children, and to initiate a debate on such marketing (recommendation 34) - Material directed at young people about food marketing in relation to health should be produced (Recommendation 35) <p>The recommendations were not taken up. But more recently, the “Government Proposal for a Renewed Public Health Policy” (2007) included the statement that (non-official translation) “the Government intends to continue to work together with key actors in recurrent formalised dialogues - a so called ‘dialogue forum.’ Within the frame for the dialogue voluntary agreements can be reached and different focal areas be raised and discussed for example portion sizes, marketing, pricing, etc.”.</p>
<p>Government policy specific to food marketing to children</p>	<p>No, but there is a policy to restrict all advertising to children under the age of 12 (see below). Advertising on television in Sweden is also affected by the ban in the UK to children under the age of 16 since TV advertising is broadcast in Sweden by broadcasters located in the UK (see “United Kingdom”). There has also been a recent agreement that the food industry will contribute to responsible food marketing to children (see “future action” below), which could be defined as a form of “approved self-regulation”</p>
<p>Name and description of policy</p>	

Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	The ban on marketing to children under the age of 12 (see below) has not been evaluated, but a study published in 2007 found that children are still exposed to food advertising and other forms of marketing. The study examined the presence of “unhealthy” food products in direct mail, children’s magazines, four TV-channels and 277 websites. It found that 18% of the advertising in direct mail was for “unhealthy” foods; there very little advertising in magazines, but contests in which children could win “unhealthy” food; on the Internet, 80% contained commercials for different kinds of food stuffs, 48% of which were for “unhealthy” foods, e g sweets, ice cream, chips and cookies. On TV, 9% of advertising was for foodstuffs, including fast food.
Cross-border considerations	According to European law “country-of-origin” principle, as confirmed by the European Court D’Agostini ruling, Sweden is not permitted to ban advertising broadcast from other countries
Stakeholder roles	
Potential/planned future action	In April 2009, a “dialogue forum” was held between the government and the private sector, NGOs, state agencies etc following from the statement in the Renewed Public Health Policy (see above). The forum agreed on a statement of how to promote healthy eating habits and physical activity. One

	statement said that the food industry should contribute to balanced and responsible marketing, especially when targeting children, such as through internal policies and the ICC Code. This development will be monitored.
Government policies that address marketing to children in general	Advertising to children under the age of 12 on TV and radio is banned in Sweden through the Radio and TV Law (1996:844) (Revisions adopted: 1999;1009), Chapter 7, Section 4 and Section 7, para. 3, states that: § 4. Advertising during a TV broadcast may not have as its objective capturing the attention of children under 12 years of age. § 7, para. 3. Advertisements may not come immediately before or after a program or a portion of a program which is oriented primarily to children under 12 years of age, insofar as there isn't any question of messages addressed in § 8 [JB: § 8 deals with "unsponsored" transmissions, e.g., public service announcements] Direct marketing to children under the age of 16 is also effectively banned as a result of the interpretation of the Marketing Act by the Market Court, which interprets the practice as against good marketing practice.
Additional self-regulation and voluntary approaches on marketing to children	Reklamombudsmannen, the Marketing Ombudsman, is an industry-funded body that handles complaints on unethical marketing, or marketing that in other ways is incompatible with good marketing practices. It applies the ICC Code, and replaces the previous organisation, Marknadsetiska Rådet (Council On Market Ethics).
Source of information	Sweden's New Public-Health Policy. National Institute of Public Health, 2003. Online at: http://www.fhi.nu/PageFiles/4382/roll_eng.pdf Background material to the action plan for healthy dietary habits and increased physical activity. National Institute of Public Health, 2005. Online at: http://www.slv.se/upload/nfa/documents/food_nutrition/Theactionplanforhealthdietaryhabitsandincreasophysicalactivity.pdf En förnyad folkhälsopolitik. Regeringens proposition, 2007/08:110. Online at: http://www.regeringen.se/content/1/c6/10/09/78/2ee01484.pdf The Radio and Television Act (1996:844). Online at: http://www.rtvv.se/_upload/uk/download/rtvact.pdf Reklam Och Feta Ungar. (in Swedish with English summary). Nord 2007:002, Nordiska ministerrådet, Köpenhamn 2006. Online at: http://www.norden.org/pub/velfaerd/konsument/sk/N2007002.pdf Filippa von Haartman, Karolinska Institute, Dept of Public Health Sciences, Stockholm. Personal Communication, May 2009.

United Kingdom

Statements about food marketing to children in national policies/action plans on nutrition or obesity

In November 2004, the Department of Health published a White Paper “Choosing Health”. The Paper stated that there was ‘a strong case for action to restrict further the advertising and promotion to children of those foods and drinks that are high in fat, salt and sugar’ in both the broadcasting and non-broadcasting arenas. It stated the policy to ‘Rebalance marketing, promotion, advertising and point of sale placement so that we reduce the exposure of children to the promotion of foods that are high in fat, salt or sugar, and increase their exposure to healthy options.’

This was followed up by “Choosing a Better Diet: A Food and Health Action Plan” (2005). The Action Plan stated that:

“The Government will take the following steps to restrict further the advertising and promotion to children of those foods and drinks that are high in fat, sugar and salt:

1. We will look to Ofcom to consult on proposals to tighten the rules on broadcast advertising, sponsorship and promotion of food and drink, and to secure effective implementation by broadcasters in order to ensure that children are properly protected from encouragement to eat too many foods high in fat, salt and sugar.

2. The proposals should also include options for broadcasters and advertisers to participate in healthy living promotions.

3. We will work with industry, advertisers, consumer groups and other stakeholders to encourage new measures to strengthen existing voluntary codes in non-broadcast areas and will establish a new Food and Drink Advertising Promotion Forum to review, supplement, and strengthen and bring together existing provisions.

4. The Government will monitor the success of these measures and assess their impact in relation to the balance of food and drink advertising and promotion to children, and children’s food preferences.

5. The Government will look to the broadcasting and advertising sectors, including Ofcom, to consider how they could have a positive impact on children’s food choices.”

In January 2008, Department of Health England published a cross-Government strategy to tackle obesity – Healthy Weight, Healthy Lives. This also included a commitment to rebalance marketing, advertising, promotion and point of sale placement so that children’s exposure to promotion of food high in fat, salt and sugar is reduced and exposure to healthier options increased.

In April 2009, Department of Health England published Healthy Weight, Healthy Lives: One Year On which committed to look at developing a set of voluntary principles to underpin all forms of marketing and promotion of food to children, particularly where established mandatory self- or co-regulatory regimes do not exist

Government policy specific to food marketing to children	Yes, statutory regulation that bans the advertising of food high in fat, sugar, and salt (as defined by a nutrient profiling model) during television programs that have particular appeal to children aged younger than 16 years. In addition, content rules restrict the use of nutrition and health claims, promotional offers and celebrities and licensed characters in advertisements for high fat, salt , sugar food targeted at children under the age of 12.
Name and description of policy	<p>All the new rules, both for scheduling and for content, form part of the Broadcast Committee on Advertising Practice (BCAP) Television Advertising Standards Code and the BCAP Rules On The Scheduling Of Television Advertisements.</p> <p>The regulation followed an extensive process of development. In early 2004, the UK communications regulator, Ofcom, commissioned a research report into the effects of food advertising on children's diets (published July 2004). As a result of this report "Ofcom concluded that advertising had a modest, direct effect on children's food choices and a larger but unquantifiable indirect effect on children's food preferences, consumption and behaviour. Ofcom therefore concluded that there was a case for proportionate and targeted action in terms of rules for broadcast advertising to address the issue of childhood health and obesity. However, Ofcom also noted that one of the conclusions from the independent research was that multiple factors account for childhood obesity. ... In these circumstances Ofcom considered that a total ban on food advertising would be neither proportionate nor, in isolation, effective." (Ofcom, 2007; p.2).</p> <p>At the same time the UK food standards body, the Foods Standards Agency (FSA) published a consultation on a scheme which would identify what food and drink products could be defined as "high fat, sugar, salt" (HFSS) by means of nutrient profiling. This model was intended to help Ofcom reach decisions on the restriction of television advertising for less healthy foods. In December 2005, the FSA completed their work on a nutrient profiling scheme and delivered it to Ofcom.</p> <p>In March 2006 Ofcom proceeded to consult on a range of different options for new restrictions on television advertising to children, including voluntary self-regulation, a pre-9pm ban, and positive messaging, and restrictions on the advertising of HFSS products in or around programmes made for children (including pre-school children) and in or around programmes of particular appeal to children up to 9 years old. In November 2006, Ofcom issued a further consultant statement saying that in the light of the consultation responses and after considering all the available evidence, the latter package was the most preferable to balance the regulatory objectives, but with extension to the age of 15 (under 16).</p>
Date of implementation	The new rules were implemented April 2007 (for children up to the age of 10), January 2008 (for

	children up to the age of 15), and January 1 2009 for children's channels (with a phase in period
Objective of policy	Ofcom's aim was to balance several regulatory objectives, ie: - reduce significantly the exposure of children under 16 to HFSS advertising, as a means of reducing opportunities to persuade children to demand and consume HFSS products; - enhance protection for both older and younger children as well as parents by appropriate revisions to advertising content standards, so as to reduce children's emotional engagement with HFSS advertisements, and reduce the risk that children and parents may misinterpret product claims, and to reduce the potential for pester power; - avoid disproportionate impacts on the revenue of broadcasters; - avoid intrusive regulation of advertising during adult airtime, given that adults are able to make informed decisions about advertising messages; and - ensure that any measures that are put in place are appropriate and sufficiently timely to enable Government to observe changes to the nature and balance of food promotion by early 2007.
Sector coverage	All advertising broadcast in the UK
Communication media covered	Television
Marketing techniques covered	Advertising, sponsorship, use of promotional offers and celebrities in TV advertising,
General approach: restrictions/guidance/messaging	Restrictions and guidance
Restrictions	<i>Scheduling restrictions</i> - Advertisements for HFSS products must not be shown in or around programmes specifically made for children (which includes pre-school children). For the avoidance of doubt this measure will remove all HFSS advertising from dedicated children's channels; - Advertisements for HFSS products must not be shown in or around programmes of particular appeal to children under 16; and - These restrictions will apply equally to programme sponsorship by HFSS food and drink products. <i>Content restrictions</i> No use of celebrities and licensed characters for children under age 12 No promotional offers for children under age 12 No nutritional or health claims for children under age

	12
Guidance	<p>The BCAP code also has a series of statements on the content of advertising, including:</p> <p>a) Advertisements must avoid anything likely to encourage poor nutritional habits or an unhealthy lifestyle in children That is:</p> <ul style="list-style-type: none"> - In particular, advertisements should not encourage excessive consumption of any food or drink, frequent eating between meals or eating immediately before going to bed. - It is important to avoid encouraging or condoning attitudes associated with poor diets, for example, a dislike of green vegetables. - Portion sizes or quantities of food shown should be responsible and relevant to the scene depicted, especially if children are involved. No advertisement should suggest that a portion intended for more than one person is to be consumed by a single individual or an adult's portion, by a small child. - Advertisements for food should not suggest that an inactive or sedentary lifestyle is preferable to physical activity. <p>b) Although children may be expected to exercise some preference over the food they eat or drink, advertisements must be prepared with a due sense of responsibility and should not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases</p> <p>c) For children older than 11, promotional offers are permitted, but must adhere to certain standards</p> <ul style="list-style-type: none"> - Advertisements featuring promotional offers linked to food products of interest to children must avoid creating a sense of urgency or encouraging the purchase of excessive quantities for irresponsible consumption. - Advertisements should not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. Advertisements featuring a promotional offer should ensure a significant presence for the product. - Advertisements for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food. They should not directly encourage children only to collect promotional items or emphasise the number of items to be collected. If promotional offers can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.

	<p>There should be no suggestion of “Hurry and buy”.</p> <ul style="list-style-type: none"> - If they feature large pack sizes or promotional offers, e.g. “3 for the price of 2”, advertisements should not encourage children to eat more than they otherwise would. - The notion of excessive or irresponsible consumption relates to the frequency of consumption as well as the amount consumed. <p>d) Care should also be taken in the use of celebrities for children older than age 11, and nutrition and health claims should always be accurate</p> <p>e) Advertisements must not encourage or condone excessive consumption of any food</p> <p>Notes:</p> <p>(1) Interpretation of this rule should be by reference to generally accepted nutritional advice. It would clearly not be inconsistent with shots of someone enjoying a chocolate bar; it would, however, preclude someone being shown eating whole boxes of chocolates in one sitting.</p> <p>(2) Portion sizes or quantities of food shown should be suitable for the occasion and the people portrayed, especially if children are involved. Advertisements should not suggest that a portion intended for more than one person is to be consumed by a single individual or an adult’s portion, by a small child.</p> <p>(3) If they feature large pack sizes or promotional offers, e.g. ”3 for the price of 2”, advertisements should not encourage people to eat more than they otherwise would.</p> <p>(4) The notion of excessive consumption relates to the frequency of consumption as well as the amount consumed. Advertisements must not disparage good dietary practice. Comparisons between products must not discourage the selection of options such as fresh fruit and vegetables, which accepted dietary opinion recommends should form a greater part of the average diet</p> <p>Notes:</p> <p>(1) Advertisements should not seem to contradict or ignore good dietary practice.</p> <p>(2) To reflect generally accepted good dietary practice, a reasonable variety of other foods should be shown if the advertised product is presented as part of a meal.</p> <p>(3) Food products not intended as substitutes for meals should not be presented as such.</p>
Messaging	None (“positive” messaging was included in the consultation as a potential option, but was rejected by Ofcom)
Definition of a child	Under the age of 16 (but also under age 12 for content)

Definition of child-targeted	Preschool children's programs; programs made for children under the age of 16 in children's airtime on commercial and public service broadcast channels and all cable and satellite channels; and youth-oriented programming that attracts a significantly higher-than-average proportion of viewers aged younger than 16 years, defined as the proportion of those watching under the age of 16 is 20% higher than the general viewing population
Food covered	Foods assessed as HFSS as defined by the FSA's nutrient profiling scheme
Enforcement mechanisms	[The rules for advertisements are enforced by the ASA. Complaints about sponsorship credits are dealt with by Ofcom.
Monitoring mechanism	Monitoring from two sources: UK Department of Health: In order to monitor progress and establish clear evidence of activity in this area, the Department of Health contracted media monitoring agency Billetts Media Monitoring (previously Thomson Intermedia), to collect and analyse advertising data across a range of different media. The results of this monitoring will be released annually Ofcom: Ofcom conducts reviews of whether restrictions in broadcast media are working as intended. They started their first review in July 2008 and released their report in December 2008. Ofcom will conduct a further review in 2010.
Evaluation mechanisms	No known studies on effects on diet or dietary knowledge or behaviours..
Results of enforcement, monitoring and evaluation	<i>Department of Health Review</i> In October 2008, the UK Department of Health published their first monitoring report, a retrospective analysis of advertising expenditure going back to January 2003 (DoH, 2008). The report found that: - Annual spend for overall food and drink advertisements across all media increased by 19% between 2003 and 2007. In comparison, annual spend for child-themed food and drink advertisements (adverts using licensed characters, children's media connection, free gifts or novelty food design) across all media decreased by almost half in this same period, falling 41% from £103m in 2003 to £61m in 2007. Annual child-themed ad- spend across all media has fallen every year since 2003, with the sharpest year-on-year decrease in 2007 of 19%. - This decline is as a result of declines on TV. There have been increases in other forms of advertising. The combined annual child-themed ad-spend for radio, cinema and internet increased by 11% from £2.03m to £2.26m from 2003 to 2007, while the annual child-themed ad- spend for press increased 42% from £4.7m to £6.7m in this same period. - On average, children saw 32% less overall food and drink advertising and two-thirds less child-themed food and drink advertising in 2007 than in 2003. This equates to 4.7 billion fewer impacts

	<p>amongst children aged 4-15 years for child-themed food and drink advertisements in 2007 compared to 2003. This decrease was equal amongst younger and older children and fell fastest in 2005 and 2007.</p> <ul style="list-style-type: none"> - On average, housewives with children also saw 46% less child-themed food and drink advertising in 2007 compared to 2003, which equates to 1.8 billion fewer impacts. - Housewives with children were exposed to 2% less overall food and drink advertising over this same period. <p><i>Ofcom review</i></p> <p>The interim results (from the first six months) reflects the partial introduction of the restrictions to date (note: “core category” means all food and drink advertising; one impact is equivalent to one member of the target audience viewing one commercial spot):</p> <ul style="list-style-type: none"> - Television share of total food and drink advertising spend has fallen from 68% to 64% since 2005; - The greatest decline in impacts has been in relation to children aged 4-9 years (down 27% since 2005) and down 57% in children’s airtime; - Core category 4-15 year olds impacts on television fell by 20% between April and September 2005 and the corresponding period in 2007. This was driven by a 59% decline in impacts delivered during children’s airtime, most of which (53%) has taken place between 2006 and 2007, since the rules were introduced; - Core category advertising on terrestrial children’s programming has fallen to negligible levels, and is declining markedly on dedicated children’s channels. The decline on dedicated children’s channels has been greater than the reduction required under Ofcom’s phased rules. - Impacts on dedicated children’s channels fell by 49% from 2005 to 2007. - Within that overall reduction, there has been an increase in 4-15 core category impacts in “adult” non-terrestrial airtime (up 26% since 2005), leading to an overall 2% increase in impacts delivered across all adult airtime. This reflects increased viewing of non-terrestrial ‘adult’ targeted channels by children. <p>Note: A report by the Consumer watchdog Which? found that none of the five programmes with the highest proportion of child audiences are being covered by the regulation, and include advertisements for foods targeted at children such as Cream Eggs</p>
Cross-border considerations	The scheduling restrictions and revised content rules apply to all channels transmitted by UK broadcasters whether aimed at UK audiences or outside the UK.
Roles of different actors	The Department of Health set the general policy direction and is monitoring the effects of the policy.

	<p>Ofcom was responsible for developing the regulation and is involved in monitoring its effects and enforcement. As for all its regulatory functions in relation to broadcast advertising, Ofcom contracts out implementation to the self-regulatory organisation, the Advertising Standards Authority (ASA) and its Broadcast Committee on Advertising Practice (BCAP), Thus in accordance with the co-regulation arrangements put in place by Ofcom and its co-regulatory partners, responsibility for interpreting the content rules rests with BCAP, while ASA is responsible for securing compliance. Complaints concerning compliance with the scheduling restrictions are referred to Ofcom.</p> <p>The Food Standards Agency was responsible for setting and reviewing the nutrient profiling model. Clearcast is the organisation responsible for checking advertisements prior to broadcast on behalf of most broadcasters to ensure they comply with relevant regulations. Clearcast (formerly the Broadcast Advertising Clearance Centre) requires advertisers to certify HFSS adverts using the nutrient profiling model if they wish to advertise during the restricted periods.</p>
Potential/planned future action	<p>A further Ofcom review is planned for 2010.</p> <p>On non-broadcast media, the government is encouraging the industry to explore self-regulatory options and is looking at developing a set of voluntary principles to underpin all forms of marketing and promotion, particularly in those areas where established self-or co-regulatory regimes do not exist.</p>
Additional relevant policies that address marketing to children in general	<p>In the UK, the self-regulatory organisation for broadcast advertising is the Advertising Standards Authority, an independent body set up by the advertising industry to police the rules laid down in the advertising codes. The Codes, however, incorporate government legislation and statutory regulations, and are governed by committees, in this case, the Broadcast Committee for Advertising Practice. Thus the system is one of co-regulation, and all the relevant legislation is incorporated into the BCAP Codes. These Codes also set out general principles on children, such as “Advertising must not take advantage of children’s inexperience or their natural credulity and sense of loyalty.”</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>See above for broadcast advertising</p> <p>Non-broadcast advertising is the responsibility by the Committee of Advertising Practice (CAP) of the ASA. It is not subject to any statutory restrictions, but applies all the qualitative guidance contained in the BCAP Code (described above) through the “The British Code of Advertising, Sales Promotion and Direct Marketing.”</p> <p>In addition, ISBA: The Voice of British Advertisers, published a voluntary code for online food advertising in July 2007: “Online promotion of food to children: Best practice principles for communications on advertiser-owned websites.” The Code also follows qualitative guidance contained in the BCAP Code in stating that:</p> <p>4. General principles</p>

	<p>4.1. The online promotion of food products should not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.</p> <p>4.2 Although children may be expected to exercise some preference over the food they eat or drink, online communications should be prepared with a due sense of responsibility and should not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases.</p> <p>4.3 Online communications of food products should not encourage children to pester or make a nuisance of themselves.</p> <p>4.4 Online communications should neither try to sell to children by directly appealing to emotions such as pity, fear or self-confidence nor suggest that having the product somehow confers superiority, for example making a child more confident, clever, popular, or successful.</p> <p>4.5 Online communications addressed to children should avoid 'high pressure' and 'hard sell' techniques; they should neither directly urge children to buy or persuade others to buy nor suggest that children could be bullied, cajoled or otherwise put under pressure to acquire the product.</p> <p>4.6 Products and prices should not be presented in online communications in a way that suggests children or their families can easily afford them.</p> <p>4.7 Online communications addressed to or targeted directly at children should not actively encourage them to eat or drink at or near bedtime, to eat frequently throughout the day or to replace main meals with confectionary or snack foods.</p> <p>5. Use of licensed characters and celebrities</p> <p>5.1 In line with the non-broadcast CAP Code these principles on the use of licensed characters and celebrities apply to commercial communications targeted at pre school and primary school children</p> <p>5.2 Licensed characters and celebrities popular with children should be used online with a due sense of responsibility in accordance with this guidance and should not encourage over consumption by children.</p> <p>6. Nutrition and health claims</p> <p>6.1 These principles on the use of Nutritional and Health Claims apply to commercial communication targeted at pre school and primary school children.</p> <p>6.2 Nutrition and Health claims should be supported by sound scientific evidence and comply with EU Regulation (EC) No 1924/2006 on nutrition and health claims made on foods.</p> <p>6.3 Marketing communications should not disparage good dietary practice or the selection of options, such as fresh fruit and vegetables that accepted dietary opinion recommends should form part of the average diet.</p> <p>There are no published reports of any monitoring or evaluation of this code.</p>
Source of information	Department of Health. Choosing Health: Making healthy choices easier. November 2004. Online at:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4094550
 Department of Health. Choosing a better diet: A food and health action plan. December 2005. Online at:
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4105356
 Ofcom. Television Advertising of Food and Drink Products to Children: Final statement. Ofcom, February 2007. Online at:
http://www.ofcom.org.uk/consult/condocs/foodads_new/statement/statement.pdf
 The Broadcast Committee of Advertising Practice (BCAP). Television Advertising Standards Code. Online at: http://www.asa.org.uk/NR/rdonlyres/89548571-FA23-4642-B04D-8812C58D9FF3/0/BCAP_Television_Advertising_Standards_Code_20080108.pdf
 The Broadcast Committee of Advertising Practice (BCAP). BCAP Rules On The Scheduling Of Television Advertisements. Online at: http://www.asa.org.uk/NR/rdonlyres/7F763788-6A51-4A73-B35B-C60346FD5F6C/0/BCAPRulesontheSchedulingofTelevisionAdvertisements_20080108.pdf
 Committee of Advertising Practice (CAP). The British Code of Advertising, Sales Promotion and Direct Marketing. Online at: <http://www.asa.org.uk/NR/rdonlyres/AE1CB9D7-0981-4792-8FF1-C27A39DA917E/0/CAPCode.pdf>
 Food Standards Agency (FSA). Nutrient Profiling. Online at:
<http://www.food.gov.uk/healthierating/advertisingtochildren/nutlab/>
 ISBA: The Voice of British Advertisers. Online promotion of food to children: Best practice principles for communications on advertiser-owned websites. July 2007. Online at:
<http://www.isba.org.uk/isba/protecting/current-issues/food>
 UK Department of Health. Changes in food and drink advertising and promotion to children: A report outlining the changes in the nature and balance of food and drink advertising and promotion to children, from January 2003 to December 2007. DOH, December 2008.
 Ofcom. Update on impact of restrictions on food and drink advertising to children. February 14 2008. <http://www.ofcom.org.uk/research/tv/reports/update/>
 Ofcom. Stakeholder Briefing: HFSS advertising restrictions - experience to date and next steps, 12 December 2007. <http://www.ofcom.org.uk/research/tv/reports/update/briefing.pdf>
 Jane Landon, National Heart Forum, London, UK. Personal Communication May 2009.
 Allison Ross, Cross-government Obesity Programm, Department of Health, UK. Personal Communication August 2009.

II. WHO European Region, non-EU, northern/western Europe

Andorra

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	No information
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	No information
Additional self-regulation and voluntary approaches on marketing to children	
Source of information	No information

Iceland

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The Icelandic National Health Plan to the year 2010 was adopted in 2001. It mainly sets targets, and does not mention highly specific action points like food marketing to children. A parliamentary resolution calling for action to improve the health of Icelanders through a healthier diet and increased physical activity was passed in May 2005. As a result of the resolution, a working group under the auspices of the Prime Minister's Office was established to analyse the situation regarding obesity, nutrition and physical activity in the population and to make recommendations for relevant action. The report includes a chapter on marketing and suggests that the government should consider if there is a need for action to address food marketing to children
Government policy specific to food marketing to children	No official government policy, but guidelines have been developed by the independent, but government-appointed Consumer Spokesman and Children's Ombudsman, who have developed a voluntary agreement. This can be defined as approved self-regulation (subject to verification).
Name and description of policy	"Consumer spokesman's and children ombudsman's guidelines for increased consumer protection regarding marketing directed at children." The development of the guidelines was initiated in 2005-2006 by the current Consumer Spokesman and the previous Children's Ombudsman. The guidelines are intended as an addition to applicable legislation and guidelines, or as support for and explanation of existing rules; the guidelines, therefore, do not include a list of already applicable rules. In these guidelines, an effort is made to take account of the views of approximately 100 parties, i.e. interested parties and experts whose opinion has been sought, both at the administrative level and elsewhere, such as government ministers and members of parliament, interest groups, academic and public associations, as well as individuals. In December 2008, over a three-week period, the general public was given the opportunity to comment on the draft guidelines issued by the Consumer Spokesman and the Children's Ombudsman on increased consumer protection for children, dated 3 December 2008. An attempt has been made to reconcile different and even opposing views.
Date of implementation	Issued on 28 January 2009, applicable as of 15 March 2009
Objective of policy	The guidelines were developed because surveys suggested that parents wanted their children to be less exposed to food marketing
Sector coverage	All marketers
Communication media covered	All channels
Marketing techniques covered	Advertising; marketing using celebrity figures; sponsorship; product placement; schools

General approach: restrictions/guidance/mess aging	Restrictions and guidelines
Restrictions	<p>III) The healthiness of foodstuffs</p> <p><i>Unhealthy foodstuffs</i></p> <p>- Marketing foodstuffs with a high content of sugar, salt, fat and trans fat shall be avoided in the case of children.</p> <p><i>Health label</i></p> <p>- In the event that an official health label is adopted, an effort shall be made to ensure that only foodstuffs that meet the criteria of such a health label are near cash registers; advertised in movie theatres and on DVDs for young children; marketed with the assistance of bonuses of particular interest to children; marketed with well-known cartoon figures or famous persons of particular interest to children; advertised or offered for sale in prominent locations at swimming pools or in sports facilities; in future, named in a way that indicates healthiness and that they are specifically intended for children.</p> <p>IV) Marketing of and during television material, films and other digital material for children</p> <p><i>Children's material</i></p> <p>- There should be no advertising on television during children's viewing times.</p> <p><i>Sold children's material</i></p> <p>- Advertisements in children's material on DVDs that are for sale shall be kept to a reasonable level.</p> <p><i>Foodstuffs advertisements</i></p> <p>- If foodstuffs are advertised 10 minutes before or 2 minutes after children's television viewing times or other material of interest to children under the age of 12, such foodstuffs must be healthy. The trademarks and identification signs of sponsors of such goods shall not be shown or mentioned in connection with children's material.</p> <p><i>Product placement</i></p> <p>-Product placement is always prohibited in children's material.</p> <p><i>Not intended for children</i></p> <p>- Computer games, DVDs and the like may not be marketed at children of a certain age if the material in question is not intended for children at that age. It is completely forbidden to show, before a film, a presentation that may not be shown at that hour, unless it is clear the presentation meets the requirements for material that may be shown at that hour. Nor may presentations be held in connection with children's films in cinema theatres, i.e. films, products or services not intended for children at the relevant age.</p>

V) Schools and youth activities

1. Secondary schools

Advertisements, sponsoring or other marketing or promotion shall only be allowed with the written permission of the head teacher or his or her representative. A separate permit shall be issued each time or in advance for a specific period.

Contracts that student associations make for the benefit of their members shall be: transparent and accessible to students and presented to the head teacher in advance.

Board members or other representatives of student associations may not profit or enjoy any personal gain in excess of others from a company for business or marketing in which the student association is an intermediary.

Student associations may not provide companies with personal information such as student mobile phone numbers, addresses or e-mail addresses for use in marketing. Companies may not use student name lists for marketing purposes. If an association chooses to act as an intermediary in a marketing campaign by phoning its members, sending them e-mails or delivering sticker lists, all members shall be given prior opportunity to refuse, on their own behalf, inclusion in such a list.

2. Primary schools and nursery schools

No advertisements are allowed in primary schools or nursery schools. The same applies to other marketing methods. Information on sports, hobbies and youth activities operated by the local authorities, however, is permitted. Moreover, sponsorship of activities within the school is permitted with the authorisation of the head teacher, taking into account the policies of the local authorities and the parents association, if these are responsible for events within the school. School children in normal school activities, however, shall not wear any label in a prominent place with the name of a sponsor. The logo of a sponsor may not be shown specifically or advertised in the location of the school.

Sponsorship of educational material is only permitted to the extent allowed by municipal regulations.

3. Religious activities

The same criteria apply to religious activities as to primary and nursery schools, although instead of the approval of the head teacher, the approval of the head of the religious association is required.

4. Swimming pools and other sports facilities

Marketing and sales in sports facilities that children may be expected to frequent must focus on healthiness.

5. Sports and youth activities

Board members or other representatives of sports and youth organisations may not profit or enjoy any personal gain in excess of others from a company for business or marketing in which the organisation is an intermediary. Sponsorship in the field of youth activities operated by local authorities, including

	parents associations, is subject to the general rules that local authorities establish for themselves. These shall take a position on whether it is appropriate that children wear a label showing the logo of a sponsor.
Guidance	
Messaging	
Definition of a child	Not known
Definition of child-targeted	Not known
Food covered	Foodstuffs with a high content of sugar, salt, fat and trans fats, to be possibly defined by a new "health" label
Enforcement mechanisms	Not known
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	No
Cross-border considerations	Not known
Stakeholder roles	The independent, but government appointed Children's Ombudsman and Consumer Spokesman initiated the development of the guidelines. The guidelines were developed in conjunction with the communications, advertising and food industries, and NGOs.
Potential/planned future action	Not known
Government policies that address marketing to children in general	The Broadcast Act (No 53/2000) follows article 16 of the EU TVWF Directive. In addition, in 2009, advertisements in television during (before and after) children's hour were banned on the state owned television station.
Additional self-regulation and voluntary approaches on marketing to children	Society of Icelandic Advertising Agencies (SIA) has a Code of Advertising Practice which follows the ICC Code
Source of information	The Ministry of Health and Social Security. The Icelandic National Health Plan to the year 2010. Reykjavík 2004. Online at: http://www.heilbrigdisraduneyti.is/media/Skyrslur/heilbenska5mai.pdf Consumer spokesman's and children ombudsman's guidelines for increased consumer protection regarding marketing directed at children. (Leiðbeiningarreglur talsmanns neytenda og umboðsmanns barna um aukna neytendavernd barna varðandi markaðsókn sem beinist að börnum). Online at :

	<p>http://www.tn.is/pages/781. Unofficial translation obtained direct from the Consuler Spokesman. Regulation and self-regulation on advertising directed at minors. Online at: http://ec.europa.eu/avpolicy/docs/library/studies/finalised/studpdf/tab_ic.pdf Brynhildur Pétursdóttir, Consumer Association of Iceland (Neytendasamtökin, NS). Personal Communication, May 2009. Gísli Tryggvason., Consuler Spokesman, Iceland. Personal Communication, June 2008.</p>
--	--

Monaco

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	No information
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No information
Government policies that address marketing to children in general	
Additional self-regulation and voluntary approaches on marketing to children	
Source of information	

Norway

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The current nutrition action plan is the “Recipe for a healthier diet: Norwegian Action Plan on Nutrition (2007–2011).” The plan aims to move the Norwegian diet towards recommended nutritional goals and reduce social inequalities in diet. It has ten focus areas, one of which is “Healthy foods in a diverse market.” A sub-goal of this focus area is to “reduce the promotion of foods that contribute to a diet that is not healthy, especially among children and young people.”
Government policy specific to food marketing to children	Yes, approved self-regulation, with further action if does not prove to work
Name and description of policy	“Guidelines for marketing food and beverages to children and youth.” These are voluntary guidelines developed by the Norwegian Consumer Council in cooperation with representatives from the private sector.
Date of implementation	The guidelines were adopted on September 21 2007, with the intention that they remain valid until January 1 2009. The Consumer Council held a meeting December 9th 2008 about the guidelines at which they agreed upon indefinite application. An updated version of the guidelines were published in June 2009 with this change, as well as reference to the 2008 Marketing Act.
Objective of policy	The purpose of the guidelines are to: <ul style="list-style-type: none"> - supplement and elaborate existing national legislation to promote responsible marketing practise. - raise awareness of business and industry to the challenges relating to the marketing of food and beverages to children and youth and associated health challenges - ensure that health concerns play a role in the marketing of foods and drinks - help ensure that children are protected from negative marketing influences, in particular to ensure that marketing does not make it difficult for parents and others to give children nutritional guidance and a healthier diet - limit and tighten marketing practices and utilise the positive effects of marketing
Sector coverage	Signatories to the guidelines
Communication media covered	Broadcast and non-broadcast media carrying advertising; schools
Marketing techniques covered	Advertising, event sponsorship, product sampling
General approach: restrictions/guidance/mess	Guidance and restrictions

aging	
Restrictions	Advertising energy-dense, nutrient poor foods should not directly target children No advertising in schools Product samples should not be given to unaccompanied children No sponsorship of events where children are unaccompanied
Guidance	Marketing must not exploit children's trust or credulity Marketing should not promote overconsumption Marketing must be clearly defined as such Special caution should be used when using games and competitions and free gifts etc, and the use of celebrities In sales promotions in retailers, caution should be shown in promoting energy dense, nutrient poor foods, and efforts should be made to promote the sale of healthier products Marketing should not contain an explicit request that children buy the product Marketing should not make misleading claims about the nutritional qualities of the product
Specific messaging	None
Definition of a child	Children are under the age of 12; youth are aged between 13 and 18
Definition of child-targeted	Not defined
Food covered	Energy-dense, nutrient-poor foods, which are foods and beverages with high levels of fat; especially saturated fat and transfatty acids, added sugars or salt and low levels of vitamins, minerals or fibre. But no specific method of definition.
Enforcement mechanisms	There are no mechanisms for enforcement, but the Consumer Council has formed a small steering group, which is looking into this
Monitoring mechanism	Not known
Evaluation mechanisms	As above; the Consumer Council hopes to do some evaluation in 2009.
Results of enforcement, monitoring and evaluation	In January 2009, the Norwegian Consumer Council held a meeting about the code. The representative of the Consumer Council reported that the code has increased the focus on and awareness of the marketing of foods to children and that it has had a "corrective effect" on the actors. The consumer council thus recommended to wait some more time before final conclusions are drawn about self-regulation. The consumer council also reported that from observation, there has been a shift in the presentation of fruits and vegetables in the area of the cash registry, and in some places they have also observed less intrusive promotion of energy-dense nutrient poor products, but not in all places. The Consumer Ombudsman, which is responsible for enforcing and monitoring marketing practices in Norway, says it has come across several examples of marketing of food and beverages to children in

	<p>Norway since the launch of the voluntary guidelines, but also says that they receive few complaints on marketing of food and beverages to children compared to other products.</p> <p>The Ombudsman frequently monitors marketing practices through the use of “Action Days”, which are entire days dedicated to locating and analyzing different types of, and arenas for, advertising. In the last two years, two such days have been dedicated to advertising of food and beverages to children, and another day was dedicated to looking at the use of gifts and competitions in advertising to children, including in food and beverage marketing.</p> <p>The first of these action days focused solely on TV commercials. Sixty-one commercial blocks on the two biggest commercial TV-channels were checked, primarily during TV-shows such as “Big Brother”, “Idol” and “So you think you can dance”. The case handlers found 111 commercials for food and beverages high in fat, salt and/or sugar, such as pizzas, soft drinks, sausages, chocolates and sweets. During the second and third action days, a wider scope was used, looking at media such as magazines, Internet, in-store placements as well as TV commercials. The results showed that the use of gifts and competitions is especially popular in the marketing of food and beverages. Furthermore, the third action day, which was carried out after the voluntary guidelines had been in use for three months, showed no change in marketing of food and beverages as compared to monitoring tasks before they were launched.</p>
Cross-border considerations	<p>The guidelines are primarily national and only applicable on those who have signed the document. Major concerns have been voiced by participants in development of the Code that foreign producers (not signed up to the Code) would broadcast from outside Norway.</p>
Stakeholder roles	<p>The Norwegian Consumer Council is the key actor, since it developed and is responsible for the code. The private sector also played a role in developing the code.</p> <p>The Directorate for Health and Social Affairs and the Consumer Ombudsman attended the workshop meetings as observers.</p>
Potential/planned future action	<p>The Consumer Council plan to continue to implement the Code, with plans to get remaining large companies involved, and conduct more monitoring and evaluation.</p> <p>Experience gained from the self-regulatory approach, coupled with guidance from the forthcoming WHO recommendations, will be important for further policy development in Norway.</p>
Government policies that address marketing to children in general	<p>Broadcasting Act (1992, last revised 2007) states that:</p> <p>Advertisements may not be broadcast in connection with children's programmes, nor may advertisements be specifically directed at children. (Section 3-1, paragraph 2)</p> <p>Regulations No. 153 of 28 February 1997 relating to broadcasting (last revised 2005) state that:</p> <p>Section 3-6</p> <p>Account must be taken of the fact that all advertising may be seen or heard by children, and particular</p>

	<p>care must be shown in respect of children's susceptibility and lack of experience.</p> <p>No advertisements may be broadcast for products or services of special interest to children and young people that involve the participation of persons or figures who in the preceding 12 months have featured regularly or over a long period of time as important elements in programmes for children or young people on a radio or television channel received in Norway.</p> <p>No advertisements specifically directed at children may be broadcast, cf. section 3-1 of the Act. In the assessment of whether advertising is specifically directed at children, importance shall be attached, inter alia, to the following factors:</p> <ul style="list-style-type: none"> - whether the advertisement concerns a product or a service of particular interest to children, - the time at which the advertisement is broadcast, - whether children under the age of 13 are participants, - whether animation or other form of presentation which particularly appeals to children is used. <p>No advertisements may be broadcast ten minutes immediately before or after a children's programme. A programme is to be regarded as a children's programme when children are deemed to be the primary target group for the programme. In the assessment of whether a programme is to be regarded as a children's programme, importance shall be attached, inter alia, to the following factors:</p> <ul style="list-style-type: none"> - the content and form of the programme, - whether children under the age of 13 are participants, - when the programme is broadcast, - who are potential viewers in relation to the time of broadcast, - actual viewers, - the use of language in the programme. <p>Teletext pages whose target group is children shall not contain advertising.</p> <p>Regulation § 9-6. On advertising in schools, states that: The school shall ensure that the pupils are not exposed to advertisements that cause commercial pressure or that to a large extent influence attitudes, behaviour and values, including on school premises, in textbooks and other utilized teaching material. The Ministry may lay down further regulations.</p>
Additional self-regulation and voluntary approaches on marketing to children	There is no self-regulatory body for advertising in Norway.
Source of information	Recipe for a healthier diet: Norwegian Action Plan on Nutrition (2007–2011). Norwegian Ministries,

2007. Online at:
<http://www.regjeringen.no/upload/HOD/Dokumenter%20FHA/SEM/Kostholdsplanen/IS-0238%20kortversjon%20eng.pdf>
Retningslinjer for markedsføring av mat og drikke rettet mot barn og unge (Guidelines for marketing food and beverages to children and youth) September 21, 2009. Online at:
<http://forbrukerportalen.no/Artikler/2007/Matbransjen%20rydder%20opp>. English translation available on request.
Act no. 127 of 4 December 1992 relating to Broadcasting (unofficial translation). Online at:
http://www.regjeringen.no/nb/dep/kkd/dok/lover_regler/reglement/2005/Broadcasting-Act-.html?id=420612
Broadcasting Regulations (No. 153 of 28 February 1997) (unofficial translation). Online at:
http://www.regjeringen.no/upload/KKD/Medier/Broadcasting_Regulations_No153of28February1997.pdf
European Network on reducing marketing pressure on children. Report from the first meeting in Oslo, Norway, 17-18 January 2008 . Online at:
http://www.helsedirektoratet.no/vp/multimedia/archive/00044/Final_report_first_m_44659a.pdf
Norwegian Consumer Council. Retningslinjer for markedsføring av mat og drikke videreføres. Press Release (in Norwegian). Online at:
http://forbrukerportalen.no/Artikler/2009/retningslinjenes_for_markedsforing_av_mat_og_drikke_rettet_mot_barn_forlenges
Knut-Inge Klepp, Arnhild Rimestad and Britt Lande, Health Directorate, Norway. Personal Communication June 2009.

San Marino

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	No information
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No information
Government policies that address marketing to children in general	No information
Additional self-regulation and voluntary approaches on marketing to children	
Source of information	

Switzerland

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>The most relevant published documents are the “Action plan on nutrition and health: a nutrition policy for Switzerland” published by the Ministry of Health in 2001 and the “Nationales Programm Ernährung und Bewegung 2008–2012” (NPEB 2008–2012) (National Program on Health and Physical Activity), which was published in 2008 by the government. Neither documents refer to food marketing to children.</p> <p>In April 2009, Federal Office of Public Health initiated a new initiative “actionsanté” which is a platform to encourage commitments from the private sector to promote healthier diets and physical activity i.e; “bringing together the potential partners in business and the institutional world who wish to intervene at the level of your environment to support the individual and the community in choosing a lifestyle that is more active and food that is more appropriate.” Companies are able to make pledges, and if the criteria are sufficient, gain the use of the “actionsante” logo. Marketing to children is not referred to specifically, although the pledges could potentially include actions on marketing to children.</p>
Government policy specific to food marketing to children	No. In 2006 a member of the national parliament asked the government whether it would consider regulating television advertising of energy dense food to children. The government responded that the existing law is enough (see below) and no more action was necessary. There has been a parliamentary motion on the issue since then (see below under “future actions”) and this is currently being considered.
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	

Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	<p>On 19 March 2009, the Swiss National Council adopted a popular motion: “Postulate”, to investigate the introduction of new food labelling regulations. The motion, introduced by conservative deputy Humbel Näf Ruth (PDC/AG) calls on the Swiss Federal Council to draft and potentially implement a number of food labelling and food marketing restrictions in collaboration with the industry. The motion, which was approved by 82 votes to 73 with 10 abstentions, states that “the Federal Council is charged, in collaboration with the food industry, to study the possibility of taking the following measures, including:</p> <ul style="list-style-type: none"> - The implementation of stricter restrictions on advertising; for example, chocolate snacks for children would not be allowed to be promoted as ‘healthy’ if they contain levels of sugar or fat that are deemed too high; <p>It has been reported that the Federal Department of Home Affairs is evaluating the questions raised in the motion.</p>
Government policies that address marketing to children in general	<p>The federal law concerning television and radio regulates advertising aimed at children, and includes standard clauses on advertising to children e.g. advertising must not harm children’s interests and must not take advantage of their deficiency of judgement and experience.</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>The Swiss commission for Integrity in Advertising (Commission Suisse de la Loyauté) has a set of Principles of the Swiss commission for Integrity in Advertising, which include the same provisions as the national law (above)</p> <p>The private section has also been called to act through the “actionsante” platform of the Federal Office of Public Health (described above)</p> <p>Information from the World Federation of Advertisers also suggests that a food industry pledge</p>

	following the EU Pledge program will be in place in Switzerland by the end of 2009.
Source of information	<p>ActionSante: Eat better, move more. An initiative of the Federal Office of Public Health FOPH. Online at: http://www.bag.admin.ch/themen/ernaehrung_bewegung/05245/index.html?lang=en</p> <p>Hofer P, Bieri J. Advertising to children in Switzerland. Young Consumers Quarter 2, 2005. Online at: http://www.gala-marketlaw.com/pdf/LegalSwitzerland.pdf</p> <p>EACA Monthly Newsletter March 2009. http://www.eaca.be/news/newsletterarticle.asp?newsletter=86#1195</p> <p>Industrie engagiert sich gegen Übergewicht. Press release (in German) 19.9.2007. Online at: http://www.foodaktuell.ch/nachrichten.php?art=764</p> <p>Annette Matzke PD, Public Health Schweiz, Leader of the specific group "Nutrition", Effingerstrasse 54, CH-3001 Bern. Personal Communication April 2009.</p>

III. WHO European Region, non-EU, eastern Europe

Albania

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	In 2003, the Ministry of Health published “Analysis Of The Situation and National Food and Nutrition Action Plan For Albania 2003-2008”, which included the reduction of obesity and noncommunicable diseases among its goals. It does not mention food marketing to children.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Not known
Government policies that address marketing to children in general	Law No. 8410 dated 30 September 1998 "On Public and Private Radio and Television in the Republic of Albania" ("Electronic Media Law"), became effective on 4 November 1998. It is reported that it contains standard provisions on protecting children.
Additional self-regulation and voluntary approaches on marketing to children	None.
Source of information	Ministry of Health. Analysis of the Situation And National Food and Nutrition Action Plan For Albania 2003-2008. Online at: http://www.seefsnp.org.yu/documents/albania/Food%20and%20Nutrition%20Action%20Plan%20for%20Albania%202003_2008.pdf Koki E. An overview of the regulatory framework for media in Albania. Communications Law in Transition Newsletter Vol 2 No 3, February 18, 2001. Online at: http://pcmlp.socleg.ox.ac.uk/transition/issue2_3/koci.htm Note: this information has not been independently verified by a key informant.

Armenia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Armenia has several policy documents relevant to nutrition, including the National Food Security Framework Policy (1999) and the National Policy on Food Provision (2005). None refer to food marketing to children.
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future actions	
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors.”
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Rachel Dechenne, Consumers International, London. Personal Communication May 2009.

Azerbaijan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	There is no common nutrition policy in Azerbaijan.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	The Law of the Azerbaijan Republic on Advertising, 24 November 1997; The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Note: this information has not been independently verified by a key informant.

Belarus

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	A national programme “Health of the People: State Programme on the Formation of Healthy Lifestyles among the Population of Belarus 2002-2006” was adopted in 1999 to be implemented in 1999–2005. The programme includes sections on health and lifestyle and optimization of the diet, and priorities in the provision of medical care. It does not mention food marketing to children.
Government policy specific to food marketing to children	No
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border	

considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	<p>“On Advertising,” Law of the Republic of Belarus No. 225-Z of May 10, 2007 [Amended as of August 5, 2008] does not allow children’s television programs to be interrupted by advertising except for feature films. This is similar to the EU TWVF and its revision, the AMSD, which prohibits childrens programmes of less than 30 minutes from being interrupted by advertising. The law does not include any further provisions on children, except those relating to the marketing of breastmilk substitutes.</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>There is no self-regulatory organisation for advertising in Belarus.</p>
Source of information	<p>“On Advertising,” Law of the Republic of Belarus No. 225-Z of May 10, 2007 [Amended as of August 5, 2008]. Online at: http://www.law.by/work/EnglPortal.nsf/6e1a652fbefce34ac2256d910056d559/e1e5494ea5b48d27c2256dc10029210b?OpenDocument Note: this information has not been independently verified</p>

Bosnia and Herzegovina

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	In 2002, the Federal Ministry of Health and the Institute of Public Health of the Federation of Bosnia and Herzegovina jointly published “Food and Nutrition Policy Of Federation of Bosnia And Herzegovina” (FNAP). One of the aims was to reduce the prevalence of obesity. The document does not include actions or provisions on food marketing to children. However, as new data has showed very high consumption of energy dense nutrient poor foods among school children in the Federation of Bosniaand Herzegovina, the new “FNAP 2007-2012” that is currently being developed, plans to include reducing of marketing pressure on children into the FNAP and define actions to address it.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	

Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	The Ministry of Health is currently undertaking a campaign promoting family medicine and use of primary health care, including the promotion of healthy lifestyles and nutrition. As part of this campaign, on several occasions, the problem of marketing pressure on children and its consequences have been stressed on television shows, radio and newspapers. Also, the Health Behaviour in School-aged Children (HBSC) survey done by the Public Health Institute of the Federation of Bosnia and Herzegovina showed that consumption of salty snacks, sugared juices/cola drinks, sweets is among the highest in Europe. The Public Health Institute say that this will serve as a basis for future action in this area. In the Republika Srpska, there are also plans for a new school nutrition policy which would limit marketing in schools.
Government policies that address marketing to children in general	The Advertising and Sponsorship Code of Practice for Broadcasters follows the EU TVWF Directive in stating that advertisements shall not be inserted in any children's programmes, in duration of less than thirty minutes (Article 14.5). It also contains ten clauses on children, including (Article 3.3 and Article 13): <ul style="list-style-type: none"> - Advertising, teleshopping and sponsorship aimed at children or using children must avoid anything that might harm the interests of the children and have consideration for their particular sensitivity and susceptibility - Advertisement aimed at children shall not contain false information. - Advertisement aimed at children shall not recommend product or service that is not intended for children. - Advertisements that incite behaviour that might endanger lives, physical or moral development of children shall be prohibited. - Advertisement aimed at children shall not contain information that might lead a child to behaviour which is dangerous for its physical, emotional or any other kind of integrity.
Additional self-regulation and voluntary approaches on marketing to children	There is no self-regulation by the advertising or food industries.

Source of information	Federation of Bosnia And Herzegovina, Federal Ministry Of Health, Institute Of Public Health Of Federation Of Bosnia And Herzegovina. Food and Nutrition Policy Of Federation of Bosnia And Herzegovina (2002). Online at: http://www.seefsnp.org.yu/documents/bosnia/fnap%20FBH%20English.pdf Bosnia and Herzegovina Communications Regulatory Agency (RAK). Advertising and Sponsorship Code of Practice for Broadcasters Changed and Amended Text (15 November 2006). Online at: http://www.rak.ba/en/legal/rules-codes/broadcast/codes/default.aspx?cid=4457 Aida Filipovic Hadziomeragic, Head of Nutrition Unit, Public Health Institute of Federation of Bosnia and Herzegovina, Personal Communication, May 2009.
-----------------------	--

Croatia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>There are several relevant policy documents:</p> <p>The Croatian Food and Nutrition Policy (1999), and the first National Food and Nutrition Action Plan (FNAP) for (2005) included the aims of the promotion of an adequate (“healthy”) diet, physical activity and healthy lifestyles, and a reduction the prevalence of overweight and obesity, as well as diet-related chronic non-communicable diseases.</p> <p>The Second National Food and Nutrition Action Plan (FNAP) for 2008–2012 includes actions aimed to improve diet and nutritional status of different target groups. Several actions are in line with WHO European Action Plan for Food and Nutrition Policy 2007-2012.</p> <p>The National Action Plan for Prevention and Treatment of Obesity 2009-2013 is based on the WHO Global Strategy on Diet, Physical Activity and Health and European Charter on counteracting obesity. The main elements of the Action Plan are an evaluation of the prevalence of overweight and obesity, a situation analysis related to nutrition, the causes and consequences of obesity, an overview of prevention, treatment initiatives and their effects, and about 60 recommendations and actions aimed at different target groups and areas.</p> <p>Both action plans include planned activities to develop recommendations regarding food marketing to children and adolescents.</p>
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	

Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	The Ministry of Health and Social Welfare is coordinator for development and implementation of both action plans. Besides representatives of the health sector (specialists from several areas of medicine, nutrition and public health experts), in the working groups for preparation of both action plans representatives of education, sport, research, health insurance, finance, housing, transport and agriculture, the media, the food industry and nongovernmental organizations were involved.
Potential/planned future action	Yes, to follow up the two action plans
Government policies that address marketing to children in general	The Law on Electronic Media (2003) stipulates that advertising and teleshopping aimed at minors or depicting minors should avoid anything that could harm their interests. Also advertising should take into account the sensibility and susceptibility of children and make sure that they suffer no moral or physical damage. The Law on Croatian Television (2003) contains a general norm that obliges broadcasters to respect privacy, human dignity and others basic rights, and especially show respect for children and youth. This provision is also applicable to advertising.
Additional self-regulation and voluntary approaches on marketing to children	The association of advertising agencies is Hrvatsko Udruženje Reklamnih Agencija (http://hura.hr/), and here is an initiative underway to develop a self-regulatory body, but ntohin exists yet.
Source of information	WHO EURO. Nutrition, physical activity and prevention of obesity: recent policy developments in the WHO European Region.

	<p>European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Katica Antonic Degac, Head of Nutrition Unit, Croatian National Institute of Public Health, Zagreb, Croatia. Personal Communication, May 2009.</p>
--	--

Georgia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The Food and Nutrition Action Plan was published in 2006 by the Ministry of Labour, Health and Social Affairs, though never approved by the government. It does not refer to food marketing to children.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Rachel Dechenne, Consumers International, London. Personal Communication May 2009. Manana Beruchashvili, Deputy Director-General, National Center for Disease Control and Public Health of Georgia, Tbilisi, Georgia. Personal Communication, May 2009.

Israel

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>The most recently published national nutrition policy document is “From safe food chain to healthy nutrition web,” adopted by the Ministry of Health in 2002. But a nutrition action plan is currently under development by the Ministry of Health. The draft plan comprises a series of goals. Under Goal No. 4 the provision is included of “Placing restrictions on TV advertising of food with low nutritional value aimed at children: Defining types of food and/or age groups to which advertising restrictions apply; A review of advertising restriction practices around the world and effective regulatory tools; Promoting appropriate regulation such as a joint code, legislation, etc.</p> <p>The action plan is still under discussion and will not necessarily be adopted in its current form. In addition, there are several task forces that deal with nutrition and obesity, which have proposed that multisectoral action on the marketing and advertising of products aimed at children should be taken, but they have not taken direct action to develop legislation themselves.</p>
Government policy specific to food marketing to children	No. Several Members of Parliament have tabled Private Bills on marketing to children, but none have passed and the Ministry of Health has not taken a particular position on the issue. The most recent private bill would have restricted marketing to children on television before 9 pm, established a food profiling system to determine food could not/could be marketed, warnings on foods not healthy for children.
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	

Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	If the current draft of the nutrition action plan is adopted by the Ministry of Health, this may stimulate action
Additional relevant policies that address marketing to children in general	<p>The Consumer Protection Regulations (Advertisements Targeted at Minors) (1991, revised 2006) of the Consumer Protection Law of 1981 (“CPL”) regulates advertising to children. It prohibits all forms of misleading marketing to children, not just through television. It was extended in 2006 to include all forms of marketing; the earlier version only included television.</p> <p>The two major commercial TV channels in Israel (channels 2 and 10) also require pre-clearance by the regulatory body that regulates commercial broadcasts in Israel, the Second Authority for Television and Radio. They have developed specific guidelines on food advertising, to ensure that it is not misleading nor offensive, as well as the use of health claims. These guidelines are used to judge whether a food advertisement is appropriate for broadcast.</p>
Additional self-regulation and voluntary approaches on marketing to children	<p>There is an Advertisers Association of Israel but does not appear to be an independent self-regulatory organisation for advertising</p> <p>There were media reports that individual food companies wanted to develop a voluntary code on food advertising to children under the age of 12, but these have not been confirmed.</p>
Source of information	<p>Tsoref A. Israeli manufacturers vow to stop advertising junk food on kids' TV shows. September 12, 2008. Online at: http://www.haaretz.com/hasen/spages/1020022.html</p> <p>Ram Weiss MD PhD, Department of Human Nutrition and Metabolism, Hebrew University School of Medicine, Jerusalem, Israel. Personal Communication, May 2009.</p> <p>Amalia Waxman, Amalia Waxman Consulting LTD, Israel. Personal Communication May 2009.</p>

Kazakhstan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	A strategic document entitled <i>2010 Health Promotion</i> has been developed with eight priority areas, one of which is concerned with proper nutrition and physical activity. The document advocates a greater joint responsibility of government, employers and individuals. This follows from a document published in 1999 – the “Conception on healthy life style and healthy nutrition” by the Ministry of Public Health. The implementation of the document took place in three phases. The first two phases were dedicated to setting up a network at national, regional and local levels for the prevention of chronic diseases, focusing on nutrition and physical activity with special training programmes. The second stage has been completed, during which several events were organized.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	

Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future actions	
Government policies that address marketing to children in general	<p>The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “</p> <p>In Kazakhstan, the relevant law is the “Law on Advertisement – N 508-II, December 19, 2003”.</p>
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	<p>WHO EURO. Nutrition, physical activity and prevention of obesity: recent policy developments in the WHO European Region. Report in progress, August 2006. Online at: www.euro.who.int/Document/NUT/Instanbul_conf_ebd01.pdf</p> <p>European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html</p> <p>Rachel Dechenne, Consumers International, London. Personal Communication, May 2009.</p>

Kyrgyzstan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The applicable document is the “National policy on food security” (1999). It does not mention marketing food to children.
Government policy specific to food marketing to children	No
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border	

considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Note: this information has not been independently verified

The former Yugoslav Republic of Macedonia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	In 2004, the Ministry of Health published a “Food and Nutrition: Action Plan for the Republic of Macedonia” which includes noncommunicable diseases, but does not mention food marketing to children. A Second Action Plan for Food and Nutrition has been prepared and is awaiting endorsement by the Macedonian Government, which does refer to food marketing to children (see below).
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future actions	The Second Action Plan for Food and Nutrition currently awaiting for endorsement by the Macedonian Government proposes a ban on advertising and promotion of high-calorie, nutrient poor foods to children.
Government policies that address marketing to children in general	Article 88 of the Act on Broadcasting Activity includes guidelines on advertising aimed at children should follow, which directly follow article 16 of the TVWF Directive.
Additional self-regulation and voluntary approaches on marketing to children	None.
Source of information	Ministry of Health. Food and Nutrition: Action Plan for the Republic of Macedonia (2004). Online at: http://www.seefsnp.org.yu/documents/macedonia/Action%20plan.pdf Broadcasting Council of the Republic of Macedonia. Law on Broadcasting Activity (November 29, 2005). Online at: http://srd.org.mk/default-en.asp?ItemID=9E9F6A2694D4A040A1DE276B046911FF Vladimir Kendrovski, Assistant Professor, Specialist in hygiene and environmental health, Skopje, Republic of Macedonia. Personal Communication, May 2009.

Republic of Moldova

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The Law on Public Health State Supervision, approved February 2009, contains general principles on obesity prevention and the promotion of healthy diets. According to the law, obesity prevention will be conducted by: -Reducing of consumption of energy dense food, with high content of fat, sugar and salt, but poor in nutrients; - Reducing commercial pressure of mentioned products, especially to children; - Reformulation of food as to reduce the content of salt, sugar and fat; - Providing a healthy food and eating in kindergartens and schools.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	

Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Implementation of the obesity law.
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	None.
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Dr.Galina Obreja, Head of Food Hygiene Division, National Scientific and Applied Center of Preventive Medicine, Ministry of Health, Moldova. Personal Communication via Dr Dorit Nitzan, May 2009.

Montenegro

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	No information
Government policy specific to food marketing to children	
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No information
Government policies that address marketing to children in general	
Additional self-regulation and voluntary approaches to address food marketing to children	
Source of information	No information

Russian Federation

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The most recent relevant document is was prepared by the National Research Centre for Preventive Medicine in 2001: "Healthy nutrition: action plan for development of regional programmes in Russia." Approved by the government, it was used by regional governments and local authorities for developing regional programmes in the Russian Federation; this led to the implementation of programmes on diabetes and hypertension with a focus on nutrition and physical activity. "Towards A Healthy Russia: Policies and Strategies for the Prevention of Cardiovascular and Other Noncommunicable Disease Within the Context of Public Health Reforms in Russia is the most recent chronic disease strategy", albeit not formal government policy. These documents do not refer to food marketing to children (<i>awaiting verification</i>)
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	

Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future actions	
Government policies that address marketing to children in general	The Federal Law on Advertisement of 2006 permits commercial breaks twice in children's and educational programmes on television and on radio, before and after a programme, for one minute each in 15–25-minute programmes, for 1.5 minutes each in 25–40-minute programmes and for 3 minutes each in programmes with a duration of 1 hour and more. The law also restricts advertising in textbooks, school diaries and copybooks.
Additional self-regulation and voluntary approaches on marketing to children	There is currently no self-regulatory body for advertising in Russia. According to information provided by the World Federation of Advertisers, there are plans to develop a voluntary pledge programme in Russia akin to the EU Pledge.
Source of information	WHO EURO. Healthy Nutrition: Plan of Action To Develop Regional Programmes In The Russian Federation. Report on a Meeting, Arkhangelsk, Russian Federation, 19-20 September 2000. Online at: http://www.euro.who.int/Document/E73183.pdf Hawkes C. Marketing food to children: changes in the global regulatory environment 2004-2006. Geneva: World Health Organization; 2007. Rachel Dechenne, Consumers International, London. Personal Communication May 2009. Laure Alexandres, European Advertising Standards Alliance, Brussels. Personal Communication, May 2009. Will Gilroy, World Federation of Advertisers, Brussels. Personal Communication, May 2009.

Serbia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>The Serbian Strategy on Prevention and Control of Non-Communicable Diseases was adopted by the Government of the Republic of Serbia, March 2009. The action plan comprises several action areas, each of which includes: main objectives, specific goals, activities, indicators, expected outcome, who is to perform activities and timeframe. One of the action areas is food and nutrition issues, and food marketing to children is included as part of two specific goals. Firstly, as part of the specific goal that aims to improve legislation related to industrially produced food that represents a health threat; secondly as part of the specific goal related to improving collaboration with food producers especially improving legislation of marketing of “fast food items.”</p> <p>In addition, the National Action Plan for Food and Nutrition Policy is under revision. The Ministry of Health of the Republic of Serbia will form new Committee in order to revise and update the existing Food and Nutrition Action Plan; it is likely that the new plan will refer to food marketing to children.</p>
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	

Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Nothing specific except for inclusion in nutrition policies
Government policies that address marketing to children in general	<p>The Law on Advertising (2005) contains several provisions on advertising to children, including:</p> <ul style="list-style-type: none"> - Personal attributes of public persons (meaning the appearance, face, voice, etc.), such as musicians, actors, sportsmen, politicians and others, may not be used in advertising products intended for minors, as well as products the sale of which to minors is prohibited. Additionally, journalists, TV hosts and announcers of informative, sports and children radio and TV shows may also not appear in advertisements by way of their face, voice or other personal property (Article 48); An advertisement intended for minors may not abuse lack of experience or knowledge of minors and their naivety, especially through preventing or impeding them to make a difference between fantasy and reality (Article 73); - An advertisement intended for minors must not contain inaccurate data on the advertised product or service, especially in terms of the actual size, value, nature, durability, speed, color and other features (Article 74); - If an advertisement shows result of drawing, making, assembling and modeling, ability for achieving this result has to suit average ability of minors to whom the advertisement refers. Such advertisement must state the age of a minor for whom the advertisement is intended (Article 75); - The advertisement intended for minors may not contain in addition to price also a judgment on the price, especially the words “only”, “penny worth”, “very cheap”, “bargain” etc. (Article 76); - The advertisement intended for minors may not recommend a product or a service that is not intended for those persons (Article 77); - The advertisement intended for minors may not recommend drugs and medical instruments, including vitamins, except toothpaste (Article 78); - With intention to protect health, development and integrity of minors, it is illegal to advertise milk,

	<p>other food and drink for the newborns, as well as kits for their use (Article 79);</p> <ul style="list-style-type: none"> - Advertising which encourages behavior that jeopardizes health, mental and moral development of minors is also illegal (Article 79); - The advertisement intended for minors may not contain information that would lead that person to behave in way that could harm his physical, mental, emotional or other integrity (Article 79); - The advertisement intended for minors may not contain view of a minor in a perilous situation such as climbing unsecured objects, entering unknown - The advertisement intended for minors may not contain information that would lead that person to behave in way that could harm his physical, mental, emotional or other integrity (Article 79); - The advertisement intended for minors may not contain view of a minor in a perilous situation such as climbing unsecured objects, entering unknown premises, talking to strangers, using matches, lighter, gasoline, medications and electric house appliances (Article 80); - The advertisement intended for minors may not contain view of violence, including violent scenes between animated characters, puppets etc. (Article 81) <p>The advertisement intended for minors may not contain messages that suggest that by use of products or services one could gain physical, intellectual or other social advantages over other minors who do not use those products or services (Article 82);</p> <ul style="list-style-type: none"> - The advertisement intended for minors may not contain a notice that damages reputation or authority of parents, siblings, other family members, of pre-school and school institutions (Article 83); - The advertisement intended for minors must not contain notices that abuse trust of a minor in other persons, especially in parents, siblings and other family members, tutors, teachers and doctors (Article 84).
Additional self-regulation and voluntary approaches on marketing to children	None.
Source of information	<p>European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Dr Jelena Gudelj Rakic, MD, MSc Nutrition, Institute of Public Health of Serbia, Centre for Health Promotion, Belgrade, Serbia. Persoanl Communication April 2009.</p>

Tajikistan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Not known
Government policy specific to food marketing to children	Not known
Type of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	

Cross-border considerations	
Stakeholder roles	
Potential/planned future action	No information
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Note: this information has not been independently verified by a key informant.

Turkey

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The key relevant document is still in draft form and currently being subject to consultation: “National Obesity Prevention Program Of Turkey (2008 – 2012),” drafted by the Ministry of Health in 2008. It includes a section “Providing Cooperation with Food Industry for Obesity Prevention” which states that “4. To develop advertisement and marketing activities in such a way that will provide the consumers to make the right choices.” It also includes a section “5. Supporting Adequate and balanced nutrition and Active Life in Media News and Advertisements” which aims to “update legal arrangements about food advertisements” and to “make the necessary arrangements by reassessing the legal arrangements related with the food advertisements and put these arrangements into force.” The current draft states that legislation would be updated and self-regulation introduced in 2010, but this is subject to change.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	

Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	Under consideration in the consultation on the draft National Obesity Prevention Program Of Turkey
Government policies that address marketing to children in general	Provisions on children’s advertising are found in the “Regulations on the Principles and Fundamentals of Practices Regarding the Commercial Advertisements and Announcements” and the “Regulations on Fundamentals and Procedures of Broadcast of Radio and Television Establishments” which largely follow the EU TVWF Directive, stating that: - Advertising should not harm the physical, mental and psychological development of children - Advertising should not exploit the incredulity of children - Advertisements should not include a direct call to children to buy the product
Additional self-regulation and voluntary approaches on marketing to children	The self-regulatory organisation for advertising is the “Reklam Özdenetim Kurulu (RÖK)” (Advertising Self-Regulatory Board) which has a code “Code of Advertising Application”. Article 16 deals with children and young people which includes standard provisions such as that advertisements should not exploit the inexperience or credulity of children and young people. According to information provided by the World Federation of Advertisers, there are plans to develop a voluntary pledge programme in Turkey akin to the EU Pledge.
Source of information	Saltan B. Legislation on child advertising in Turkey. <i>Young Consumers</i> Vol 8, No. 4: 291-292. Ministry of Health of Turkey. General Directorate of Primary Health Care. National Obesity Prevention Program Of Turkey (2008 – 2012). Online at: http://www.beslenme.saglik.gov.tr/content/documents/124.pdf Reklam Özdenetim Kurulu (RÖK). Code of Advertising Application. Online at: http://www.rok.org.tr/eng/codes.asp?id=4#17 Will Gilroy, World Federation of Advertisers, Brussels. Personal Communication, May 2009.

Turkmentistan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Not known
Government policy specific to food marketing to children	Not known
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	No. The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors. “
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Note: this information has not been independently verified by a key informant.

Ukraine

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The policy document “Concept of a National Nutrition Policy” was adopted in 2004. The major priorities of the policy are: eliminating micronutrient deficiencies; reducing the prevalence of obesity; promoting healthy nutrition throughout the population; ensuring a sustainable supply of food and foodstuffs; and increasing breastfeeding. UNICEF Ukraine has in the past proposed a national anti-obesity programme, but it was never developed into a government strategy.
Government policy specific to food marketing to children	No
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	None planned
Government policies that address marketing to children in general	<p>The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors.”</p> <p>In Ukraine, the law is the LAW OF UKRAINE amending the Law of Ukraine on Television and Radio Broadcasting (The Vidomosti Verkhovnoi Rady Ukrainy (VVR), 2006, No. 18, p. 155)</p>
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	<p>European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html</p> <p>Klavdia Maksimenko, Project Manager, Consumer Society and Citizen Networks Project, United Nations Development Program. Personal Communication, May 2009.</p>

Uzbekistan

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The relevant policy document was published in 2005: “Guidance on a plan of action for healthy nutrition in the Republic of Uzbekistan up to 2010” and it is reported that an action plan for nutrition is under development. It is not known if the document refers to food marketing to children;
Government policy specific to food marketing to children	No (but not verified)
Name and description of policy	
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring, and/or	

evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	
Government policies that address marketing to children in general	The European Audiovisual Observatory has reported that “Advertising laws in all post-Soviet countries (Turkmenistan has no such law) contain a separate article concerning protection of minors with regards to advertising. Their provisions are in harmony with Article 6 of the Cooperation Agreement of Member States of the Commonwealth of Independent States in the Sphere of Regulation of Advertising Activity (2003) that requires governments to protect minors from any abuse of their credulity or lack of experience. Most of these laws – with varying levels of detail – stipulate the need to protect the moral and mental health of minors with regards to advertising.”... “Most of the advertising laws of the CIS states (but not in Russia) have a general ban on textual, visual or audio use of images of minors in advertising not directly relevant to goods for minors.”
Additional self-regulation and voluntary approaches on marketing to children	None
Source of information	European Audiovisual Observatory. The Legal Framework Provided For by Overarching European Rules and the Laws of 26 European Countries. Online publication at: http://www.obs.coe.int/online_publication/reports/index_advertising_europe.html Note: this information has not been independently verified by an informant

National Policies on Food Marketing to Children outside Europe: A Reference Guide

Disclaimer: Every effort has been made to obtain accurate information about national policies, but inaccuracies may remain given the ongoing developments in this area and the involvement of often several government departments or agencies. In case of any inaccuracy, please contact corinnahawkes@gmail.com.

TABLE OF CONTENTS

I. Overview	222
II. NATIONAL POLICIES AND REGULATIONS	226
Australia	226
Brazil	231
Canada	237
Chile	240
Colombia	244
Malaysia	246
New Zealand	250
South Africa	254
South Korea	262
Thailand	267
United States	271

I. Overview

This report presents the status of policies on food marketing to children around the world, not including the World Health Organisation (WHO) European Region (dealt with in a separate report). Information is presented only for the countries identified to have attempted to develop, are developing, or have developed a policy and/or regulation on food marketing to children. This comprises 11 countries in Africa, Asia, Latin America and North America. Information obtained from these countries was independently verified by key informant, usually from government or government agencies, but also from consumer groups and non-governmental organisations (NGOs), academia, and the private sector.⁴²

Information was sought in six key areas:

- 7) Regional approaches on food marketing to children
- 8) Explicit statements in national nutrition/health policies or action plans on food marketing to children
- 9) Explicit government policies on food marketing to children, categorised into three:
 - a) Statutory regulation/legislation
 - b) Official guidelines (i.e., guidelines issued by a government or government-approved body)
 - c) Approved self-regulation (i.e, self-regulation that has been developed in collaboration with, or at the request of, government)
- 10) Details of the explicit government policies, where they exist
- 11) Presence of general government policies on marketing to children
- 12) Independent self-regulation or voluntary commitments by the advertising and food industry

No regional initiatives on food marketing to children were identified. At a national level, the results from the 11 countries are summarised on Table 1. At least seven of the countries have statutory regulations or co-regulatory arrangements on advertising to children in general. These regulations provide general guidance or set limited restrictions on scheduling, but are not fundamentally restrictive in nature.

With regard to food marketing to children, four countries – Brazil, Canada, Colombia, South Korea – refer to food marketing to children in national strategies; this is also the case in New Zealand, but the strategy is no longer in place owing to a change of

⁴² *The specific key informants are listed in each national table.*

government. In Australia, specific recommendations on food marketing to children appear in the recent “National Preventative Health Strategy” commissioned by the government.

With regard to government regulation, just one country has put into place statutory regulation (not legislation) that restricts food marketing to children: Malaysia. The regulation restricts the advertising of fast food to very young children (aged 4-9), but it is not known if the law is being effectively implemented. Another country, South Korea has (in March 2009) passed actual legislation) that restricts food advertising to children, but implementation has been delayed until January 2010. Colombia also has legislation on food advertising to children (as of October 2009), but this sets a framework for restricting advertising in the future, as opposed to setting out details. One other country does have a regulation in place that was developed in the context of food advertising, but actually covers all advertising to children, not just food. The regulation, in Thailand, imposes some limited restrictions on the amount of TV advertising and on the advertising of promotions and use of characters popular with children.

Table 1: Summary of approaches to food marketing to children in countries where governments have taken some form of action

National health strategies or recommendations for health strategies that refer to food marketing to children	Australia, Brazil, Canada, Colombia, New Zealand (now no longer relevant since change of government), South Korea
Government policy specific to marketing to children	
Regulation	Malaysia, Thailand (though not food specific)
Framework for regulation	Colombia
Leaving it to self-regulation for the moment	Australia, Canada, US
Government regulations awaiting implementation	South Korea
Government regulations under development	Brazil, Chile, South Africa
General statutory regulations or co-regulations on marketing to children	Australia, Brazil, Canada, Malaysia, New Zealand, South Korea, US
Voluntary industry action	
Voluntary food company pledges	Australia, Brazil, Canada, (Chile) South Africa, Thailand, United States
Self-regulatory codes from the advertising industry	Australia, Brazil, Canada, Chile, New Zealand, Thailand, United States, (Colombia, Malaysia).

In addition, three governments around the world are in the process of developing regulations. In Brazil, an independent government agency began to develop a regulation in 2005 that would restrict most forms of food marketing to children, and also includes provisions for adults. However, since the regulation was drafted by a government agency rather than as part of the political process, it

is yet to be seen whether it will be accepted by the government as having legal status. In Chile, a law has been drafted that would restrict advertising to children; the law is expected to be passed within the next two years. In South Africa, a draft revision to existing food regulations would restrict food advertising to children under the age of 16; the Ministry of Health is currently awaiting the results of the development of the WHO recommendations on marketing food to children before proceeding.

Although not explicitly stated, two countries (Canada and the United States), have been following a policy of “leaving it to self-regulation” for the past few years. This is also the recommendation made in the just-published National Preventative Health Strategy in Australia, where the communications regulator decided against imposing any restrictions on food advertising to children in 2009. In the United States, the issue is very “live”, and the regulatory agency has asked the industry to voluntarily impose greater restrictions on other marketing techniques beyond advertising.

In just over half the cases – in Brazil, Canada, Chile, Colombia, Malaysia, South Africa, South Korea – the policy or regulatory approach is part of a broader strategy to address obesity and promote healthy eating, even though (as noted above), just four countries actually refer to food marketing to children in these strategies.

With regard to industry action, voluntary food industry pledges (restrictive) and/or self-regulatory codes on food advertising to children issued by the advertising industry (general guidance) exist in 8 of the 11 countries. Voluntary pledges by the food industry to restrict food advertising to children under age 12 have been developed in six of the countries: Australia, Brazil, Canada, South Africa, Thailand and the United States. In three of the countries – Brazil, Thailand and South Africa – the pledge is an extension of the EU Pledge, but the details of the company-specific pledges have not been published. It is also reported that an extension of the EU Pledge will be published in Chile before the end of 2009.

Seven countries have self-regulatory codes on food advertising to children developed by the self-regulatory organisations for advertising: Australia, Brazil, Canada, Chile, New Zealand, Thailand, United States. All of these codes have been developed or revised recently in the context of national and global concern about obesity. In addition, Colombia and Malaysia have single articles in self-regulatory codes on food advertising predating these recent developments.

The relatively small number of countries makes it difficult to analyse the content of the policies. However, four characteristics stand out:

- All the regulations/draft regulations are restrictive in nature.
- There is a focus on placing limits on the amount of television advertising, but with some recognition of other techniques, notably premium offers and the use of characters popular with children in advertising. Some policies/regulations refer to

schools. The draft regulation in Brazil is unusual, both in the context of non-European and European countries, of restricting most forms of marketing comprehensively.

- There is no consistency in the age of the child. Malaysia's regulations concerns only very young children (aged 4-9). Brazil and Thailand have selected age 12, whereas Chile and South Africa the older age groups of under 14 and under 16. Some provisions in the draft regulation in Brazil would also apply to adults.
- Just three of the countries, Brazil, South Africa and South Korea, have developed nutrient criteria to define the foods covered and not-covered. The criteria are very different. The regulation in Brazil would restrict the advertising of any product with more than 15g sugar per 100g, whereas in South Korea it is 17g per serving size and only for snacks. Like South Korea, South Africa's draft proposal takes the approach of mixing a food list with nutrient criteria – they have a long list of foods “not basic to the diet” some of which are accompanied by additional nutrient criteria. However, South Africa is currently developing a nutrient profiling model which may replace this list. The regulation in Malaysia covers just “fast foods,” while Australia (in their policy document) and Chile refer to “energy-dense, nutrient poor foods” and “foods with excessive fats, sugars and salt”. The other countries do not specify the types of food.

While these 11 countries were the only countries identified to have or be developing policy or regulation on food marketing to children, the issue has been mooted in other countries.

In Mexico, for example, there are (unconfirmed reports) that a draft bill was introduced into the Mexican Senate that would restrict television advertising to children. Clearer policy on this issue in Mexico will likely emerge after the publication of the Mexican policy on prevention of chronic diseases is launched. In India, there have also been (unconfirmed) newspaper reports that the government is developing regulations, and the health minister under the last government is reported to have taken an interest in the issue. In China, regulations on health-related advertising continue to be developed (e.g. a ban on the use of celebrities in drug advertising), but there has been no action specific to food advertising to children. In Fiji, there are some discussions about adopting a regulation to control food advertising to children following a recommendation made by the recent National Food Summit.

II. NATIONAL POLICIES AND REGULATIONS

Australia

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>The most recent national government report on obesity is the “National Preventative Health Strategy,” launched on September 1 2009. The Strategy recommends a range of interventions aimed at reducing the chronic disease burden associated with three lifestyle risk factors – obesity, tobacco and alcohol. The Strategy was based on a report of a government-commissioned team, the Preventative Health Taskforce, which was brought together in April 2008. One of the chapters of the Strategy is on obesity, which recommends: “Reduce exposure of children and others to marketing, advertising, promotion and sponsorship of energy-dense nutrient-poor foods and beverages (EDNP)” through the action “Phase out the marketing of energy-dense nutrient-poor food and beverages on free-to-air television and Pay TV before 9pm within four years. Phase out premium offers, toys, competitions and the use of promotional characters, including celebrities and cartoon characters, to market EDNP food and drink to children across all media sources. Develop and adopt an appropriate set of definitions and criteria for determining EDNP food and drink.”</p>
<p>Government policy specific to food marketing to children</p>	<p>No final policy, but a Taskforce established by the Government has recommended that the marketing of energy-dense, nutrient-poor foods and beverages on free-to-air and Pay TV before 9pm should be phased out within four years, initially trying through self-regulation, and if that fails, legislation.</p>
<p>Name and description of policy</p>	<p>National Preventative Health Strategy. Specifically, the Taskforce recommend in the Strategy that the marketing of energy-dense, nutrient-poor foods on free-to-air and Pay TV before 9pm should be phased out within four years. The Taskforce proposes that this measure should be accompanied by a focus on phasing out the use of premium offers, toys, competitions and promotional characters, including celebrities and cartoon characters, to market EDNP food and drink to reduce the exposure of children to this advertising across all media sources. The phase I approach should comprise:</p> <ul style="list-style-type: none"> - Monitoring and evaluating the impact of self-regulation in reducing children’s exposure to unhealthy food advertising - Identifying shortfalls and any other issues in the current voluntary approach, and addressing these through the introduction of a co-regulatory agreement; monitor and evaluate the effectiveness of co-regulation - Introduce legislation if these measures are not effective in phasing out <ul style="list-style-type: none"> - Marketing of EDNP food and beverages on free-to-air and Pay TV before 9 pm

	<ul style="list-style-type: none"> - Premium offers such as toys, competitions and the use of promotional characters, including celebrities and cartoon characters, to market EDNP food and drink to children - Consider whether there is a need for additional measures to address EDNP advertising across other media sources <p>The Preventative Health Strategy was announced on the same day that the Australian Communications and Media Authority (ACMA) announced it had decided against developing regulations to restrict food advertising to children. ACMA released a revision of the Children's Television Standards in Australia on 1 September 2009 (the statutory regulations that affect children's television). The revisions were based on a review conducted by ACMA, which included consideration of food and beverage advertising. ACMA decided against imposing any general restrictions on food advertising to children on the basis of a commissioned review which found that there was insufficient evidence to link food television advertising and obesity, as well as an economic costing study which found that the cost to industry of restricting food advertising to children would be "significant," and thus counter to ACMA's regulatory policy of not imposing undue financial costs on industry. ACMA also took into account the fact that there are at least three self-regulatory/voluntary initiatives by the food and advertising industries on food and beverage advertising to children in Australia. As a result, the only reference in the CTS to food advertising to children remains that advertisements should not contain any incorrect or misleading information about the nutritional value of the product (CTS 32 7), and limits on the use of advertisements for premium offers.</p>
Date of implementation	These are recommendations to government, and so may not be implemented
Objective of policy	To reduce the exposure of children and others to marketing, advertising, promotion and sponsorship of energy-dense, nutrient poor foods
Sector coverage	Not specified, but current voluntary approaches in Australia do not cover the entire sector, although many companies have signed up to pledges
Communication media covered	Television, retail channels (free to air and subscription/pay television), with reference to restrictions in other media
Marketing techniques covered	Advertising, premium offers such as toys, competitions and the use of promotional characters, including celebrities and cartoon characters
General approach: restrictions/guidance/messaging	Restrictions
Restrictions	Yes, on the use of the marketing techniques above, including time limits for television advertising
Guidance	NA

Messaging	NA
Definition of a child	Not defined specifically, but the CTS define children as those under age 14, the Australian Food and Grocery Councils Responsible Children's Marketing Initiative (see "additional self-regulatory..." below) defines children as under age 12, and the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (also see below) defines children as under age 14.
Definition of child-targeted	Not specified
Food covered	The Taskforce refers to "energy-dense, nutrient-poor foods (EDNP)" but does not specifically define them. The taskforce report recommends that work is done to define EDNP foods.
Enforcement mechanisms	NA
Monitoring mechanism	The taskforce specifically recommend that "the advertising of EDNP food and drink across other media sources is monitored as restrictions come into place across television to determine if there is a need to develop additional measures across other media sources."
Evaluation mechanisms	NA
Results of enforcement, monitoring and evaluation	NA, although there have been some media reports that children's food advertising in declining in Australia
Cross-border considerations	Not applicable in Australia
Stakeholder roles	The Strategy was developed by a taskforce commissioned by the Ministry of Health and Aging, which included representatives from academia, the health system, health NGOs and the food industry.
Potential/planned future action	The Preventative Taskforce Strategy lays out future action (see above), to be lead by a proposed National Prevention Agency. In August 2008 when the draft CTS standards were released, the accompanying press release stated that ACMA would consider reviewing its position if evidence of an identifiably stronger association between advertising and obesity and the benefits of food and beverage advertising restrictions becomes available and a food identification standard is successfully introduced in Australia. This statement was not repeated when the final CTS were released in 2009.
Government policies that address marketing to children in general	Food advertising to children on television is covered by the Children's Television Standards (CTS). The CTS restrict advertising to children, depending on age (preschool/older) at certain times and programs: C programs, which are found within the C period, which is 7-8am & 4-8.30pm Mon-Fri; 7am-8.30pm Sat, Sun, school holidays; and P-program, which meet the criteria for suitability for preschool children. These times amount to about one hour each day which do not equate to the times when most children watch television. The revised CTS 2009 introduced a new provision that restricts the use of popular celebrities,

	<p>characters from TV shows, animated characters, or licensed character from advertising in before, after and within C and P periods. They also clarify rules for premium offers, such as toys offered with food and beverage purchases. These changes were made on the basis that “this further restriction during designated children’s viewing times is justified in light of research which establishes the influential role of program characters and other celebrities in advertising to children.”</p>
<p>Additional self-regulation and voluntary approaches on marketing to children</p>	<p>There are four main self-regulatory/voluntary approaches to food advertising in Australia. Advertising on free-to-air commercial television is self-regulated by the Commercial Television Industry Code of Practice (CTICP). The CTICP provides that advertisements directed to children under 14 for food or beverages must not contain any misleading or incorrect information about the nutritional value of the product. It also provides that advertisements directed to children under 14 should not encourage or promote an inactive lifestyle or unhealthy eating or drinking habits. The CTICP is currently being reviewed.</p> <p>The Australian Association of National Advertisers (AANA) also has a food advertising code based on the principles laid down by the International Chamber of Commerce. Among other general qualitative provisions, it states that advertisements to children under 14 for food or beverages should not contain any misleading or incorrect information about the nutritional value of a product or encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits.</p> <p>The Responsible Children’s Marketing Initiative, developed by the Australian Food and Grocery Council, came into effect in January 2009. With 16 signatories, it states (among other provisions) that foods not meeting nutritional criteria consistent with established scientific or Australian government standards (set by individual companies) should not be advertised on any media (except for packaging and labelling) and should promote a healthy lifestyle.</p> <p>The Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children came into effect on 1 August 2009. It includes mostly the same restrictions as the above initiative, but has some differences, including the age of a child, and the optional replacement of the restriction with the option of devoting their advertising to healthy lifestyle messages, rather than of non-restricted foods</p>
<p>Source of information</p>	<p>Australian Government Preventative Health Taskforce. Australia: the healthiest country by 2020 National Preventative Health Strategy – the roadmap for action. Online at: http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/nphs-roadmap Australian Government Preventative Health Taskforce. Australia: the healthiest country by 2020. Technical Report No 1: Obesity in Australia: a need for urgent action. Online at: http://www.preventativehealth.org.au/internet/preventativehealth/publishing.nsf/Content/E233F8695823F16CCA2574DD00818E64/\$File/obesity-jul09.pdf</p>

Australian Communications and Media Authority (ACMA). Review of the Children's Television Standards 2005 – Final Report of the Review. August 2009. Online at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_310262

ACMA Media Release 27 August 2008. New draft Children's Television Standards released for comment. http://www.acma.gov.au/WEB/STANDARD..PC/pc=PC_311363

ACMA. Children's Television Standards 2009. Online at: http://www.acma.gov.au/WEB/STANDARD/pc=PC_310262

Commercial Television Industry Code of Practice. Online at: http://www.freetv.com.au/Content_Common/pg-Code-of-Practice.seo

Australian Association of National Advertisers (AANA). AANA Food & Beverages Advertising & Marketing Communications Code. Online at: http://www.aana.com.au/food_beverages_code.html

Australian Food and Grocery Council. Responsible Children's Marketing Initiative. Online at: <http://www.afgc.org.au/index.cfm?id=726>

Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children. Online at: <http://www.aana.com.au/QuickServiceRestaurantInitiative.htm>

Junk food ads decline in Australia. WARC News September 10, 2009. Online at: <http://www.warc.com/News/TopNews.asp?ID=25655>

Nicole Antonopoulos, Obesity Policy Coalition (Cancer Council Victoria, WHO Collaborating Centre for Obesity Prevention - Deakin University, Diabetes Australia - Victoria and VicHealth), Australia 3053. Personal Communication December 2008.

Lesley King, Executive Officer, Physical Activity Nutrition Obesity Research Group (PANORG), University of Sydney, Australia. Personal Communication October 2009.

Brazil

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>The national food nutrition strategy in Brazil is the “National Food and Nutrition Policy” (1999). The strategy identifies seven key action areas, including one on the promotion of healthy lifestyles in the context of obesity. The action area refers mainly to the promotion of breastfeeding, but also states generally that “initiatives will be implemented to supervise and monitor of marketing practices in the interests of a healthy lifestyle.”</p> <p>The issue of food marketing to children is referred to more specifically in the “National Policy on Health Promotion” (2006) which recommends: “Regulatory measures aimed at promoting healthy eating and reducing the risk of non-communicable diseases with, special emphasis on the regulation of advertising of foods” (Article 6.2.2).</p> <p>In addition, the official body, the “National Health Council” published a resolution (No. 408) on December 11 2008, which recommended that marketing of food directed at children should be regulated, including time limits for advertising, a ban on gifts and including a definition of what is meant by “healthy” food.</p>
<p>Government policy specific to food marketing to children</p>	<p>No, not yet, but the Agencia Nacional de Vigilancia Sanitaria (ANVISA) – the National Health Surveillance Agency – has been developing an regulation to ban food marketing to children since March 2005. The ANVISA regulation would be issued outside of the political process, since the Brazilian constitution permits ANVISA the right to regulate health matters, although it is contested whether ANVISA have the legal right to regulate food marketing to children without reference to the political process.</p> <p>Alongside the development of the draft ANVISA regulation, there have been several bills proposed in the Brazilian Senate which would restrict food marketing to children. None of these bills have yet been passed. One of the bills, 1,591/2001 would restrict all advertising to children. In July 2008, the bill was approved by the consumer defence commission of the house of representatives. It was almost approved by congress in September 2009, but is still being considered.</p>
<p>Name and description of policy</p>	<p>The most recent draft document is the “Proposta de resolução para AP (CP nº. 71/2006) GGPRO/ANVISA/MS”</p>
<p>Date of implementation</p>	<p>Not implemented. The first step in the development of the regulation took place in March 2005, when ANVISA formed a working group to draft a proposal to control food advertising and promotion to children. The working group included representatives from the Ministry of Health, Ministry of Agriculture, the Institute of Consumer Protection, the Brazilian Food Industry Association, Conselho Nacional de Auto-Regulamentacao Publicitaria (the SRO) , and the Brazilian Society of Paediatrics. The group drafted a detailed proposal, which has subsequently been subject to consultations and</p>

	redrafting. The most recent – and final – public and industry consultation was held in August 2009. Issues that have raised particular controversy have been the foods that would be covered by the regulation and the text of the proposed nutritional messages.
Objective of policy	The stated general objective is to contribute to the promotion of a healthy population, especially children
Sector coverage	Sector wide
Communication media covered	All (see below)
Marketing techniques covered	All advertising, publicity, information and other related practices with the goal of disseminating and promoting commercial of the below defined foods. An elaboration of this is provided in the text (see “restrictions” below).
General approach: restrictions/guidance/messaging	Restrictions, guidance and messages
Restrictions	No television advertisements targeted at children between 06:00 and 21:00 No marketing in the electronic media, films, toys, games, the Internet No sales promotions (gifts, awards, bonuses, special presentations) No free samples, tastings or discount coupons No sponsorship of educational activities or sports featuring these foods Social marketing activities cannot include any promotion of these foods No marketing of any type of these foods in schools or anywhere where children receive care, including any reference to these foods in educational materials
Guidance	Food marketing should not suggest that the below defined foods can replace a meal; exploit the vulnerability and credulity of children, exploit the special trust that children have in their parents, educators, family and personalities / characters popular among children, directly or indirectly encourage children to persuade their parents and others purchase or consume foods and drinks mentioned in the below defined foods, or imply that the person who provides the below defined foods to children is more caring, loving or otherwise better than one that does not
Messaging	Inclusion of warnings on remaining advertising, such as “This food is high in saturated fat. Eating excessive saturated fat increases the risk of diabetes and heart disease.” The regulation would also set very specific standards on the size of the text and other visuals.
Definition of a child	Less than 12 years of age, but the messaging and guidance covers food advertising to adults
Definition of child-targeted	When the marketing is of a food that is prepared for direct consumption by children, or that, in some

	way, is marketed or presented as appropriate for this age group
Food covered	<p>The draft regulation identifies five groups of foods that should not be marketed to children: foods with a high level of sugar; foods with a high level of sodium; foods with a high level of saturated fat; foods with a high level of trans fats; and beverages with low nutritional content. It sets specific thresholds for each of these nutrients, using a per 100g/100ml reference base. Foods with more of the amount of the nutrient in each category cannot be advertised to children. Some foods are excepted: fruits, vegetables (including chilled and frozen vegetables); chilled or frozen meats; milk and yoghurt; alcoholic beverages and food additives. The underlying scientific guidance was the Dietary Guidelines for the Brazilian population. The thresholds are:</p> <p>Food with a high amount of saturated fat $\geq 5\text{g}/100\text{g}$ or $2.5\text{g}/100\text{ml}$ Food with a high amount of trans fat $\geq 0.6\text{g}/100\text{g}$ or ml Food with a high amount of sugar $\geq 15\text{g}/100\text{g}$ or $7.5\text{g}/100\text{ml}$ Food with a high amount of sodium $\geq 400\text{mg}/100\text{g}$ or 100 ml</p> <p>In addition are “drinks with low nutritional value,” which comprise soft drinks and concentrates for the preparation of drinks.</p>
Enforcement mechanisms	Not specified
Monitoring mechanism	Not specified
Evaluation mechanisms	Not specified
Results of enforcement, monitoring and evaluation	NA
Cross-border considerations	Not known
Stakeholder roles	The regulation as drafted by ANVISA by a working group. ANVISA has held many consultations on the draft, and has been overall responsible for its development.
Potential/planned future action	The last consultation of the draft regulation was held on August 20, 2009. The next step is for the proposed regulation to be examined by the legal office of the president to verify if it is indeed legally possible for ANVISA to regulate in this area.
Government policies that address marketing to children in general	The Consumer Defense Code (1990) prohibits misleading advertising, and Article 37 states that abusive advertising is prohibited, Paragraph 2 stating specifically that abusive includes any advertising that profits from the immaturity in judging and inexperience of children, and that lead consumer to behave in a way that is harmful to their health.
Additional self-regulation	The food industry in Brazil has developed a pledge on advertising, which follows the EU Pledge. The

and voluntary approaches on marketing to children	<p>pledge was announced in August 2009 immediately following the most recent consultation on the ANVISA regulation. The “Brazil Public Commitment on Food and Beverage Advertising to Children” was developed by the Associação Brasileira das Indústrias de Alimentação (Food and Drink Association of Brazil) and Associação Brasileira de Anunciantes (ABA) (Association of Brazilian Advertisers). It has 24 signatories. The basic principles of the pledge follow those of the EU Pledge: it restricts advertising of foods with a nutritional profile which fail to meet specific criteria based on scientific evidence, covers children under the age of 12 defined as when 50% or more of audience consists of children under 12 years, and extends to advertising in TV, radio, print media, internet, and does not permit any marketing in schools (except for permitted products and unless otherwise agreed or requested the school administration for educational or sports). The details of the company-specific pledges (i.e. with nutrient criteria) have not yet been published.</p> <p>Prior to this pledge, the self-regulatory organisation, CONAR (Conselho Nacional de Autorregulamentação Publicitária), issued a code on food advertising to children, which follows the Framework developed by the International Chamber of Commerce. The code states that:</p> <p>Food, soft drinks, juices and similar beverages</p> <p>The purpose of this Exhibit is to regulate the commercial advertising of food, soft drinks, juices, chocolate beverages, non-carbonated beverages and similar non-alcoholic beverages, alongside compliance with legislation.</p> <p>1. General Provisions - Further to being in compliance with the general requirements of this Code, the advertisements of products subject to this code shall:</p> <ol style="list-style-type: none"> a. use compatible with official terminology, such as “diet”, “light”, “it does not contain sugar”, “it does not contain gluten”, or to describe any other distinctive characteristics that may guide consumer choices; b. avoid any association with pharmaceutical-medical products; c. stimulate, whenever possible, the practice of physical activity; d. abstain from stimulating or encouraging excessive consumption or presenting situations that may stimulate exaggerated consumption or be in conflict with this recommendation; e. refrain from devaluing the importance of a healthy, varied and balanced diet; f. refrain from presenting any product as a replacement of the basic meals (breakfast, lunch and dinner) unless such indication is based on a responsible medical or nutritional opinion, recognized by the competent authorities; g. restrict the use of health and nutrition claims to those compatible with the official legislation, and supported by a medical or nutritional opinion. In such event, such claims shall be made in language accessible to the average consumer;
---	---

	<p>h. correctly present the characteristics of taste, size, content/weight, nutritional and health benefits;</p> <p>i. avoid the exploitation of eventual benefits derived from consumption of product, such as raised popularity, better status or social or sexual success, and better academic or sports performance;</p> <p>j. not detract from the role of parents, educators, authorities and health professionals concerning guidance on healthy nutritional habits;</p> <p>k. when using characters popular with children or presenters of programs for children, there should be a clear distinction between the advertising message and the editorial or programming content;</p> <p>l. refrain from using children who are under- or overweight, according to the commonly accepted biometric standards, so as not to devalue their dignity.</p> <p>2. When the product is designed for children, the advertisement shall not be designed to directly stimulate consumption, especially if presented by a family, school, medical, sport, cultural or public authority, or an institution concerned with healthy nutrition habits.</p> <p>3. The advertisement that refers to functional properties of a food product shall be based on factual, technical or scientific data and be in conformity with the relevant official licensing.</p> <p>4. The advertising of non-alcoholic beverages shall abstain from causing confusion concerning:</p> <ol style="list-style-type: none"> quality, nature and type of product; caloric value of the product; its nature (natural or artificial) as well as the presence of additives, as the case may be. <p>5. The advertisement of products shall be more restrictive when:</p> <ol style="list-style-type: none"> there is affirmation that the product is a “natural product”; the product is designed for consumption by children.
Source of information	<p>Ministério Da Saúde. Secretaria De Atenção À Saúde. Departamento De Atenção Básica Política Nacional De Alimentação E Nutrição 2.A Edição Revista 2003. Online at: http://Nutricao.Saude.Gov.Br/Documentos/Pnan.Pdf</p> <p>Ministério Da Saúde. Política Nacional De Promoção Da Saúde, 2006. Online at: http://portal.saude.gov.br/portal/arquivos/pdf/portaria687_2006_anexo1.pdf</p> <p>Conselho Nacional De Saúde . Resolução No- 408, de 11 de Dezembro de 2008. Online at: ftp://ftp.saude.sp.gov.br/ftpssp/bibliote/informe_eletronico/2009/iels.mar.09/iels44/U_RS-CNS-408_111208.pdf</p> <p>Proposta de resolução para AP (CP nº. 71/2006) GGPRO/ANVISA/MS. Online at: http://www.anvisa.gov.br/propaganda/cp7106/nova_minuta_proposta_resolucao.pdf</p> <p>ABIA - Associação Brasileira das Indústrias da Alimentação. Publicidade Responsável – Compromisso Público. Sao Paulo, August 25 2009. Online at: http://www.aba.com.br/Arquivos/PLedge%20Port.pdf</p> <p>Conselho Nacional de Autorregulamentação Publicitária (CONAR). Código Brasileiro de</p>

	<p>Autorregulamentação Publicitária. Online at: http://www.conar.org.br/html/codigos/codigos%20e%20anexos_ingles.htm Dr MARIA JOSÉ DELGADO FAGUNDES, Manager, GPROP/ANVISA, National Health Surveillance Agency, (ANVISA), Brasilia, Brazil</p>
--	--

Canada

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The national nutrition, obesity and chronic disease strategy is the “Integrated Strategy on Healthy Living and Chronic Disease,” which includes strategies on “Healthy Living”, cancer, heart health and diabetes. It was issued by Health Canada in 2005. The Healthy Living Strategy aims to improve overall health outcomes, and is a “conceptual framework for sustained action based on a population health approach.” It includes specific targets for healthy eating and healthy weights for 2015. The Strategy states that “To have maximum impact, community-wide policies and programs designed to address healthy eating and physical activity must be: “accompanied by broader environmental changes in areas like urban design, transportation, and food pricing and advertising. For communitywide policies and programs to succeed local governments need to work with all sectors including businesses, non-governmental organizations and citizens, and with senior levels of government.” Appendix D of the strategy list potential policy and programme options. Under “cross sectoral collaboration - medium term -federal” the strategy includes “Explore regulation of advertising and marketing to children in support of healthy living.”
Government policy specific to food marketing to children	No “official” policy, but in practice, leaving it to see if self-regulation will work while they consider all the policy options
Name and description of policy	Not applicable, but self-regulation takes place through the self-regulatory organisation for advertising, Advertising Standards Canada (ASC), including some co-regulation with government (see below). But this approach has not been officially “approved” by government as their approach.
Date of implementation	This policy approach is the one that has been taken for sometime; the ASC developed the “Canadian Children's Food and Beverage Advertising Initiative” in April 2007.
Objective of policy	Not clear
Sector coverage	The ASC initiative includes 18 companies. Since it is not “officially approved” the rest of the information about the ASC initiative is described below.
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	

Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	The Federal government is currently examining all policy options to control marketing and advertising to children.
Government policies that address marketing to children in general	The government has a co-regulatory system of regulating advertising to children, in which the ASC apply the Broadcast Code for Advertising to Children, which was developed by the trade association for private broadcasters, the Canadian Association of Broadcasters. The government body, the Canadian Radio-television and telecommunications Commission, require that all advertisers on public and private networks follow this code, and it is a condition of license for all broadcasters that they follow the code.
Additional self-regulation and voluntary approaches on marketing to children	The “Canadian Children’s Food and Beverage Advertising Initiative” is very similar to the EU Pledge and even more similar to the industry pledges made in the United States (see “United States”). It covers the communication channels of television, radio, Internet, print, schools, and the marketing technique of advertising in these communications channels, marketing in schools, interactive games, licensed characters and product placement. It takes a “restrictive” approach, permitting no marketing using the named techniques of foods that do not meet “scientific” nutrient criteria (as defined by each company), but with the optional replacement of devoting at least 50% of advertising to healthy lifestyle messages instead of to non-restricted foods. Children are defined as those under 12, and it covers only advertising that directly targets children, as defined by more than 50% of the viewing audience are children. Enforcement mechanism is internal company control, but compliance is monitored by the ASC. The first compliance report, published in July 2009, reports a high level of compliance.

	<p>The ASC is also responsible for the pre-clearance of food advertising and advertising targeted at children in a co-regulatory approach taken with government. The ASC's Children's Clearance Committee is charged with the important responsibility of reviewing and approving children's broadcast advertising messages to ensure compliance with the provisions of the Broadcast Code for Advertising to Children (Children's Code). ASC Clearance Services reviews food and non-alcoholic broadcast advertising copy to ensure compliance with The Food and Drugs Act and Regulations and The Canadian Food Inspection Agency's Guide to Food Labelling and Advertising. Responsibility for Food and Non-Alcoholic Beverage preclearance was transferred from the Federal Government to ASC in 1992. In 2004, the ASC added a new interpretation guideline for the clearance committee in light of concerns about food advertising. The Guideline states that "Interpretation Guideline #2: Food product advertising addressed to children that is inconsistent with the pertinent provisions of the Food and Drugs Act and Regulations, or the Canadian Food Inspection Agency's Guide to Food Labeling and Advertising shall be deemed to violate Clause 12 (Advertising to Children). This Guideline is intended, among other purposes, to ensure that advertisements representing mealtime clearly and adequately depict the role of the product within the framework of a balanced diet, and snack foods are clearly presented as such, not as substitutes for meals"</p>
Source of information	<p>Health Canada. Integrated Strategy on Healthy Living and Chronic Disease, 2005. Online at: http://www.phac-aspc.gc.ca/media/nr-rp/2005/2005_37bk3-eng.php</p> <p>Health Canada. The Integrated Pan-Canadian Healthy Living Strategy 2005. Online at: http://www.prontario.org/PDF/Healthy_Living_Strategy-ENG1.pdf</p> <p>Advertising Standards Canada (ASC). Canadian Children's Food and Beverage Advertising Initiative. Online at: http://www.adstandards.com/en/childrensinitiative/default.htm</p> <p>Advertising Standards Canada (ASC). Advertising Preclearance. Online at: http://www.adstandards.com/en/AdvertisingPreclearance/advertisingPreclearance.aspx</p> <p>Canadian Radio-television and telecommunications Commission. Broadcast advertising basics: revenue, limits and content. Online at: http://www.crtc.gc.ca/eng/info_sht/b300.htm</p> <p>Chantal Martineau, Manager, National Nutrition Guidance, Office of Nutrition Policy and Promotion, Health Canada. Personal Communication October 2009.</p>

Chile

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Chile's core effort to address obesity is its national platform against obesity "EGO-Chile" (Estrategia Global Contra La Obesidad). EGO Chile aims to promote new actions and strategies to help control overweight and obesity, involving the public and private sectors. The advertising self-regulatory organisation, Consejo de Autorregulación y Ética Publicitaria (CONAR) participates on the Platform. EGO-Chile claimed among its early successes greater action by the advertising self-regulatory, CONAR, to improve their codes on food advertising to children. But it has made no particular statement in a national policy or plan that refers to food marketing to children.
Government policy specific to food marketing to children	No, not yet, but there has been active support for self-regulation (see below) and there is now a draft bill that would restrict advertising to children under the age of 14 and in educational establishments, with other food advertising required to carry a health message. The Ministry of Health say they are confident the law will be passed sometime in the next two years, and thus details are included here in italics.
Name and description of policy	Article 6 of the draft "Proyecto de Ley de Alimentos y su Publicidad." The draft law also covers labelling and food in schools.
Date of implementation	Not implemented (law not yet passed)
Objective of policy	To reduce exposure of children to advertising of fatty, sugary and salty food
Sector coverage	Sector-wide
Communication media covered	All media with advertising, all media with sales promotions, schools (preschool, primary and secondary)
Marketing techniques covered	Advertising Sales promotions involving competitions, gifts, games and other items attractive to children In schools, selling, advertising or any type of promotion at all
General approach: restrictions/guidance/messaging	
Restrictions	Yes. The only advertising permitted for the covered foods would be at night. Also, none of the above described sales promotions to children under the age of 14
Guidance	Yes, advertising should not exploit the credulity of children
Messaging	Yes. All food advertising in the mass media should carry a message that promotes healthy lifestyles, the content of which will be determined by the Ministry of Health
Definition of a child	Under the age of 14

Definition of child-targeted	Not detailed, but indicated that it means any advertising during the day
Food covered	Foods with an excessive amount of dietary fat, saturated fat, sugars and sodium (no further detail)
Enforcement mechanisms	Not described
Monitoring mechanism	Not described
Evaluation mechanisms	Not described
Results of enforcement, monitoring and evaluation	Not applicable
Cross-border considerations	Not known
Stakeholder roles	
Potential/planned future action	To pass the law
Government policies that address marketing to children in general	None identified
Additional self-regulation and voluntary approaches on marketing to children	<p>As part of its commitment to EGO Chile, the trade organisations the National Association of Advertisers (ANDA) and the Council of Advertising Self-Regulation and Ethics (CONAR) agreed to introduce a two new articles to their Code of Advertising Standards on food and beverage advertising, especially to children. The exact date of publication is not clear, but sometime since 2005. The new articles were launched by the Assistant Secretary of Health of the government, who was reported to have said that “such self-regulatory initiative in the interest of businesses to contribute in efforts to lower rates of physical inactivity and obesity in the country and support from the advertising promoting healthy lifestyles.”</p> <p>The new articles (27 and 28 state that) (own translation):</p> <p>Article 27: Food & Lifestyle</p> <p>Regarding the association between diet and healthy lifestyle, the food and beverage advertising must comply with the following:</p> <p>A. Food and beverage advertising should not encourage or justify eating or drinking that is immoderate, excessive or compulsive; the portion sizes are displayed in advertisements must be appropriate to the situation presented and the age of the audience to which the advertising is addressed .</p> <p>B. The advertising of foods and drinks should not go against the promotion of a varied and balanced diet or to downplay the importance of a healthy lifestyle and active.</p>

	<p>C. Food and beverage advertising that depict mealtimes (ie breakfast, lunch, tea or dinner) must clearly show the role of the advertised product in the context of a reasonably balanced diet. Confusion or erroneous conclusions</p> <p>D. Words, graphics and sounds relating to physical characteristics of foods such as taste, size, content, nutrition and health benefits should not mislead the consumer</p> <p>E. Foods that are not substitutes for meals should not be presented as such.</p> <p>F. Notwithstanding the metaphors and other resources inherent in any type of communication, food and beverage advertising should not mislead consumers about the potential health benefits from consuming the advertised product.</p> <p>Descriptions, Claims and Promises Advertising</p> <p>G. Statements and terminology relating to health or nutrition must be supported by adequate scientific evidence</p> <p>H. Comparisons related to nutrition and health should be based on an objective basis demonstrable and clearly understandable.</p> <p>I. The food and beverage advertising must be consistent with the concepts and terms established and regulated by the competent authority and force in the Food Sanitary Regulations for the marketing of products advertised, and should take special care of the proper use of words that define features benefits and descriptions to guide consumer decisions.</p> <p>Article 28: Food And Beverage Advertising aimed at children</p> <p>Food and beverage advertising aimed at children should observe the same general rules of advertising aimed at children contained in Articles 17 and 24 of the Chilean Code of Advertising Standards, and in particular the following:</p> <p>A. The use of fantasy, including animation and cartoons, shall not exploit the innocence of children so as to confuse or mislead them about the benefits nutritional product advertised.</p> <p>B. Food and beverage advertising to children should not foster a sense of urgency to buy the advertised product, and, where relevant, clearly communicate the date to which the promotion will last.</p> <p>C. Food and beverage advertising should not undermine the authority of parents or other adults responsible for the welfare of a child, in guiding their choice of diet and lifestyle.</p> <p>D. Foods and drink advertising that uses children shall avoid the use of images that offends children's dignity.</p> <p>In addition to this self-regulatory code, the World Federation of Advertisers say that a pledge on food advertising to children similar to the EU Pledge will be rolled out in, Chile in 2009.</p>
Source of information	EGO Chile. EGO-Chile Avances Al Primer Año. Online At: Http://Www.Ego-Chile.Cl/Paginas/Ego_Avances.Htm

	<p>Proyecto De Ley De Alimentos Y Su Publicidad. Draft Summary Obtained Direct From Tito Pizarro, Director Of EGO-Chile EGO-Chile. Nueva Autorregulacion En Publicidad De Alimentos Y Bebidas. Online at: http://www.ego-chile.cl/paginas/regulacion.htm Tito Pizarro, Director Of EGO-Chile, Ministry of Health, Chile. Personal Communication September 2009.</p>
--	--

Colombia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	Colombia passed a law in October 2009 on “Defining obesity and chronic noncommunicable disease as a public health priority and adopting measures for their control and prevention.” The law states that “Media advertising and marketing to children of foods and drinks: The Ministry of Social Protection, in conjunction with the National Institute of Food and Drug Monitoring (INVIMA) will create a specialized entity to direct and regulate, monitor and control, the advertising of food and drink, with that it is flexible and efficient in its operations, seeking the protection of health in the users and especially early childhood and adolescence, taking into account as established by the WHO with regard to food marketing in children” (own translation)
Government policy specific to food marketing to children	Yes, to develop an entity to monitor and regulate food advertising to children
Name and description of policy	Law No 1355 (14 October 2009)
Date of implementation	It is not known when or how this policy statement will be followed up.
Objective of policy	To protect the health of children and adolescents
Sector coverage	NA
Communication media covered	NA
Marketing techniques covered	NA
General approach: restrictions/guidance/messaging	NA
Restrictions	
Guidance	
Messaging	
Definition of a child	NA
Definition of child-targeted	NA
Food covered	NA
Enforcement mechanisms	NA
Monitoring mechanism	NA

Evaluation mechanisms	NA
Results of enforcement, monitoring and evaluation	NA
Cross-border considerations	NA
Stakeholder roles	The law was developed by the Ministry of Health
Potential/planned future action	As above
Government policies that address marketing to children in general	None identified, but they may exist
Additional self-regulation and voluntary approaches on marketing to children	<p>Colombia has a self-regulatory body for advertising, the “Comisión Nacional de Autorregulación Publicitaria.” They have a code which includes a clause on food (article 46) which states:</p> <p>“Los anuncios de productos no constitutivos de la alimentación básica tales como aperitivos, dulces, golosinas, goma de mascar y bebidas con componentes artificiales no deberán aludir a que suplen la alimentación básica.”</p> <p>“The advertisements of products not comprising part of the basic diet, such as appetizers, desserts, sweets, chewing gum, and drinks made with artificial ingredients, must not suggest that these products can be substituted for the basic diet.”</p> <p>The World Federation of Advertisers have not reported plans to develop a pledge in Colombia at present.</p>
Source of information	<p>Law No 1355 (14 October 2009) (obtained direct from PAHO)</p> <p>Código de Autorregulación Publicitaria, the “Comisión Nacional de Autorregulación Publicitaria”.</p> <p>Online at: http://www.marketcolombia.com/Legislacion/codigoautorregulacion.asp</p>

Malaysia

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	<p>Malaysia has a National Nutrition Policy, which aims to “achieve and maintain the nutritional wellbeing of Malaysians to enable them to contribute effectively towards nation building.” The policy has three objectives, which are:</p> <ol style="list-style-type: none"> 1. To enhance and maintain nutritional wellbeing for all. 2. To ensure household food security for all 3. To strengthen inter and intra sectoral linkages in the development and implementation of all nutrition and related activities in the country. <p>The Policy is being implemented through the National Plan of Action for Nutrition (NPANM), currently in its second phase covering the period between 2006 and 2015. The aims of the NPANM is to: enhance the nutritional status of the population; and prevent and control diet-related noncommunicable diseases One of the enabling strategies of the NPANM is promoting healthy eating and active living. Advertising to children is not specifically mentioned.</p>
Government policy specific to food marketing to children	Yes, a statutory prohibition of advertising and sponsorships by fast food companies in children TV programmes. While it is statutory, it is in the form of a government guideline rather than a law.
Name and description of policy	To be identified
Date of implementation	Approved by the Cabinet on 20 th June 2007. Following the cabinet decision, guidelines were developed by the Food Safety and Quality Division, Ministry of Health for the industry to comply. All fast food companies were informed 6 months prior to the guidelines’ official launching by the Health Minister on 10th December 2007, and full compliance was scheduled to start on 1st January 2008.
Objective of policy	To reduce exposure to young children of fast food advertising.
Sector coverage	Fast food companies; since it is monitored by the self-regulatory organisation for advertising, this means that monitoring only occurs of the members of the self-regulatory organisation
Communication media covered	Television
Marketing techniques covered	Advertising and sponsorship
General approach: restrictions/guidance/messaging	Restrictions and guidance

Restrictions	Restriction of advertising from all TV programs to very young children by fast food companies Restriction of sponsorship from all TV programs to very young children by fast food companies
Guidance	Content code Fast food ads cannot -encourage overconsumption - portray product as a replacement for a healthy diet - portray inaccurate or confusing information relating to the nutritional value of the product. - refute or challenge the Malaysian Dietary Guidelines developed by the MOH during children TV programs
Messaging	
Definition of a child	Children age 4-9
Definition of child-targeted	TV programs targeting children age 4-9, divided into animated and non-animated, with a TVR (television rating) more than 4%. .Advertisements are still permitted in programs with a TVR less than 4. (The TVR measures the popularity of a programme, daypart, commercial break or advertisement, by comparing its audience to the population as a whole. One TVR is numerically equivalent to one per cent of a target audience. For example, if a cartoon show achieved a Children under-9 TVR of 20 in Malaysia, this means that 20% of all children under 9 in Malaysia watched an average minute of the show.
Food covered	The Ministry of Health defines fast foods as foods that are prepared in large quantities in a standardized method, is quickly served, and frequently advertise their products and services through the electronic and printed media.
Enforcement mechanisms	The self-regulatory organisation, the Association of Accredited Advertising Agents (4As) is responsible for monitoring market violations (for its 130 members). TV stations can also be held responsible in case of violations because they are deemed the final gatekeeper before airing. The Ministry of Health has written to the Malaysian Communication and Multimedia Commission (MCMC) about the new guidelines. TV broadcasters re suppose to identify and provide the Ministry of Health with a quarterly list of children programs which are barred for fast food ads. The Ministry of Health has declared that non-complying companies and violators will be penalized through administrative measures and have their names publicly announced. Though there were no further elaboration on the kinds of administrative measures to be taken, it is most likely that MCMC and Content Forum will also be involved, as one issues broadcasting licenses and the other monitors the Content Code. It is also understood that MOH has an internal committee to vet through fast food ads.

Monitoring mechanism	See above
Evaluation mechanisms	None reported
Results of enforcement, monitoring and evaluation	It is not known if the Directive is actually being implemented or enforced. According to the consumer group FOMCA, the Ministry of Health believes that compliance is slow and not satisfactory. Only the few major fast food chains are complying. The 4A's say that it is difficult to identify exactly what constitutes "fast food" so it is not exactly who should be complying.
Cross-border considerations	Not known
Stakeholder roles	The Directive was developed by the Ministry of Health The Association of Accredited Advertising Agents (4As) is responsible for monitoring of market violations Overall responsibility for the regulation of communications (e.g. cable TV, and private free-to-air TV stations) lies with the Malaysian Communication and Multimedia Commission (MCMC).
Potential/planned future action	Not known
Government policies that address marketing to children in general	In 1990, the Ministry of Information published an Advertising Code of Ethics. It includes the statement that: "All advertisements on food and drinks must show the necessity of a balanced diet" and refers to children This code is now under the mandate of the MCMC. It is not clear whether the code is actually statutory or voluntary.
Additional self-regulation and voluntary approaches on marketing to children	The self regulatory organisation for advertising is the Malaysian Advertising Standards Authority. It has a voluntary code of practice known as the Malaysian Code of Advertising Practice. In addition, an industry body developed the "Malaysian Communication and Multimedia Content Code" in 2004, which was adopted by the MCMC but is only voluntary. Both include standard provisions on advertising to children as set down by the International Chamber of Commerce, that advertising should not exploit the credulity of children. The World Federation of Advertisers has not reported that it plans to develop a pledge in Malaysia in the foreseeable future.
Source of information	Rokiah Don, Ministry of Health Malaysia. Nutrition Integration Into Policy Development – Way Forward . Online at: http://fh.moh.gov.my/uploads/phc/Sym/1/Nutrition%20Integration%20_Pn.%20Rokiah.pdf Report compiled by Consumer Group, FOMCA "Evidence-Based Research To Assess The Extent Of Marketing Of Unhealthy Food To Children In The Asia Pacific Region: Country Report – Malaysia." Report obtained directly from FOMCA. Cheah Chee-Ho, Federation of Malaysian Consumers Associations (FOMCA). Personal

	Communication November 2008.
--	------------------------------

Note: Despite attempts to contact government or other sources close to this issue, this information has not been verified by anyone except for FOMCA

New Zealand

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	In 2003, the labour governments developed a strategic approach to promoting healthy eating and a healthy body weight termed “Healthy Eating – Healthy Action”. It’s vision was “an environment and society where individuals, families and whanau, and communities are supported to eat well, live physically active lives, and attain and maintain a healthy body weight.” Its key messages included: eat a variety of nutritious foods; eat less fatty, salty, sugary foods; and eat more vegetables and fruits. An action plan to implement the approach was developed: the “Healthy Eating – Healthy Action: Oranga Kai – Oranga Pumau Implementation Plan 2004-2010.” Objective 1 of the Plan was to “Build Healthy Public Policy” which includes the specific actions “Investigate and analyse policy options regarding the advertising of foods to children.” The action point was due to be complete 24 months after the publication of the report (2006). But this does not appear to have been completed and government team working on the Healthy Eating plan has been closed down.
Government policy specific to food marketing to children	New Zealand currently has no specified policy on food marketing to children, but has, since 2003, undergone a series of steps to develop policy. This has now been shelved as a result of the changing political situation in late 2008. Previous to this time there was government pressure on the industry to take action, and some developments were made in self-regulation (see below).
Name and description of policy	NA
Date of implementation	
Objective of policy	
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	

Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	
Cross-border considerations	
Stakeholder roles	
Potential/planned future action	There are no known planned future actions by the government on food marketing to children in New Zealand, but the self-regulatory Advertising Standards Authority is planning to draft a new code on food advertising to children.
Government policies that address marketing to children in general	The statutory regulation in New Zealand sets a framework for self-regulation, giving responsibility for regulation to the Advertising Standards Authority (ASA) (see below).
Additional self-regulation and voluntary approaches on marketing to children	<p>In the period when the Healthy Eating plan was being moved forward, the food and advertising industries were involved in developing approaches to food advertising to children. Self-regulatory Codes for Food Advertising and for Advertising to Children have been in place for many years in New Zealand, developed by the Advertising Standards Authority. The codes take a qualitative approach that “Advertisements directed at children should observe a high standard of social responsibility.”</p> <p>In April 2009, the Advertising Standards Authority initiated a review of these two codes through the release of a consultation paper. In this context, a month later, the NGO “Fight the Obesity Epidemic” released a report which stated that the complaints made to the New Zealand Advertising Standards Authority with regard to food advertising to children take little consideration of health concerns. No report on the consultation has yet been released, but it has been reported that the ASA plans to draft a new Code called the Children’s Code for Advertising Food, which will take into account concerns raised in the consultation process.</p> <p>In addition to this qualitative approach, however, a set of voluntary restrictions was also developed. The New Zealand Television Broadcasters’ Council (NZTBC), which represents CanWest TVWorks (TV3 and C4) and Television New Zealand (ONE and 2) developed a code “Getting it Right for Children.” Following what is termed the “CF (Children’s Food) classification system,” the code restricts</p>

food advertising to children within specified time bands on terrestrial television to foods that fall into classification recommended by government. The voluntary agreement was announced on 3 May 2007. The stated objective of the voluntary code is “improving food advertising to children”. The initiative also says it aims to assist the Government's Healthy Eating Healthy Action plan

The code covers advertising on terrestrial television, children under the age of 13 and TV programs in children’s programming hours. Full implementation of the code was due in October 2008, but it is not known whether it was ever implemented.

On paper, the NZTBC set up a very specific pre-vetting enforcement procedure in conjunction with a self-regulatory organisation, the Television Commercial Approvals Bureau (TVCAB). First, an application must be made to TVCAB for the advertisement; a food or beverage in question will then be vetted by TVCAB or a nutrition specialist (NS) and the advert given a go-ahead or not on the basis of the Food and Beverage Classification System and the Food Standards Australia New Zealand Nutrient profiling model. This process itself involves several stages:

1) TVCAB and/or NS will determine if the food/beverage (within the application) should be classified as “everyday”, “sometimes” or “occasional” in accordance with the Ministry of Health’s “Food and Beverage Classification System” (FBCS). The FBCS is the primary basis for determining whether or not the product can be advertised in school-age children’s programming times. Under the FBCS, “Everyday” foods/beverages will be able to be advertised; “Sometimes” foods/beverages can also be permitted provided that the proposed advertisement does not directly/indirectly promote daily consumption; and “Occasional” foods/beverages must proceed to being vetted according to the FSANZ nutrient profiling model. The purpose of the FSANZ Model is to determine which foods/beverages will be eligible to make health claims. In effect, it provides a robust “double check” on a food/beverage that has been classified as “occasional” under the FBCS, by determining which food/beverage is deemed healthy or unhealthy. At this stage, professional judgement will be used to determine whether or not the food/beverage should proceed to be permitted or not. Initially these decisions will be determined by the NS. However, after precedents have been clearly established by the NS, it is envisaged that TVCAB will build sufficient in-house technical expertise over time to make these judgements too. The current CF Classification System, therefore, provides for this flexibility.

2) If the advertisement is permitted, the process moves onto Stage 2 and reviewed for compliance with the Childrens Code as a whole. In Stage 2, it is also required that permitted advertisements are consistent with the Government’s Healthy Eating-Healthy Action (HEHA) campaign. If provided, permission is provided for a 24 month period.

Key decisions made by the Nutrition Specialist and/or TVCAB relating to the food and/or beverage considered for advertising in school-age children’s programming times will be reviewed annually by a

	Consultative Committee consisting of interested parties. This process will be run by TVCAB and will be used as a source of information for further enhancing the CF Classification System.
Source of information	<p>Healthy Eating – Healthy Action: Oranga Kai – Oranga Pūmau Implementation Plan 2004-2010 Advertising Standards Authority. Consultation on the review of the code for advertising to children and the Code for advertising of food. April 2009. Online at: http://www.asa.co.nz/pdfs/Final%20Food%20and%20Children%20Codes%20questionnaire%20updated.pdf</p> <p>New Zealand Television Broadcasters' Council Getting it Right for Children". 2008. http://www.anza.co.nz/files/anza/Getting%20it%20Right%20for%20Children%20Advertising%20on%20Television%20Guidelines_0.pdf</p> <p>Janet Hoek, Department of Marketing, University of Otago, New Zealand. Personal Communication, October 2009.</p> <p>Leigh Sturgiss, Executive Director, Obesity Action Coalition, Wellington, New Zealand. Personal Communication October 2009.</p>

South Africa

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	South Africa has an “Integrated Nutrition Strategy (INS)” designed to address under- and over-nutrition in South Africa. The Strategy operates as the Integrated Nutrition Program (INP), and aims to facilitate a coordinated intersectoral approach to solving nutritional problems in South Africa. The number one stated “Key Long Term Strategic Priorities” of the Program for 2004-2009 was the “Promotion of healthy lifestyles.” Implementing this priority has been done through the development of food-based dietary guidelines and the “Healthy Lifestyles” campaign, which started in 2004. As part of the campaign, the Department of Health developed draft regulations to on food marketing to children.
Government policy specific to food marketing to children	The general policy is that there is a need to change food marketing to children. The Department of Health has drafted a law that would restrict food advertising to children under the age of 16, but is awaiting the results of the WHO Recommendations on food marketing to children before proceeding.
Name and description of policy	Modification of the Foodstuffs, Cosmetics And Disinfectants Act, 1972 (Act 54 Of 1972): Regulations Relating To The Labelling And Advertising Of Foodstuffs
Date of implementation	Proposal from July 2007, but not implemented
Objective of policy	According to contacts at the department of food control, the objectives are the same as the recommendations for a code developed by Consumers International and the International Obesity Taskforce, which are: “to protect present and future generations from the damaging health, social and economic consequences of consumption of energy dense, nutrient poor foods high in fat, sugar or salt, and to promote responsible food marketing to children that supports the Global Strategy on Diet, Physical Activity and Health by restricting the marketing of these products to children.”
Sector coverage	Would be sector wide
Communication media covered	Any which utilise advertising in any manner
Marketing techniques covered	All
General approach: restrictions/guidance/messaging	Restrictions
Restrictions	Would prohibit any advertising, in any manner, including the label of a foodstuff, to a child younger than 16 years or use a child actor younger than 16 years or use any cartoon- type character or puppet, computer animation or similar strategy or token or gift, in order to encourage the use of such foodstuff

Guidance	
Messaging	
Definition of a child	Under the age of 16
Definition of child-targeted	Not defined
Food covered	<p>The draft law lists a series of foods that would be covered by the restriction, as listed below. These are defined as “foodstuffs not considered essential for a healthy diet.” However, since the publication of the draft law, the Department of Health in South Africa started the process of developing a nutrient profiling model that would replace the list of foods in the draft proposal. Though main purpose would be to determine which foodstuffs would be eligible for making health and/or nutrient claims, and, it will also be considered in reference to food advertising to children.</p> <p>Beverages</p> <ul style="list-style-type: none"> • Carbonated or uncarbonated soft drinks intended to be consumed cold, which contain sweetener(s) and additives in any form (e.g. powders, concentrates or ready-to-drink type etc.) • Fruit nectars • Soft drinks bearing the word “energy” or “sport” or “power” in any way on the label, with or without caffeine • Iced teas in any form (e.g. powders, concentrates or ready-to-drink type etc.), which contain sweetener(s) and additives <p>Powders to prepare hot or cold beverages for which any one or more of the following criteria apply:</p> <ul style="list-style-type: none"> o Contain more than 10 g sugar per single serving o Contain fully or partially hydrogenated fat o Contain any non-nutritive sweetener(s) o Contain any artificial colourant(s) <p>Sweet biscuits and flour confectionary</p> <p>All sweet, dry biscuits, unless the biscuit has been specifically developed and formulated for the purpose of preventing or correcting a demonstrated nutrient deficiency as recognised by the Department; the impact of the special biscuit on the target population/group has been scientifically evaluated by at least one human intervention trial; written proof of the outcome has been published in an acceptable medical or nutrition journal or reported at a national nutrition congress; and a request for approval accompanied by the above-mentioned documentation has been granted by the Directorate: Food Control prior to retail market appearance</p>

All cakes
 Other sweet flour confectionary such as muffins, doughnuts, sweet pastries and others, unless the product is high in fiber and has a low Glycaemic Index value
 Sweet tarts
 Candies and chocolate confectionary
 All chocolate confectionary
 All sugar confectionary, including toffees
 Chewing gum
 Fast foods
 Any fast food meal of which any one or more of the following criteria apply-
 - which contains any trans fats;
 - of which the main carbohydrate component of the meal (e.g., bread bun of a hamburger) has a high Glycaemic Index value;
 - has a fiber content of less than 3 g per 100 g end product;
 - has a salt content of 1,25 g salt per 100 g end product or more; and
 o has a saturated fat content of more than 5 g per 100 g end product
 o which has been prepared/cooked in an vegetable oil that has been subjected to any of the following processes: any form of heat treatment, degumming, refining, bleaching and deodorizing

Savoury foodstuffs
 - Ready-to-eat savoury snacks such as potato crisps, extruded or expanded maize snacks etc.
 - Ready-to-eat dips or dip powders intended to be reconstituted with a fat content of more than 3 g per 100 g

Desserts
 - Baked type desserts, with a fat content of more than 10 g per 100 g and a sugar content of more than 15 g per 100 g
 - Chilled, ready-to-eat desserts
 - Ice cream, frozen yoghurt, frozen desserts, frozen treats, sorbets, edible ices and any other similar product containing more than 20 g per 100 g carbohydrates and/or more than 3 g total fat per 100 g
 - Instant dessert powders
 - Jellies

Other
 - Any vegetable oil that has been subjected to any of the following processes: any heat treatment, degumming, refining, bleaching and deodorizing, and packed in see-through plastic containers

	<ul style="list-style-type: none"> - Commercially prepared meat pies and sausage rolls and pies with a savoury filling - Dry soup powders - Flavoured fat spreads or margarine - Spreads, toppings, glazes or filling sold as such for cakes, desserts and tarts - "Health" bars, breakfast bars, seed bars or energy bars with a sugar content more than 10 g per bar, a saturated fat content of more than 1 g per 100 g or any trans fat - Fruit bars, fruit roles or fruit flakes with any added sugar, non-nutritive sweeteners and/or added fat - Margarines and fat spreads containing any hydrogenated or interesterified plant oil - Manufactured meat products, unless at least compliant with the condition for lean/trim and low in sodium - Mayonnaise - Non-nutritive table sweeteners - Ready-to-eat candy breakfast cereals with a sugar content of 15 g or more per 100g - Sugar (white, yellow, brown), castor sugar, icing sugar, et cetera. - Sweetened, condensed milk - Syrups, excluding molasses - Tea creamers and coffee creamers - Foodstuffs (solids and liquids) sweetened with added fructose - Fruit bars, fruit roles or fruit flakes with any added sugar, non-nutritive sweeteners and/or added fat - Margarines and fat spreads containing any hydrogenated or interesterified plant oil - Manufactured meat products, unless at least compliant with the condition for lean/trim and low in sodium - Mayonnaise - Non-nutritive table sweeteners - Ready-to-eat candy breakfast cereals with a sugar content of 15 g or more per 100g - Sugar (white, yellow, brown), castor sugar, icing sugar, et cetera. - Sweetened, condensed milk - Syrups, excluding molasses - Tea creamers and coffee creamers - Foodstuffs (solids and liquids) sweetened with added fructose
Enforcement mechanisms	NA
Monitoring mechanism	NA
Evaluation mechanisms	NA
Results of enforcement,	NA

monitoring and evaluation	
Cross-border considerations	Not known
Stakeholder roles	The draft was developed by the Food Control directorate at the Department of Health
Potential/planned future action	The Department of Health is waiting for the results of the WHO process of developing recommendations on marketing food to children before taking any further steps.
Government policies that address marketing to children in general	No
Additional self-regulation and voluntary approaches on marketing to children	<p>The Advertising Standards Authority of South Africa (ASASA) is a well-established and accepted body with a code on advertising. The Code has an appendix to the code on food and beverage advertising, which was specifically intended to address concerns about food advertising to children. It is in line with many other self-regulatory codes, but relatively unusual in including licensed characters and primary schools. The Code states that:</p> <p>Appendix M - Food and Beverage Code</p> <p>1. Preamble</p> <p>1.1 Food and beverage advertising to children should not bring advertising into disrepute or reduce confidence in advertising as a service to the industry and to the public.</p> <p>2. Scope</p> <p>2.1 This code is intended to regulate the advertising of food and beverage products in general, and in particular advertising of such products to children.</p> <p>2.2 This Code is not intended to duplicate or be a substitute for any regulations effecting the labelling and advertising of products relating to health and nutrition.</p> <p>3. Interpretation</p> <p>3.1 Nutrition information and claims should be judged by the likely perception of the reasonable person at whom the advertising is directed or who is likely to be exposed to advertising.</p> <p>4. Legality</p> <p>4.1 Food and beverage advertising should adhere to all legal requirements.</p> <p>5. Honesty</p> <p>5.1 Food and beverage advertising should not be so framed as to abuse the trust of consumers at whom it is directed or who are likely to be exposed to it, or exploit their lack of experience or knowledge or their credulity.</p> <p>6. Responsibility</p>

6.1 Food and beverage advertising, including promotions, should not encourage poor nutritional habits or an unhealthy lifestyle in children, or encourage or condone excess consumption.

6.2 Portion sizes featured in food and beverage advertising should not be excessive or more than would be reasonable to consume by a person of the age depicted.

7. Misleading

7.1 Presentations in advertising for food and beverage products should accurately represent the material characteristics of the product featured, in particular, but not exclusively, with regard to taste, size, nutritional content, health benefits, nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.

8. Social Values

8.1 As it is recognised that children of twelve years old and under are impressionable, food and beverage advertising should not mislead children about product benefits from use of the product. Such benefits include, but are not limited to, the acquisition of strength, status, popularity, growth, proficiency and intelligence.

8.2 Food and beverage product advertising should not undermine the role of parents or others responsible for a child's welfare in guiding diet and lifestyle choices.

8.3 Food and beverage product advertising should not directly appeal to children of twelve years old and under to persuade their parents or others to buy advertised products for them; or suggest any negative consequences of not purchasing the product.

9. Product Endorsement

9.1 Advertisers promoting food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1 of the Code of Advertising Practice, shall not use celebrities or characters licensed from third-parties (such as cartoon characters) in television advertisements targeted at children of twelve years old and under.

9.2 Clause 9.1 does not apply to company-owned characters.

9.3 Clause 9.1 does not apply to the use of characters on packaging, provided that the packaging does not appear in television advertising directed at children of twelve years old and under.

10. Inexperience and credulity

10.1 Advertising directed towards children of twelve years old and under for food and beverage products should not create a sense of urgency.

10.2 Subject to the provisions of clause 9 dealing with product endorsement, it is recognised that fantasy, including animation, may be appropriate in communication with children..

10.3 Care should, however, be taken not to exploit the imagination of a child of twelve years old and under in a way that could create expectations of unattainable product benefits or exploit a child of twelve years old and under difficulty in distinguishing between real benefits and fanciful benefits

11. Substantiation

11.1 All claims, including nutritional information and claims about nutrition and health benefits, should be substantiated in accordance with Clause 4.1 of Section II.

11.2 Claims about nutrition and health benefits should be conveyed in a manner easily understood by the reasonable consumer.

11.3 Nutritional or health claims in television advertisements targeted at children of twelve years old and under, may not be made in respect of products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1.

12. Disclaimers

12.1 All disclaimers targeted at children of twelve years old and under should be understandable to them, taking into account their limited vocabularies and level of language skills.

13. Testimonials

13.1 Testimonials should not contain any claim or implication to efficacy which is not substantiated in accordance with Section II, Clause 4.1.

14. Marketing Promotions

14.1 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1 should not use promotional activity in television advertisements primarily targeted at children of twelve years old and under.

14.2 Whenever promotions are used the means of entry, the products to be purchased, if any, and the conditions of the promotion, should be clearly communicated.

14.3 Advertising targeted at children of twelve years old and under should clearly communicate the likelihood of winning in wording readily understandable to them.

14.4 The prize(s) and the number of prizes should be clearly communicated.

14.5 All prizes should be appropriate to the child audience.

15. Marketing communications on pre-school and primary school premises.

15.1 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle, consistent with established scientific standards acceptable in terms of Section II, Clause 4.1, shall not advertise on, or in close proximity to, pre-school and primary school premises.

15.2 Food and beverage products that do not represent healthy dietary choices and a healthy lifestyle,

	<p>consistent with established scientific standards acceptable in terms of Section II, Clause 4.1, shall not use any form of promotional activity, such as free gifts, on pre-school and primary school premises.</p> <p>In addition to this, a South Africa Pledge on Marketing to Children was signed on June 11 2009. An initiative of the Consumer Goods Council of South Africa, it has 23 signatories, including food manufacturers, retailers and fast food chains. Companies have not yet developed individual pledges, but it follows in general the EU Pledge. It applies to children under age 12, and to foods that do not meet (as yet unset) nutrient profiles.</p>
Source of information	<p>Department of Health, South Africa. The Integrated Nutrition Programme. Online at: http://www.doh.gov.za</p> <p>Speech by Minister Manto Tshabalala-Msimang at the launch of the Healthy Lifestyles Day, 22 February 2008. Online at: http://www.doh.gov.za</p> <p>Department of Health No. R. 642, 20 July 2007. Foodstuffs, Cosmetics And Disinfectants Act, 1972 (Act 54 Of 1972) Regulations Relating To The Labelling And Advertising Of Foodstuffs. Online at: http://www.doh.gov.za/department/dir_foodcontr.html</p> <p>ASASA. Code of Practice: Appendix M - Food and Beverage Code. Online at: http://www.asasa.org.za/Default.aspx?mnu_id=94</p> <p>Yolandé van der Riet, Food Control, Department of Health, South Africa. Personal Communication November 2008.</p>

South Korea

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>National interventions and programs to deal with nutrition-related chronic diseases and obesity prevention were included in the National Health Promotion Act of 1995. In April 2002, the Ministry of Health and Welfare promulgated the Comprehensive Health Promotion Policy, with health goals. The basis of this policy was the Health Plan 2010, in which plans for improving the nutritional status of the population are included. The Plan mandates provincial and local governments to implement nutrition programmes. This Plan was revised in 2005 to update the information on health and nutritional status and revise health goals. As a result, this plan included more projects for nutrition than the original version.</p> <p>In December 2006, the Korea Food and Drug Administration announced it planned “to devise a roadmap to protect children against junk food step by step by 2010.” The roadmap included restricting food advertising to children, labelling of fast foods, surveys on trans fats, and regulating foods in, and the immediate vicinity of, schools.</p>
<p>Government policy specific to food marketing to children</p>	<p>Yes, statutory restrictions on food advertising to children, and a ban on fast food advertisements featuring free toys and other premiums, as part of the broader policy to reduce “junk food” intake among children.</p> <p>The restriction is based on the Special Act of Safety Control on Children’s Food and Eating/Nutrition Environment which was promulgated in March 2008. Although the act has been in effect from March 2009, a decision was taken to postpone the enforcement date for the prohibition of TV advertisements of ‘energy-dense & low nutritional quality food’ to January 2010 (the regulations restricting the sales of foods within the immediate vicinity of schools and prohibition of children’s favourite food advertisement offering free toys, etc. was retained). The government also applied what they term 'sunset rule' on that provision. That is, the government will monitor the effect of TV ad prohibition on children's obesity and dietary behaviour for 3 years from 2010 and will decide if the provision should be kept in effect or not at the end of this third year. To help inform this decision, a research project on the relationship between the TV ad prohibition and children's obesity/dietary behaviour has been added as a component of a project conducted by the government-funded research Institute, the Korea Health Industry Development Institute (the project is called 'SAFENET (Safety Assurance for Food and Eating/Nutrition Environment) for Children). The project is scheduled to report back in 2010 and 2011.</p>
<p>Name and description of policy</p>	<p>Special Act of Safety Control on Children’s Food and Eating/Nutrition Environment (unofficial translation). The act covers not only food, but also dietary behaviour and eating/nutrition environment.</p>

Date of implementation	March 2009
Objective of policy	To reduce exposure of children to advertisements of specific foods and build children's capacity to choose food wisely
Sector coverage	Sector wide
Communication media covered	Television, including cable TV, radio and online (internet) for prohibition of children's favourite food advertisement offering free toys, etc.
Marketing techniques covered	Advertising, including the promotion of free toys in fast food advertising.
General approach: restrictions/guidance/messaging	Restrictions
Restrictions	No advertising of specified foods in between 5-8pm), which is largely when children's TV programs are shown No offering of free toys in fast food advertising on TV, radio and Internet, advertising.
Guidance	
Messaging	
Definition of a child	The act defines children as anyone under age 18, but the provision on advertising is intended to be for children under 12
Definition of child-targeted	Child-targeted is defined by the scheduling restrictions (i.e., any advert that appears in this time frame is assumed to target children), and by the specific nature of the other restriction i.e. all adverts featuring a free toy are assumed to target children
Food covered	The following food groups with specified nutrient criteria are covered by the regulation Snacks targeted to children, including cookies/crackers/biscuits, candies, popsicles, breads/buns, chocolates, processed milk/fermented milk, ice cream, sausages, fruit drinks/vegetable drinks/soft (carbonated) drinks/lactobacillus drinks/mixed drinks. Meal substitutes targeted to children, including noodle soups (ramyeon) in containers, ready to eat style rice rolls (Kimbap in Korean or nori sushi in Japanese)/hamburgers/sandwiches, hamburgers/pizza from fast food restaurants The KFDA has set nutrient criteria for these food groups to define what snacks and meal substitutes will and will not be permitted. They are set per serving size, which are generally based around 30g but can vary: for example, Category 4 for snacks is for foods that have a relatively large serving size. Category 3 is intended to capture sugar-sweetened soft drinks. Products can meet ANY of the criteria. To make the definition clearer, the KFDA is currently preparing a precise list of the exact foods which

	<p>will not be able to be advertised to children i.e., the product, brand, package size etc. This list, which will be released as a Public Notice before the end of 2009, will be based on monitoring by the KFDA of snack and meal substitutes targeted to children. The preliminary indications are that around 20-30% of snacks and meal substitutes targeted to children will be affected. The list will be updated whenever new product comes out on the market. Because the criteria are based on serving size, it is report that the food industry in South Korea is reducing their serving sizes in order that the foods do not fail the criteria. This is a move welcomed by the KDFA.</p> <p>For Snacks:</p> <ol style="list-style-type: none"> 1) Those containing more than 250kcal and less than 2g protein per serving 2) Those containing more than 4g of saturated fat and less than 2g protein per serving 3) Those containing more than 17g of sugars and less than 2g protein per serving 4) Others containing more than 500 kcal or more than 8g of saturated fat or more than 34g of sugars per serving (this category is intended to high sugar foods that have more than 2g of protein per serving as found for 4). <p>For Meal Substitutes,</p> <ol style="list-style-type: none"> 1) Those containing more than 500kcal and less than 9g protein per serving 2) Those containing more than 500kcal and 600mg of sodium per serving (1000mg sodium in the case of noodle soups in disposable containers) 3) Those containing more than 4g of saturated fat and less than 9g protein per serving 4) Those containing more than 4g of saturated fat and 600mg of sodium per serving (1000mg sodium in the case of noodle soups in disposable containers) 5) Others containing more than 1000 kcal or more than 8g of saturated fat per serving
Enforcement mechanisms	Through monitoring (see below)
Monitoring mechanism	Internet by KFDA TV and radio by local governments (city, county and district)
Evaluation mechanisms	The KFDA recently organized an advisory committee for food advertisement on children.
Results of enforcement, monitoring and evaluation	NA

Cross-border considerations	Not known
Stakeholder roles	The policy was originally developed by the KFDA, who have responsibility for all forms of food regulation in South Korea. Addressing obesity is officially under the mandate of the Ministry of Health, Welfare and Family Affairs
Potential/planned future action	As stated above, the government will monitor the effect of TV ad prohibition on children's obesity and dietary behaviour for 3 years from 2010 and will decide if the provision should be kept further or not at the end of this third year. To help inform this decision, a research project on the relationship between the TV ad and children's obesity/dietary behaviour will be conducted by the government-funded research Institute, the Korea Health Industry Development Institute, due to report in 2010 and 2011.
Government policies that address marketing to children in general	Regulations Concerning Deliberation on Advertising Broadcast (August 28, 2000) states that (Article 24 on children): 1) Commercial advertisements shall not use expressions harmful to character, emotion, or values of Children or Juveniles. 2) In order to protect children, commercial advertisement shall not use the following types of expressions. 1. Children expressing business statements, advertising jingles, or product traits relating to a product. 2. Any messages where its purports that the possession of the advertised product will change a Child's ability or behaviour. 3. Any message where it purports that not possessing the advertised product will cause a Child to develop inferiority complex or become a target of the ridicule. 4. Messages compelling Children to impulsively purchase the advertised product or compel their parents to purchase the advertised products. 5. Messages compelling Children to gamble. 6. Messages compelling Children to be at a dangerous location or conduct dangerous activities. 7. Messages promoting unhealthy eating habits among Children. Article 57 (Restrictions on Commercial Broadcasts Aimed at Children) of the Regulations Concerning Deliberation of Broadcasts states that: (1) The broadcast of commercials using the moderator or main character of a program aimed at Children or the main character of a cartoon shall not be made during the advertising time for the relevant program nor during the spot commercials that immediately precede and follow the program, so that Children will confuse the commercials with the broadcasting program; (2) During the time for commercials or the spot commercials that immediately precede and follow programs aimed at Children, advertisements for Children's medicine shall not be made.
Additional self-regulation and voluntary approaches on marketing to children	The Korea Federation of Advertising Associations has a Code of Advertising Ethics which states that advertising for children and youth should not express anything that might spoil them physically or morally. It also states that "Criteria for concrete activities shall conform to the ICC Advertising Activities Standards." The World Federation of Advertisers has not reported that it plans to develop a pledge in South Korea in the foreseeable future.

Source of information	Republic of Korea Nutrition Overview. Online at: http://www.wpro.who.int/internet/resources.ashx/NUT/kor.pdf Eun Woo Nam and Katrin Engelhardt. Health promotion capacity mapping: the Korean situation. Health Promotion International 2007; 22(2): 155-162 Fast Foods Face Ad Regulation. Korea Times, 18 December 2006 Junk Food Ads to Be Bumped From Prime-Time TV. Korea Times, 27 May 2008 Ban on Junk Food Ads to Be Delayed. Korea Times, 20 March 2009 WFA News Release 11/8/2008. South Korean Government announces ban of HFSS TV food advertising Online at: http://www.fic.wfanet.org/news/onenews.php?Lib_ID=2136 Cho-il Kim, Director, Center for Nutrition Policy & Promotion, Korea Health Industry Development Institute, Seoul. Personal Communication October 2009.
-----------------------	--

Thailand

Statements about food marketing to children in national policies/action plans on health, nutrition or obesity	The tenth National Economic and Social Development Plan in Thailand, covering the period 2007–2011, now identifies one of the strategic goals as 3. . . reducing the increasing rate of five major preventable diseases: cardiovascular, hypertension, diabetes, cancer and stroke so as to increase productivity and reduce the medical expenditures.” With regard to nutrition, Thailand has developed a series of National Nutrition Plans since the 1970s, which are credited with successfully tackling malnutrition in the country. There is no national obesity policy to date, but a Strategic Plan on Obesity will be proposed to the National Health Assembly in December.
Government policy specific to food marketing to children	Not overall, but an act was passed in 2007 which affects the amount of advertising to children on television, and it was developed in the context of heavy food advertising to children
Name and description of policy	Notification of the Public Relations Department Re: Principles and Timing of Advertising and Business Services Which Have the Impact upon Children in Radio and Television Broadcasting Stations
Date of implementation	Approved by the Thai National Broadcasting Commission on August 16 2007. Notified on 18 th January 2008, enforce 18 th February 2008.
Objective of policy	According to the Cabinet Resolution of 3 April 2550 (2007) concerning the kid’s snack and health problems, which provided that relevant government agencies, including the Office of the Prime Minister, should implement any measure in order to promote the health and sanitation, welfare and appropriate consumers preferences, to prevent the adverse impacts of television advertising on children and to support constructive and socially responsible advertising, which is consistent with international practices.
Sector coverage	All
Communication media covered	Television
Marketing techniques covered	Television advertising, including the advertising of free gifts, prize draws, and contests
General approach: restrictions/guidance/messaging	Restrictions, guidance, warnings
Restrictions	Scheduling The amount of ALL advertising during children programmes will be limited to 12 minutes per hour with no more than 10 minutes allocated to advertising and the remaining two minutes reserved for

	<p>“promoting healthy eating”</p> <p>The provisions of paragraph one do not apply to radio and television children’s programmes in which less than half of the advertising time within one hour is advertising that has the impact on children. The provisions of the paragraph two shall be implemented for 1 year as from the date of notification enforced.</p> <p>Individual products can only be advertised twice every 30 minutes during a children’s program</p> <p>Techniques</p> <p>No advertising of promotions including free gifts, prize draws, and contests</p> <p>Puppets, characters popular with children, children, cartoon characters or celebrities popular with children cannot be used in advertising to children.</p>
Guidance	No use of exaggerated messages, pictures or sound that could encourage excessive consumption and “advertising shall not have overly persuasive content for children’s consumption, shall not present untruthful words, sounds, video, or images of goods and services, for example benefits, speeds, sizes, colours, and robustness etc.”
Messaging	Advertising shall display a consumer warning according to specifications of the Food and Drug Administration and the size of this lettering of this warning shall be of the ratio 1 to 25 of the size of the screen and shall be shown as a still image for a period of between 3 and 5 seconds.
Definition of a child	Under the age of 12
Definition of child-targeted	Programmes rated for children aged between 3 and 12 plus programmes rated for a general audience with a content aimed at children
Food covered	For the scheduling and techniques, all foods, since the regulation is not specific to food. It is not clear to what products the warnings apply.
Enforcement mechanisms	TV stations will be tasked with ensuring that advertises comply with the rules
Monitoring mechanism	No mechanism except for the “enforcement” above, but the Health Consumer Protection program, faculty of pharmaceutical sciences, Chulalongkorn University have also said they intend to monitor the impact from the regulation by conducting an evaluation every three months
Evaluation mechanisms	See above
Results of enforcement, monitoring and evaluation	Nothing official, but an independent, limited evaluation has been conducted of 4 TV channels by the staff of the Health Consumer Protection program, faculty of pharmaceutical sciences, Chulalongkorn University. They found that: Time is about 10.47-13.21 min/hour, food advertisers 4.01-6.52 min/hour. Almost all are not more than 4 times/hour. Almost all do not comply with the regulation that requires warning for specific foods.

	Some of the advertisements have promotions which include free gifts, prize draws, and contests. The preliminary evaluation thus found that there were problems with implementation. According to the key contact, this reflects the generally weak enforcement of rules on TV advertising in Thailand; earlier rules were also not enforced. Also, responsibility for implementation is not clearly defined. But apparently, enforcement has improved since the preliminary evaluation.
Cross-border considerations	Not known
Stakeholder roles	Responsibility for regulating food likes with the Thai Food and Drug Administration. The Thai National Broadcasting Commission is responsible for broadcast advertising.
Potential/planned future action	The government is planning no specific further action on food marketing to children, but advocacy groups are still campaigning for a more restrictive approach.
Government policies that address marketing to children in general	Not known
Additional self-regulation and voluntary approaches on marketing to children	<p>The Advertising Association of Thailand has set guidelines on advertising to children which follow from ICC principles. Article 10 of the ethical code is on “protecting children” states that: advertising may not have harmful physical or mental effects on children, and should not demean children. "</p> <p>There is also a more recent separate code “Guidelines for children's products” which states that:</p> <ol style="list-style-type: none"> 1. Children means are people aged between 0-12 years; is generally accepted that the media maturity begins after age 12 2. Advertiser must always remember the level of knowledge and experience, maturity of children as a group; children should be protected children from all ambiguity. 3. Recognizing the imagination of a children, advertising should not create undue expectations. 4. Advertiser must be aware that children may imitate advertisements, so they should not harm the health and well-being of children. 5. Advertising should support parents in influencing the behaviour of their children <p>Advertisers should pay particular care when advertising food and confectionary to children and minors. They should:</p> <ol style="list-style-type: none"> 1. <i>Supply the appropriate information in the advertisement (translation not clear)</i> 2. Encourage positive attitudes in consumers about healthy diets and appropriate nutrition. 3. Communicate clearly that a snack cannot replace a meal. 4. Not make advertisements with content unsuitable for children. 5. Promote positive attitudes, such as friendship, harmony and unity, integrity and civility, respecting

	<p>others etc</p> <p>6. Not encourage children to pester their parents</p> <p>7. Not make children understand that parents who purchase the advertised product are better than parents who do not.</p> <p>8. <i>Take care when using celebrities. Characters in programmes immediately before or after the advertisement must not be used in the advertisement (translation not clear).</i></p> <p>9. <i>Show a warning in the ad to the appropriate consumers. And should use language that children can easily understand, as appropriate for each type of media advertising. (translation not clear).</i></p> <p>There is also a food industry pledge on advertising in Thailand. The “ThaiPledge” was announced in 2008 and due to come into effect on December 31 2008. However, no individual pledges have been published and it is not know if it will be implemented. There are six signatory companies: Coca Cola; Kelloggs; Mars; Nestle; Pepsi Cola; and Unilever. Akin to the EU Pledge, it covers foods not meeting a defined set of nutrition criteria (to be set by each company, so not yet done), audiences which comprise at least of children under 12 yrs, and advertising on TV, radio, print, 3rd-party Internet, schools. The pledge states that it will be monitored by be independent 3rd party compliance monitoring.</p>
Source of information	<p>(Unofficial translation) Notification of Ministry of Public Health (No. 305) B.E.2550 (2007) Re. Labeling of some kinds of ready-to-eat foods. Online at: http://www.qmaker.com/fda/new/images/cms/top_upload/1224646040_Notification305.pdf The Advertising Association of Thailand. Guidelines for Children’s Products. Online (in Thai) at: http://www.adasso thai.com/about.php?form[module]=&form[submodule]=&form[news_id]=34 WFA News Release 10/5/2008. Thailand: Food and drink marketers pledge common commitment to responsible advertising. Online at: http://www.wfanet.org/globalnews.cfm?id=74 Dr. Vithaya Kulsomboon, Chair of Social Pharmacy Department, Faculty of Pharmaceutical Sciences, Chulalongkorn University, Bangkok, Thailand. Personal Communication, October 2008 and October 2009.</p>

United States

<p>Statements about food marketing to children in national policies/action plans on health, nutrition or obesity</p>	<p>The US has no national strategy or action plan to address obesity, although there are federal funds specifically earmarked for obesity prevention. The U.S. Department of Health and Human Services (HHS) will be releasing “Healthy People 2020” in early 2010, which will “ provide a framework for prevention for the Nation. It is a statement of national health objectives designed to identify the most significant preventable threats to health and to establish national goals to reduce these threats.” The Healthy People 2010 and the current draft of Healthy People 2020 reports do not include specific objectives related to reducing unhealthy food and beverage advertising and marketing reaching children and adolescents.</p> <p>In July 2009, however, the Centers for Disease Control, an agency of the HHS, released its first set of comprehensive recommendations to promote healthy eating and active living and reduce the prevalence of obesity in the United States. The report contains 24 recommended obesity prevention strategies focusing on environmental and policy level change initiatives that can be implemented by local governments and school districts to promote healthy eating and active living. One of the recommendations is: “Communities Should Limit Advertisements of Less Healthy Foods and Beverages.”</p>
<p>Government policy specific to food marketing to children</p>	<p>The current approach (albeit it nor “official” policy) is to “leave it to self-regulation” and avoid legislation (see “Name and Description of Policy” below). However, under the new Obama government, the Federal Trade Commission (FTC) is working again on this issue, as it the Federal Communications Commission (FCC). There have been several recent announcements of new initiatives in this area, as detailed below under “Potential/planned future action.”</p>
<p>Name and description of policy</p>	<p>The current “policy” was implied by two sets of statements and actions taken by the FTC in 2005 and 2008.</p> <p>In July 2005, the FTC and the Department of Health and Human Services (HHS) held a public workshop to consider what the private sector can and should do to help lower childhood obesity rates. Based on the workshop, the FTC and the HHS recommended that:</p> <ul style="list-style-type: none"> - Companies should “Review and revise their marketing practices with the goal of improving the overall nutritional profile of the foods marketed to children, for example, by adopting minimum nutritional standards for the foods they market to children, or by otherwise shifting emphasis to lower-calorie, more nutritious products (p.iv)” - “Although the “CARU Guides (see below) are a good foundation for industry self-regulation, the agencies believe the guides should be expanded and their enforcement enhanced” and CARU and the

Council of Better Business Bureaus (CBBB) should set up a working group to developed an enhanced approach.

The report concluded that “The agencies believe that the discussions of food marketing and childhood obesity at the workshop have created momentum to enhance self-regulation and industry practices that promote better children’s diets. The agencies will monitor future developments in food marketing to children and childhood obesity and will closely evaluate the changes that the CBBB/CARU working group makes to the self-regulatory process, including assessing whether these changes satisfactorily address the specific recommendations in this report. After allowing time for changes to be implemented, one or both of the agencies will issue a follow-up report assessing the extent to which positive, concrete measures have been implemented and identifying what, if any, additional steps may be warranted to ensure adequate progress is being made to address childhood obesity (p.ix).”

Subsequent to this recommendation, the CBBB developed its children’s advertising initiative (see below)

In July 2008, the FTC released a Congressionally requested report, “Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation” which measured the expenditures on food advertising to children for specific food groups and examined the type of advertising. A specific recommendations of the report was that the CBBB Children’s Food and Beverage Advertising Initiative should be enhanced by, including by expanding the scope of “advertising to children” beyond advertising on television and radio, in print media, and on the Internet, to encompass all advertising and promotional techniques; working toward standardizing the nutrition criteria for “healthy dietary choices” that may be marketed to children, such as by product category; working towards developing meaningful, standardized definitions for what constitutes advertising “directed to children under 12;” requiring companies not to engage in, approve, or allow placement of their product in media directed to children under 12; and requiring participating companies to ensure that their franchisees are bound by the •companies’ pledge commitments, such as by incorporating the pledge commitments into any franchisee contracts.

The report also recommended that all companies that market food or beverage products to children under 12 adopt meaningful, nutrition-based standards for marketing their products standards that extend to all advertising and promotional techniques, including, for example, product packaging and in-store marketing. It also recommended that more media and entertainment companies restrict the licensing of their characters to healthier foods and beverages that are marketed to children, so that cross-promotions with popular children’s movies and television characters will favor more nutritious foods and drinks. Media companies also should consider limiting ads on child-directed programs to those that promote healthier foods and beverages.

	The FTC has commissioned a follow-up report, on which it is currently working (see below).
Date of implementation	Around 2006; the Children's Food and Beverage Advertising Initiative was initiated in 2006 and implemented in 2007
Objective of policy	Not explicitly stated
Sector coverage	
Communication media covered	
Marketing techniques covered	
General approach: restrictions/guidance/messaging	
Restrictions	
Guidance	
Messaging	
Definition of a child	
Definition of child-targeted	
Food covered	
Enforcement mechanisms	
Monitoring mechanism	
Evaluation mechanisms	
Results of enforcement, monitoring and evaluation	<p>In the July 2008 (6-month) and October 2009 (annual) CBBB reports of adherence to the CFBAI, almost 100% compliance was reported by member companies in achieving their pledges. A report by the Rudd Center for Food Policy and Obesity at Yale University examined the marketing of breakfast cereals in light of the company pledges. They found that: "We found that cereal companies are in full compliance with their self-defined CFBAI pledges to reduce unhealthy marketing to children. And yet, we also found that that the amount of cereal marketing to children and the nutrition quality of children's cereals remain at unacceptable levels and have not objectively or meaningfully improved.." The NGO "Children Now" will also be releasing a report on compliance with company pledges in December 2009.</p> <p>In addition, an industry commissioned report (by the Grocery Manufacturers Association and the Association of National Advertisers) indicates that the amount of food advertising to children is</p>

	<p>declining in the United States. The report, published in September 2008, found that:</p> <ul style="list-style-type: none"> - The average child aged 2-11 viewed fewer food, beverage and restaurant advertisements on television in 2007 than in any recent year, continuing the previously reported historical trend. - The decline has accelerated in the last three years. Meanwhile the number of advertisements on TV for all products seen by the average child changed little. - Advertising is growing fastest for bottled water and fruits and vegetables. Advertising is shrinking fastest for cookies, gum & mints and snacks. Non-television media continues to grow, but these media still carry too little food, beverage and restaurant advertising to affect the television trends.
Cross-border considerations	
Stakeholder roles	<p>The FTC is the government agency charged with protection consumers from unfair and deceptive business practices and promoting competition. It provides guidelines and regulation on advertising, but in 1980, Congress explicitly stripped the FTC of the power to regulate unfair advertising to children (after it proposed banning television advertising to children).</p> <p>The FCC is the independent government agency charged with regulating interstate and international communications by radio, television, wire, satellite and cable.</p> <p>The CBBB is an industry association that aims to create trust in business by taking actions to raise the ethical practices followed by business in the US.</p>
Potential/planned future action	<p>Statements made by officials at the FTC have stressed that while they think there has been progress under self-regulatory initiatives, specifically the CBBB's Children's Food and Beverage Advertising Initiative (CFBAI), they consider that "more is needed".</p> <p>The FTC is currently working on a follow-up report to assess the extent to which the 2008 report recommendations have been implemented, and identify additional measures that may be warranted to strengthen industry self-regulatory initiatives. The study is likely to be released in 2010 or 2011.</p> <p>In March 2009, the FTC, along with the Food and Drug Administration, Centers for Disease Control and Prevention, and Dept of Agriculture, established an Interagency Working Group on Food Marketing to Children as a requirement of the Omnibus Appropriations bill passed by Congress. The Working Group is directed to conduct a study and develop nutrition standards for food marketing aimed at children who are 17 years old or younger, and determine the scope of the media to which such standards should apply. The agency must report back to Congress by July 15, 2010. The Group is currently meeting and will issue its first report at a meeting scheduled for December 15 2009 (see below).</p> <p>On September 29 2009, the FTC announced it will host a public forum on December 15, 2009, titled "Sizing Up Food Marketing and Childhood Obesity." The forum will assemble industry representatives,</p>

	<p>federal regulators, consumer groups, scientific researchers, and legal scholars to discuss issues related to food marketing to children. The forum will address the food and entertainment industries' progress toward self-regulation and implementation of the recommendations in the FTC's 2008 report, "Marketing Foods to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation." Panelists also will discuss current research on the impact of food advertising on children, and the statutory and constitutional issues surrounding governmental regulation of food marketing. In addition, the Interagency Working Group on Food Marketed to Children – comprised of representatives from the FTC, U.S. Food and Drug Administration, Centers for Disease Control and Prevention, and U.S. Department of Agriculture – will report on the status of recommended nutritional standards for foods marketed to children.</p> <p>On 23 October 2009, the FCC released a Notice of Inquiry (NOI), "asking how children can be served and protected and parents can be further empowered in the new digital media landscape." The inquiry, which "seeks information on the extent to which children are using electronic media today," refers to digital advertising as one of the risks of new media exposure. The inquiry seeks answers to specific questions. Among several others these include whether the media is used to influence children's consumption of "unhealthy food that can promote obesity," and whether voluntary efforts to curtail advertising of unhealthy food to children proven effective, whether these commitments extend beyond television to other media platforms, such as the Internet and mobile devices, and if additional actions needed to address these concerns?" The consultation will close in January 2010.</p>
Government policies that address marketing to children in general	There are no statutory ethical guidelines on advertising targeted at children, but the Children's Television Act (1990) restricts advertising during programmes targeted at children under the age of 12 years to 10.5 minutes per hour on weekends, and 12 minutes per hour during the week.
Additional self-regulation and voluntary approaches on marketing to children	<p>The Children's Food and Beverage Advertising Initiative Guidance of the CBBB was published in July 2007. It currently has 15 company members, which are estimated that these companies accounted for more than two-thirds of children's food and beverage television advertising expenditures in 2004 in the United States. It is very similar but not the same as the EU Pledge. It applies to children under the age of 12, but covers radio as well as TV, print and Internet, and requires that only 50% of food advertising is dedicated to "better-for-you" foods (rather than the 100% in the EU Pledge). However, in practice, all the company members dedicate 100% of their advertising to the "better-for-you" foods. It also includes specific provisions for interactive games, licensed characters, and product placement.</p> <p>Prior to this initiative, advertising to children in general had been self-regulated by the Children's Advertising Review Unit (CARU) of the CBBB. CARU guidelines, which have been in place since 1975, apply to broadcast and print advertising to children under the age of 12. They set out a series of guidelines based on the principle that advertising to children should not be deceptive. There is one</p>

	<p>article on food, which states that: “Representation of food products should be made so as to encourage sound use of the product with a view toward healthy development of the child and development of good nutritional practices. Advertisements representing mealtime should clearly and adequately depict the role of the product within the framework of a balanced diet. Snack foods should be clearly represented as such, and not as substitutes for meals.”</p>
Source of information	<p>Healthy People. Online at: http://www.healthypeople.gov/About/ and http://www.healthypeople.gov/hp2020</p> <p>Khan LK et al. Recommended Community Strategies and Measurements to Prevent Obesity in the United States. Morbidity and Mortality Weekly Report of the CDC. July 24, 2009 / 58(RR07);1-26. Online at: http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5807a1.htm</p> <p>FTC/HHS. perspectives on marketing, self-regulation, & childhood obesity: A Report on a Joint Workshop of the Federal Trade Commission & the Department of Health & Human Services, April 2006. Online at: http://www.ftc.gov/os/2006/05/PerspectivesOnMarketingSelf-Regulation&ChildhoodObesityFTCandHHSReportonJointWorkshop.pdf</p> <p>FTC. Marketing Food To Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation: A Federal Trade Commission Report To Congress (July 2008). Online at: http://www.ftc.gov/os/2008/07/P064504foodmktngreport.pdf</p> <p>CBBB. Changing the Landscape of Food & Beverage Advertising: The Children’s Food & Beverage Advertising Initiative In Action. A Progress Report on the First Six Months of Implementation: July-December 2007. Online at: http://www.bbb.org/us/storage/16/documents/CFBAI/ChildrenF&BInit_Sept21.pdf</p> <p>CBBB. The Children’s Food & Beverage Advertising Initiative In Action: A Report On Compliance And Implementation During 2008. October 2009. Online at: http://www.bbb.org/us/storage/16/documents/finalbbbs.pdf</p> <p>Harris JL et al. Cereal FACTS: Evaluating the nutrition quality and marketing of children’s cereals. Yale University Rudd Center for Food Policy and Obesity, 2009. Online at: http://www.cerealfacts.org/media/Cereal_FACTS_Report.pdf</p> <p>WFA News Release 22/9/2008. Latest US data shows decline in number of food ads seen by children. Online at: http://www.responsible-advertising.org/news_item.asp?id=2</p> <p>FTC to host forum on food marketing to children. Press Release September 29, 2009. Online at: http://www.ftc.gov/opa/2009/09/foodmarket.shtm</p> <p>9/21/09 Federal Register Notice – FTC Seeks Public Comments on Proposed Follow-Up Study on Food Marketing to Youth - http://www.ftc.gov/os/2009/09/090921foodmarketingnotice.pdf</p> <p>FCC. Empowering Parents and Protecting Children in an Evolving Media Landscape: Notice of Inquiry,</p>

October 23 2009. Online at: http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-94A1.pdf
CBBB. Children's Food and Beverage Advertising Initiative. Online at: <http://www.bbb.org/us/children-food-beverage-advertising-initiative/>
CBBB. The Children's Advertising Review Unit Self-Regulatory Program for Children's Advertising. Online at: <http://www.caru.org/guidelines/guidelines.pdf>
Vivica Kraak, Nutrition and Physical Activity Advisor, Save the Children USA, Washington DC.
Personal Communication November 2009.

WP4 Regulatory Review, Deliverable 1. Network of contacts for the review of the regulatory environment in EU member states (individuals are not named)

Member state	Authorities and institutions consulted include the following
Austria	Ministry of Health, Families and Youth, Vienna.
Belgium	FEVIA (Belgium Food Industry Federation). Le Jury d’Ethique Publicitaire (JEP). Service Public Fédéral Santé publique, Direction Générale Animaux, Végétaux et Alimentation, Brussels.
Bulgaria	Ministry of Health, Sofia. European Audiovisual Observatory. Dept. of Paediatrics and Medical Genetics, Varna University Hospital.
Cyprus	Research & Education Institute of Child Health, Nicosia.
Czech Republic	Department of Preventive Medicine, School of Medicine, Masaryk University of Brno.
Denmark	National Board of Health, Centre for Health Promotion and Prevention, Copenhagen. Danish Consumer Ombudsman. Forum for Fødevarereklamer (Forum of responsible food marketing communication). Danish Food and Drink Federation. The Ministry of Food, Agriculture and Fisheries, Danish Veterinary and Food administration, Division for Nutrition.
Estonia	Ministry of Social Affairs National Institute for Health Development Advertising Education Forum (UK) Estonian State Chancellery
Finland	National Nutrition Council. Ministry of Social Affairs and Health National Public Health Institute Ministry of Justice (Consumer Protection) Consumer Ombudsman, Finland. Ministry of Social Affairs and Health, Health Department, Health Promotion and Disease Prevention.
France	ARPP. Enfant. Minister of Culture and Communications. Programme National Nutrition Santé, Ministère de la Santé et des Sports.
Germany	INFORM: Deutschlands Initiative für gesunde Ernährung und mehr Bewegung . DEUTSCHER WERBERAT. Deutschen Werberats über die kommerzielle Kommunikation für Lebensmittel. Federation of German Consumer Organisations, Berlin. German Advertising Federation (ZAW - Zentralverband der deutschen Werbewirtschaft).
Greece	The Council of Communication Monitoring (SEE). WHO Collaborating Center for Nutrition, University of Athens Medical School.
Hungary	Hungarian National Heart Foundation.

	Hungarian Heart Association, Kecskémet.
Ireland	Advertising Standards Authority for Ireland Broadcast Commission of Ireland (BCI). Health Promotion Policy Unit, Department of Health & Children.
Italy	Istituto dell'Autodisciplina Pubblicitaria (IAP). Department of Prevention, Azienda Sanitaria Locale Brindisi.
Latvia	Latvian Advertising Association
Lithuania	State Environmental Health Centre, Head of Nutrition Division, Vilnius.
Luxembourg	La Commission luxembourgeoise pour l'éthique en publicité (CLEP). Direcorate for Health, Luxembourg.
Malta	Health Promotion and Disease Prevention, Public Health Regulation Division, Ministry for Social Policy.
Netherlands	Dutch Ministry of Health, Welfare and Sport. Dutch Advertising Code Authority. Dutch Food and Consumer Products Authority, The Hague De Federatie Nederlandse levensmiddelenindustrie (FNLI) Nederlandse Hartstichting, Den Haag. Vrije Universiteit Amsterdam. Consumentenbond.
Poland	Advertising Council. Association of Polish Consumers, Warsaw.
Portugal	Instituto Civil da Autodisciplina da Publicidade. Associação Portuguesa de Anunciantes. Plataforma Contra a Obesidade, Direcção-Geral da Saúde.
Romania	World Federation of Advertisers, Brussels.
Slovakia	Rada Pre Reklamu (RPR) (Advertising Standards Council) Department of Health Promotion, Public Health Authority of the Slovak Republic, Bratislava.
Slovenia	Slovenian Advertising Association. Health Promotion Centre, Institute of Public Health, Ljubljana.
Spain	Ministry of Health and Consumers, 2005. AUTOCONTROL. Departamento de Comunicación y Psicología Social, Colegio Mayor, Campus Universitario, San Vicente del Raspeig, (Alicante). Spanish Food Safety and Nutrition Agency.
Sweden	National Institute of Public Health Karolinska Institute, Dept of Public Health Sciences, Stockholm.
United Kingdom	Department of Health. Ofcom. The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP). Food Standards Agency (FSA). ISBA: The Voice of British Advertisers. National Heart Forum

WP4 Regulatory Review, Deliverable 2 Summary tables of data collected in the review of the regulatory environment

These are shown on pages 4 to 9 of this Annex, as part of the text of the Executive Summary, above.