



NORWEGIAN MINISTRY
OF HEALTH AND CARE SERVICES

Regulation on food marketing and advertising to children: Regulations in Norway

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Overview of the presentation

Regulation on food marketing and advertising to children: Regulations in Norway

- The Norwegian Marketing Control Act
- The Norwegian Broadcasting Act
- The Norwegian Education Act
- The Norwegian Action Plan on Nutrition
- International Collaboration

The Norwegian Marketing Control Act (1)

- Act No. 2 of 9 January 2009 relating to the Control of Marketing and Contract Terms and Conditions, etc. (the Norwegian Marketing Control Act)
- New in this Act:
 - Implements Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in Norway
 - Incorporates prevailing Norwegian case law in an Act of Parliament

The Norwegian Marketing Control Act (2)

- The basic rule of Norwegian marketing control:
“Marketing shall not conflict with good marketing practice”
 - A legal standard. Developed through case law
 - This provision is interpreted more strictly when applied to marketing directed at children than when applied to marketing directed at other target groups
 - The Act also contains provisions relating explicitly to the protection of children from marketing

The Norwegian Marketing Control Act (3)

- Special provisions relating to the protection of children:
“When a commercial practice is directed at children particular care shall be exercised with regard to the impressionability, lack of experience and natural credulity of children”
 - The provision indicates that children are particularly vulnerable to marketing
 - In this Act, “children” generally means persons younger than 18.
However: The age and development of the individual person will be considered when the provision is applied to a specific advertisement

The Norwegian Marketing Control Act (4)

Specific provisions concerning marketing of unhealthy foods to children?

- During work on the Marketing Control Act, an introduction of specific provisions concerning marketing of unhealthy foods to children was considered. In the end, such provisions were not introduced
- Such provisions were not introduced because:
 - This Act is supposed to regulate marketing in general. Marketing of unhealthy foods to children was considered a too specific topic to be included in the Act
 - More studies would be required

The Norwegian Broadcasting Act (1)

- The Act applies to:
“the transmission of speech, music, images and the like by wire or over the air, intended or suitable for direct and simultaneous reception by the public”
- Section 3-1 says:
“Advertisements may not be broadcast in connection with children's programmes, nor may advertisements be specifically directed at children”
- Section 3-1 is elaborated in regulations:
“Advertisements may not be broadcast 10 minutes directly before or after children’s programmes”

The Norwegian Broadcasting Act (2)

- When the ban on broadcasting advertisements to children is applied to a specific advertisement, the following, i.a., is considered:
 - does the marketing concern a product which may be of special interest to children
 - the time of broadcast
 - do children below the age of 13 take part in the advertisement
 - does the advertisement use animation or other presentation techniques that children would find particularly interesting
- The ban is general: It applies to the broadcasting of all advertisements aimed at children

The Norwegian Education Act

- Act no 6 of 17th of July 2007 relating to primary and secondary education and training
- Section 9-5 says that the responsible school owner have to assure that pupils are not exposed to marketing
- The ban is general. It applies to all advertisements

The Norwegian Action Plan on Nutrition (1)

- The Norwegian Action Plan on Nutrition (2007–2011):
Recipe for a healthier diet
- Purpose:
“To improve the diet in the entire population, with particular focus on children, young people and the elderly. Furthermore, the measures shall serve to reduce social inequalities in diet”
- Measure 2.11:
“Consider introduction of restrictions on advertising unhealthy food aimed at children and young people”
- By June 2010 such restrictions have not been introduced

The Norwegian Action Plan on Nutrition (2)

- In 2007, a number of big Norwegian food business operators developed a self regulatory scheme: "guidelines on the marketing of food and beverages to children and young people"
- The Norwegian government has commissioned an independent third party to conduct a survey of commercial practices concerning the marketing of unhealthy foods to children in Norway. The results from this survey are expected by autumn 2010
- After receiving the results from the survey, the government may decide whether to introduce mandatory restrictions on the advertising of unhealthy foods to children in Norway

International collaboration

- National actions to regulate marketing are inadequate on their own due to the cross-border nature of many marketing techniques
- International collaboration and action are essential



European Network on reducing marketing pressure on children

- Response to several calls for actions to reduce the marketing pressure on children of foods and non-alcoholic beverages
- The network was established during its first meeting in Oslo in January 2008
- Network leader Knut-Inge Klepp, Director General of Division, Public Health, Norwegian Directorate of Health
- Norwegian Directorate of Health is the network secretariat
- The WHO Regional Office for Europe facilitated setting up the network.

European Network on reducing marketing pressure on children

- 18 participating countries
 - Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Greece, Ireland, Israel, Latvia, Montenegro, Netherlands, Norway, Portugal, Serbia, Slovenia, Sweden and the United Kingdom
- Network Observers: WHO, EU, FAO, SCN, CI, IOTF
- Five Network meetings (Oslo and Belgrade in 2008, Ljubljana and London in 2009, Lisbon in March 2010)
- 2 working groups:
 - Content of regulation → The Network Code
 - Monitoring → Sweep protocols for Internet/TV/Grocery stores
- Network website, with report from the meetings:
 - www.helsedir.no/marketing

Objectives of the European Network 2008-2010

- Identify and demonstrate specific actions to protect children against pressure from marketing of energy-dense, micronutrient-poor foods and beverages
- Share experiences and best practices in monitoring exposure to marketing
- Discuss alternative approaches to regulation
- Discuss nutrient profiling as a tool in restricting marketing of food and beverages
- Report to various international meetings (WHA and WHO Euro)
- *The mandate and objectives have been revised and extended for the period 2010 – 2012 - to be finalized*

Suggestions from the 5th network meeting

- The European Network hopes to continue to be a driving force in this area
- Continued network actions 2010 – 2012
- One network meeting a year
- Continue to work on developing tools for monitoring marketing to children
- Provide support and assistance to member countries in implementing future recommendations

Network activities

- The Network has developed a Code as an example/case study of what a Code might look like. The Network Code can be found on the Network website www.helsedir.no/marketing



Network members

- The network consists of technical experts from each network country
- Taking part in the network does not imply any particular policy preference with regards to regulatory approach
- The views expressed by network members are not necessarily the official view of the countries represented
- Each network country have 1-2 contact persons
- To participate at meetings, participants cover their own travel and hotel expenditures

New countries are most welcomed to join the European Network!