

Quick reference guide

Country	Mandatory or voluntary	Age of children	Media covered	Definition of 'unhealthy'	What is restricted?
Australia	Voluntary	Under 14 (fast food) Under 12 (food and beverages)	TV, radio, print, cinema, internet sites. Fast food includes newspaper, magazines, outdoor billboards, emails, interactive games as well.	'Healthier choices' may be advertised, as defined by companies' action plans. For fast food – according to set nutrition criteria.	Advertising must represent 'healthier choices' and encourage good dietary habits and physical activity.
South Korea	Mandatory	Age 4-13	TV	High-calorie, low nutrition foods, according to limits set by the Ministry.	Advertising banned on TV between 5-7pm, as well as during any children's program.
Taiwan	Mandatory	Under 12	TV	Nutrient limits (fat, sodium, added sugars)	Advertising banned between 5-9pm on dedicated childrens' channels.
Chile	Mandatory	Under 14	All forms of marketing intended to promote consumption of a product.	Nutrient limits (energy, sodium, total sugar and saturated fats)	Advertising banned between 6am-10pm on TV and film. Advertising must not be directed to children.
Mexico	Mandatory	Ages 4-12	TV, cinema	Nutrient limits (energy, sodium, saturated fat and	Advertising banned between 2.30-7.30pm weekdays and 7am-7.30pm weekends,

				total sugar) ¹	where the audience is >35% children.
United Kingdom	Mandatory	Under 16	TV, radio, print media, mailings, emails, SMS, catalogues, outdoor billboards and posters, cinema, video, DVD, non-broadcast electronic media.	Nutrient profiling (high in fat, salt or sugar – HFSS)	Advertising banned where the audience is >25% children or advertising is directed to children under 16.
Ireland	Mandatory (TV) and voluntary (other)	Under 18 ²	TV, print media, billboards, electronic media, email, SMS.	Nutrient profiling (HFSS)	TV advertising for HFSS products banned during children's programs (>50% under 18). Advertisements must carry a health warning.
Sweden	Mandatory	Under 12	TV	All commercial advertising (including food/beverage).	Commercial advertising 'designed to attract the attention of children' is banned.
Canada³	Voluntary	Under 12	TV, radio, print, internet, mobile-media.	Nutrition criteria (developed by participating companies). ⁴	Advertising primarily directed to children must be for 'healthier choices'.
Canada – Quebec	Mandatory	Under 13	TV, radio, print, internet, mobile phones, signage and promotional items.	All advertising (including food/beverage products)	Advertising directed to children is banned. ⁵
New Zealand	Voluntary	Under 14	All media.	Foods classified as high in fat, salt or sugar ('occasional') under the Food and Beverage Classification System for Schools.	Advertisements must not 'target' ⁶ children or be placed in media where children are >25% of the audience or in places where children gather.

Further information

Australia

Regulations: Responsible Children’s Marketing Initiative (RCMI)^{vii} (voluntary, self-regulated); Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI)^{viii} (voluntary, self-regulated), Australian Association of National Advertisers (AANA) Code of Advertising and Marketing to Communications to Children (Children’s Code)^{ix} (mandatory, self-regulated).

Extent of restrictions: Advertising to children must represent ‘healthier dietary choices’ and be in the context of a healthy lifestyle, encouraging good dietary habits and physical activity. Under RCMI ‘healthier choices’ are defined by each company, under its company action plan. This allows each company to determine what it may advertise. QSRI sets out nutrition criteria to determine whether a meal is a ‘healthier choice’. However, these only apply to meals containing food and a beverage, not to individual food items. Under the Children’s Code, advertising to children must not encourage an inactive lifestyle or unhealthy eating or drinking habits.

Toys: Not dealt with.

Brand marketing: Not dealt with.

Sponsorship: Only referred to in QSRI, which provides that companies must not give away food or beverage vouchers at children’s sport events unless the products meet the nutrition criteria.

Administered by: Advertising Standards Bureau (referred to the Advertising Standards Board for determination). RCMI and QSRI are managed by the Australian Food and Grocery Council (an industry body).

18 companies have signed up to the RCMI.
7 companies have signed up to the QSRI.

A recent study showed that between 2011 and 2015 there was no reduction in the rate of unhealthy food advertising in Australia, including by the signatories to the RCMI and QSRI.^x A previous study showed minimal changes to unhealthy food advertising rates to children between 2006, before introduction of the

initiatives, and 2011, after their introduction.^{xi} Children see, on average, around 3 advertisements per hour for unhealthy food during prime-time television.

South Korea

Regulations: Special Act on Safety Management of Children’s Dietary Life (2010).^{xii}

Extent of restrictions: Advertisements for foods classified as ‘children’s favourites’ that are ‘high-calorie, low-nutrition’ are banned on television between 5pm to 7pm and outside of these hours, during any children’s television program.

Toys: Companies cannot advertise that non-food items, such as toys, will be given away with ‘children’s preferred’ foods.

Brand marketing: Not dealt with.

Sponsorship: Not dealt with.

Administered by: Korean Ministry of Food and Drug Safety.

Following the introduction of the regulations, the number of advertisement placements for high-calorie, low-nutrient foods decreased significantly during the regulated hours (by 81%). The advertising also decreased (by 52%) outside of regulated hours.^{xiii}

Taiwan

Regulations: Regulations Governing Advertisement and Promotion of Food Products Not Suitable for Long-Term Consumption by Children.

Extent of restrictions: Advertisements for restricted foods are banned between 5-9pm on channels that are dedicated to children (as determined by TV channel operators). There are currently 13 such channels. Restricted foods are determined by nutrient limits:

- Fat >30% total calorie content
- Saturated fat >10% total calorie content
- Sodium >400mg per serve
- Added sugars >10% total calorie content

Toys: Restricted foods cannot be advertised or promoted with toys, whether available as a gift with purchase or at an additional price.

Brand marketing: Not dealt with.

Sponsorship: Not dealt with.

Administered by: Taiwan Food and Drug Administration.

Chile

Regulations: Law 20.606 on the Nutrient Composition of Food and Its Advertising^{xiv}; Decree No. 13 of 2015 – Health Regulations for Foods^{xv}; and Law No. 20869 on Food Advertising^{xvi} (regulations yet to be released).

Extent of restrictions: Restrictions apply to all forms of marketing, communication, recommendation, propaganda, information or action intended to promote consumption of a product, including specifically, websites, interactive apps, games and competitions. Restricted foods may not be advertised between 6am-10pm on television and film.^{xvii} Further, advertising must not be directed to children, with guidance provided as to when an advertisement will be considered to be directed to children, including when a program or website has an audience of >20% children under 14.

Toys: Companies cannot use advertising hooks, such as toys, accessories, stickers or similar items, in respect of restricted foods.

Brand marketing: Not specifically dealt with, but would be captured by the regulations where an advertisement for a brand together with an unhealthy food is directed to children.

Sponsorship: Not specifically covered but would be captured by the regulations where the sponsorship advertisement shows a restricted food and is targeted to children, or shown where children gather – however, there are exceptions, as set out in footnote 10.

Administered by: Ministry of Health

Mexico

Regulations: Guidelines for disclosing nutritional and advertising criteria to be observed by advertisers of food and non-alcoholic beverages during the advertising of their products on free-to-air and

restricted access television, as well as in movie theatres.

Extent of restrictions: Advertisements for restricted foods are banned on television between 2.30pm-7.30pm weekdays and 7am-7.30pm weekends, where the audience is >35% children (and excluding during soap operas, sports events and news). Advertisements in cinemas are banned for restricted foods for all movies rated for a general audience and for children. Restricted foods are determined according to a nutrient profile model. The model covers energy, sodium, saturated fats and total sugar, based on serving sizes of products. It is weaker than the nutrient profile model used in the UK or by the WHO.^{xviii}

Toys: Not covered.

Brand marketing: Not covered.

Sponsorship: Not covered.

Administered by: Ministry of Health

United Kingdom

Regulations: Code of Advertising Practice (CAP Code)^{xix} for non-broadcast media^{xx}; UK Code of Broadcast Advertising (BCAP Code)^{xxi} for broadcast media.

Extent of restrictions: Under the CAP Code, advertising of foods that are considered high in fat, sugar or salt (HFSS) under the UK Department of Health's nutrient profiling model must not be directed to children under 16 or shown where 25% or more of the audience is under 16. In addition, advertising must not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.^{xxii} Under the BCAP Code, HFSS products may not be advertised in or adjacent to programs principally directed at or likely to appeal particularly to children under 16.

Toys: Not dealt with. But licensed characters and celebrities popular with children must not be used to advertise HFSS foods to pre-school or primary school children. Brand equity characters (eg Tony Tiger) are allowed.

Brand marketing: Marketing of a brand that is 'synonymous with' a HFSS product or range of products that is mainly HFSS is restricted.^{xxiii}

Sponsorship: Not dealt with.

Administered by: CAP Code – the Committee of Advertising Practice (CAP) creates, revises and enforces the CAP Code. It is a self-regulatory body whose members represent the advertising, sales promotion, direct marketing and media businesses. The Advertising Standards Authority (ASA) endorses and administers the CAP Code, including investigating and ruling on complaints and conducting research. ASA is an independent body, operating under a contract from Ofcom, the UK's independent communications regulator. BCAP Code - ASA. Funding for the system is provided by industry.

According to a review conducted by Ofcom in 2010^{xxiv}, in the four years following introduction of the regulations, children's overall exposure to HFSS products was reduced by 37% (across all television); younger children's exposure was reduced by 52%, while older children's exposure was reduced by 22%. There was a 100% decrease in HFSS advertisements during children's television viewing.

Ireland

Regulations: Commercial Communications Code (CCCC)^{xxv} for TV. Code of Standards for Advertising and Marketing Communications in Ireland for non-TV advertising, including digital media (similar to CAP Code in the UK) (ASAI Code)^{xxvi}. The ASAI Code is self-regulated; members of the Advertising Standards Authority of Ireland must comply with the ASAI Code.

Extent of restrictions: CCCC - Advertisements for products determined to be HFSS under the UK Department of Health's nutrient profiling model are not permitted during children's programs (those with an audience where >50% are under 18 years). All advertisements that are directed to children for fast food products, outlets and brands are to carry a message that the food 'should be eaten in moderation and as part of a balanced diet'. All confectionary product advertisements that are directed to children are to contain a message that

'snacking on sugary foods and drinks can damage teeth'. ASAI Code - marketing for foods and beverages that is directed to children should not encourage an unhealthy lifestyle. If marketing is directed at pre or primary school children, it must not contain a promotional offer.

Toys: Not dealt with.

Brand marketing: Under CCCC, advertisements for a brand will be covered by the restrictions on advertising HFSS products, where the brand is 'synonymous' with a specific HFSS product or service, even if featured on other products.

Sponsorship: Not dealt with.

Administered by: CCCC – Broadcasting Authority of Ireland (BAI), a body created by legislation. ASAI Code – Advertising Standards Authority for Ireland (ASAI), an independent self-regulatory body set up and financed by the advertising industry.

Sweden

Regulations: Radio and Television Act (RT Act)^{xxvii}, apply to television and radio advertising. The Marketing Act^{xxviii} may be broader but applies only where the media targets children.^{xxix}

Extent of restrictions: All commercial advertising 'designed to attract the attention of children' is banned. Commercial advertising may not appear immediately before or after a programme that is primarily directed to children under 12 years.

Toys: Not dealt with. Individuals or characters that play a prominent role in shows primarily aimed at children below 12 years may not appear in commercial advertising.

Brand marketing: All commercial advertising is banned, so brand marketing that is designed to attract the attention of children will not be permitted.

Sponsorship: Not dealt with specifically but if a sponsorship advertisement on television or radio is designed to attract the attention of children, it will be banned.

Administered by: Swedish Broadcasting Authority.

Canada^{xxx}

Regulations: Children's Food and Beverage Advertising Initiative (CAI)^{xxxii}, a voluntary, self-regulatory scheme with 18 participants. CAI covers TV, radio, print, internet (including company-owned sites), mobile media where advertising is primarily directed to children under 12, video or computer games that are rated as 'early childhood' which are inherently primarily directed at children under 12. The Broadcast Code for Advertising to Children (Children's Code) covers broadcast media.

Extent of restrictions: CAI - all advertising directed to children under 12 must be for 'healthier choices' as defined in uniform nutrition criteria developed by food and beverage companies participating in the Children's Advertising Initiative.^{xxxii} Alternatively, companies can choose not to direct advertising to children under 12 at all.

Toys: Not dealt with. The Children's Code provides that characters that are well known to children cannot endorse or be shown consuming products. This does not apply to brand equity characters.

Brand marketing: Not dealt with.

Sponsorship: Not dealt with.

Administered by: CAI – Advertising Standards Canada, 'industry's independent body'.

Canada – Quebec

Regulations: Quebec Consumer Protection Act, covering TV, radio, print, internet, mobile phones, signage and the use of promotional items.^{xxxiii}

Extent of restrictions: All advertising messages directed to children under 13 are banned. The Act provides some guidance as to when a message will be directed to children:

- Is the promoted product intended for children under 13 or does it appeal to them specifically;
- Is the advertisement appealing to children?
- Does the timing and placement of the advertisement mean that children will be exposed to it?

Toys: Covered.

Brand marketing: Will be restricted if the advertisement is directed to children under 13.

Sponsorship: Prohibited if sponsorship advertising is directed to children. The Act allows it if the message is simply 'sponsored by [company name]'.

Administered by: Office de la protection du consommateur (Consumer Protection Office)

New Zealand

Regulations: Children and Young People's Advertising Code^{xxxiv}, a voluntary code, applies to all advertisements that target children or young people, including sponsorship advertisements. Updated with effect from October 2017.

Extent of restrictions: Advertisements for 'occasional food and beverage products', those classified as high in fat, salt or sugar under the New Zealand Food and Beverage Classification System for Schools,^{xxxv} must not target children under 14 or be placed in any media where children under 14 are likely to comprise a significant proportion of the expected average audience. Some guidance is provided to determine this:

- Where the audience is 25% or more children
- During child viewing time zones
- Where content has significant appeal to children
- Locations where children gather including sporting and cultural events.

Toys: Not dealt with.

Brand marketing: Not dealt with.

Sponsorship: Sponsorship advertisements must not show an occasional food or beverage product or its packaging or any depiction of the product. On-ground sponsorship advertisements may be included as the Code extends to cover advertisements in locations where children gather, including sporting and cultural events. However, companies or brands can sponsor teams, events and individual activities but they must make a clear association in sponsorship advertising, eg proud



sponsor of x. The focus of a sponsorship advertisement should be on the activity, team or individual.

Administered by: Advertising Standards Authority, with member organisations including advertisers, agencies and the media.

About the Obesity Policy Coalition

The Obesity Policy Coalition (OPC) is a partnership between the Cancer Council Victoria, Diabetes Victoria and the Global Obesity Centre at Deakin University, a World Health Organization Collaborating Centre for Obesity Prevention. The OPC advocates for evidence-based policy and regulatory change to address overweight, obesity and unhealthy diets in Australia, particularly among children.

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References

¹ Implemented first for soda, snacks, confectionary products and chocolates

² Protection is split into different levels – under 6, under 13 and under 15.

³ The Canadian government is currently reviewing marketing to children restrictions and considering bringing in significant new regulations.

⁴ The criteria were developed through a Nutrition Review Committee, which consisted of nutritionists and dieticians from participant companies, together with an independent dietician. <http://adstandards.com/en/ChildrensInitiative/CAIUniformNutritionCriteriaWhitePaper.pdf>

⁵ The legislation provides guidelines for determining if advertising is directed to children: Is the promoted product intended for children under 13 or does it appeal to them specifically; Is the advertisement appealing to children; Does the timing and placement of the advertisement mean that children will be exposed to it.

⁶ Guidance provided on defining 'targeting':

- Nature and intended purpose of the product or service being promoted is principally or generally appealing to children or young people.
- Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is appealing to children or young people.
- Expected average audience at the time or place the advertisement appears includes a significant proportion of children or young people.

^{vii} <https://www.afgc.org.au/download/9097/>

^{viii} <https://www.afgc.org.au/download/9100/>

^{ix} <http://aana.com.au/content/uploads/2014/05/AANA-Code-For-Marketing-Advertising-Communications-To-Children.pdf>

^x Watson, W L et al, 'Advertising to children initiatives have not reduced unhealthy food advertising on Australian television', *Journal of Public Health* (2017), 1-6:

<https://academic.oup.com/jpubhealth/article-abstract/doi/10.1093/pubmed/fox004/2966185/Advertising-to-children-initiatives-have-not?redirectedFrom=fulltext>

^{xi} King L, Hebden L, Grunseit A et al. Building the case for independent monitoring of food advertising on Australian television. *Public Health Nutr* 2013;16(12):2249–54.

^{xii} https://gain.fas.usda.gov/Recent%20GAIN%20Publications/The%20Special%20Act%20on%20Children%27s%20Dietary%20Life%20Safety%20Management_Seoul_Korea%20-%20Republic%20of_5-15-2009.pdf

^{xiii} Kim, S et al 'Restriction of television food advertising in South Korea: impact on advertising of food companies', *Health Promotion International*, Vol 28 No 1 (2013).

^{xiv} <http://globalfoodresearchprogram.web.unc.edu/files/2016/11/Law-20.606.pdf>

^{xv} http://www.wipo.int/wipolex/en/text.jsp?file_id=418530

^{xvi} <https://www.leychile.cl/Navegar?idNorma=1083792>

^{xvii} There are exceptions listed – such foods may be advertised during these hours in connection with events or sports events, cultural, artistic or social events, provided that a) the event or show is not organised or financed exclusively by the company advertising; b) the advertising is not directly or indirectly targeted to children under 14 years; c) the advertising does not show consumption that induce the particular product; and d) the advertising is limited to the brand or name of the product. Regulations are being drafted which will further elaborate on these exceptions to the advertising ban.

^{xviii} Rincón-Gallardo Patiño, S et al 'Nutritional quality of foods and non-alcoholic beverages advertised on Mexican television according to three nutrient profile models', *BMC Public Health*, (2016) 16:733.

^{xix} <https://www.asa.org.uk/asset/47EB51E7-028D-4509-AB3C0F4822C9A3C4.2831C223-9EDB-4A6A-95BC8573B96CFB50/>

^{xx} Including advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions (including SMS and MMS), fax transmissions, catalogues, follow-up literature and other electronic or printed material, posters, cinema, video, DVD and Blu-ray advertisements, advertisements in non-broadcast electronic media - online advertisements in paid-for space (including banner or pop-up advertisements and online video advertisements); paid-for search listings; preferential listings on price comparison sites; viral advertisements, in-game advertisements; commercial classified advertisements; advergames that feature in display advertisements; advertisements transmitted by Bluetooth; advertisements distributed through web widgets and online promotions and prize promotions, marketing databases containing consumers' personal information, promotions in non-broadcast media, advertorials, advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites

^{xxi} <https://www.asa.org.uk/asset/846F25EB-F474-47C1-AB3FF571E3DB5910.97855BAF-833F-4B75-9E10729E8807C7B8/>

^{xxii} The Guidance states that this does not preclude responsible advertising for any products including those that should only be eaten in moderation – eg someone enjoying a single chocolate bar but not someone eating whole boxes of chocolate in one sitting. Portion sizes depicted should be responsible (eg not a child eating an adult portion or more than one portion).

^{xxiii} The guidance states that a brand name that is very 'strongly associated with' a HFSS product will attract the restrictions. Although the brand name might be featured on other products, if it is 'inextricably linked' to a specific HFSS product, it will be covered. Where the branding might be synonymous with a range of products, if the majority of the products in the range (ie more than 50%) are HFSS products, then the restrictions are likely to apply unless the brand can show it is synonymous with a non-HFSS product. To consider this, the regulator will take into account a range of factors including the brand's provision of non-HFSS products, provision of goods and services other than food and soft drink products and association with significant initiatives relating to education, sport and community. The restriction on brand advertising extends to cover straplines, celebrities, licensed characters, brand-generated characters or branding which is synonymous with a specific HFSS product, unless the advertisement is for a specific non-HFSS product

^{xxiv} https://www.ofcom.org.uk/__data/assets/pdf_file/0024/31857/hfss-review-final.pdf

^{xxv} <http://www.bai.ie/en/download/130364/>

^{xxvi} http://www.asai.ie/wp-content/uploads/ASAI-CODE_2015_DEC15_Revision.pdf

^{xxvii} http://data.euro.who.int/tobacco/Repository/SE/Sweden_Radio%20and%20Television%20Act_2010.pdf

^{xxviii} http://www.wipo.int/wipolex/en/text.jsp?file_id=236789

^{xxix} Internet games that urge children to 'buy' and 'buy more' have been found by the Swedish Marketing Court to be an aggressive sales method and prohibited.

^{xxx} The Canadian government is currently reviewing marketing to children restrictions and considering bringing in significant new regulations. According to the discussion paper (<https://www.healthyeatingconsultations.ca/discussion-paper>) for public consultation released by Health Canada in 2017, it is proposed that:

- Children would be those under 17
- The definition of 'unhealthy' would be based on nutrient threshold limits
- Unhealthy food marketing would be banned from 'child-directed' advertisements
- Child-directed could mean, on television, all unhealthy food and beverage marketing aired between 6-9am and from 3-9pm, and on weekends from 6am-9pm, on the internet, all unhealthy food and beverage marketing on websites, platforms and apps that are popular with children, even where they are intended for adults as well.
- Channels such as packaging and labelling, sponsorship, sales promotions/premiums, branding, product design, product placement, will all be considered for restrictions.

^{xxxi} http://www.adstandards.com/en/childrensinitiative/CCFBAI_EN.pdf

^{xxxii} The criteria were developed through a Nutrition Review Committee, which consisted of nutritionists and dieticians from participant companies, together with an independent dietician. <http://adstandards.com/en/ChildrensInitiative/CAIUniformNutritionCriteriaWhitePaper.pdf>

^{xxxiii} <http://www.opc.gouv.qc.ca/fileadmin/media/documents/consommat>

eur/sujet/publicite-pratique-illegale/EN_Guide_publicite_moins_de_13_ans_vf.pdf
^{xxxiv} <http://www.asa.co.nz/wp-content/uploads/2017/05/ASA-Children-and-Young-Peoples-Advertising-Code-and-Guidance-Notes.pdf>

^{xxxv} If not classified but comparable to a product that is classified, it will be deemed to have the same classification. Alternatively, if it is not comparable, it will be deemed to be an occasional food and beverage product if it has less than 3.5 stars under the health star rating system.