

LEGISLATION ON FOOD MARKETING

RESTRICTIONS | PORTUGAL

MARIA JOÃO GREGÓRIO 28 | JUNE | 23

Law n.º 30/2019, 23 April 2019

Introduces restrictions on the advertising towards to children under the age of 16 of food and beverages high in energy, salt, sugar, saturated and trans fatty acids.



AGE LIMITS

Portuguese food marketing restrictions is towards children and young people.

16 years



MARKETING CHANNELS

Marketing channels consider in the Portuguese law for food marketing restrictions to children:

- TV
- Radio
- Publications
- Cinemas
- Digital marketing

MARKETING CHANNELS

TV and radio

Food marketing of HFSS to children is **not permitted** in:

- TV and radio programs **targeted** to children;
- According to **viewing audiences**:



audience under the age of 16

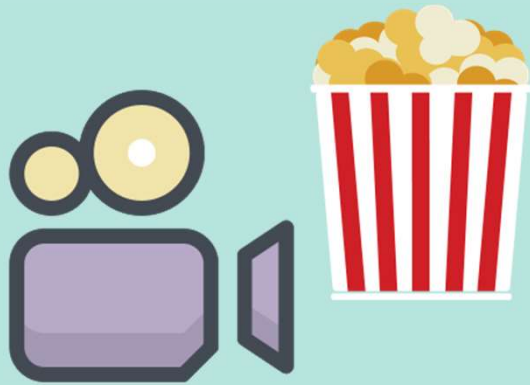
MARKETING CHANNELS

Digital

Food marketing of HFSS to children is **not permitted** in:

- Publications intended for children under 16 years old;
- Internet (websites or social networks);
- Mobile applications for devices using internet intended for children under 16 years old.





MARKETING CHANNELS

Cinemas

Food marketing of HFSS to children is **not permitted** :

- In movies age-rated **under 16** years of age, in particular all advertisements prior to movies and during breaks.



MARKETING CHANNELS

Specific settings

Food marketing of HFSS to children is **not permitted** in:

- Schools and school environment (pre-school, primary and secondary levels);
- Public playgrounds;
- 100 meters radius around the previous places;
- Sport events, recreational and cultural activities promoted by schools.



MARKETING CONTENT

Food marketing to children should not relate the consumption of the products to potential health benefits and should **abstain from**:

- Promoting excessive consumption;
- Disregarding non-consumers;
- Creating a sense of urgency or need for the consumption of the advertised product;
- Suggesting easy access to products, minimizing their cost;
- Suggesting benefits in their exclusive or exaggerated consumption, compromising a varied and balanced diet and a healthy lifestyle;
- Associating consumption with social status or success, special skills, popularity or intelligence;
- Using characters, figures, personalities, and mascots, among others, that are aimed at children;
- Promoting these foods as healthy, while omitting the harmful effects of such products.

Lei n.º 30/2019

de 23 de abril

Introduz restrições à publicidade dirigida a menores de 16 anos de géneros alimentícios e bebidas que contenham elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos transformados, procedendo à 14.ª alteração ao Código da Publicidade, aprovado pelo Decreto-Lei n.º 330/90, de 23 de outubro.

Artigo 20.º-B

Produtos que contenham elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos transformados

1 — Consideram-se géneros alimentícios e bebidas de elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos transformados aqueles que contenham uma quantidade dos referidos elementos que comprometa, de acordo com o conhecimento científico disponível, uma dieta variada, equilibrada e saudável.

2 — Para os efeitos previstos no número anterior, a Direção-Geral da Saúde fixa por despacho, tendo em conta as recomendações da Organização Mundial da Saúde e da União Europeia, os valores que devem ser tidos em conta na identificação de elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos transformados.»

“Food and beverages with a high energy value, salt, sugar, saturated fatty acids and trans fatty acids content are those containing a quantity of such elements which, according to the best scientific knowledge available, impair a varied, balanced and healthy diet.”

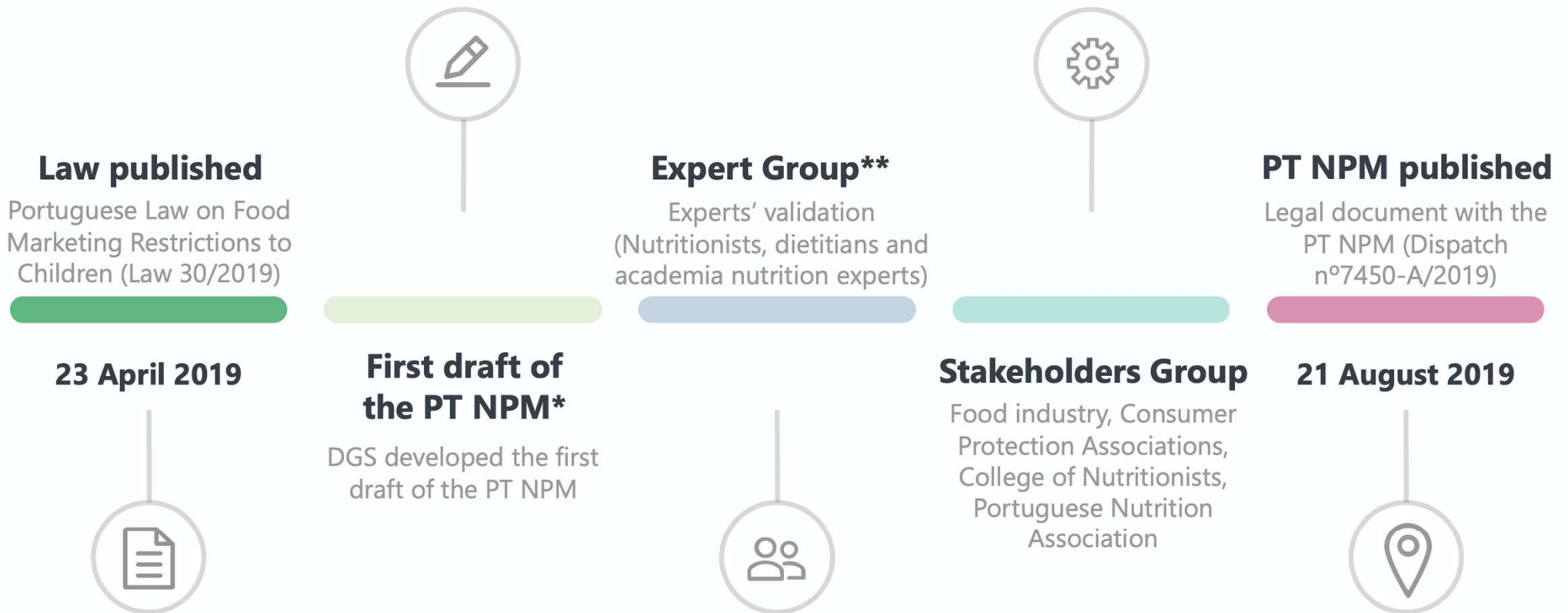
“The Directorate-General of Health should define the thresholds to identify the food/beverages with a high energy value, salt, sugar, saturated fatty acids and trans fatty acids .”

“The thresholds should be based on the WHO and UE recommendations.”



The Directorate-General of Health defined the nutrient profile model for HFSS foods

PT Nutrient Profile Model development process



*During this process of the development of the first draft of PT NPM, the model was tested against the WHO NPM

**After the experts' validation, the PT NPM was re-assessed against the WHO NPM

PT Nutrient Profile Model development process

Food industry tried to influence the PT NPM at the political level

Contacts were at ministerial level



April

First contact of the food industry asking for a meeting to the Directorate General of Health



May and June

Food industry were invited to participate in the **stakeholders group**



June

PT NPM was finished from the technical side



August

We get the approval from the Health Ministry to published the PT NPM without any change

PT Nutrient Profile Model development process

Key elements for success?

01

The Directorate-General of Health as the institution with the responsibility for defining the PT NPM

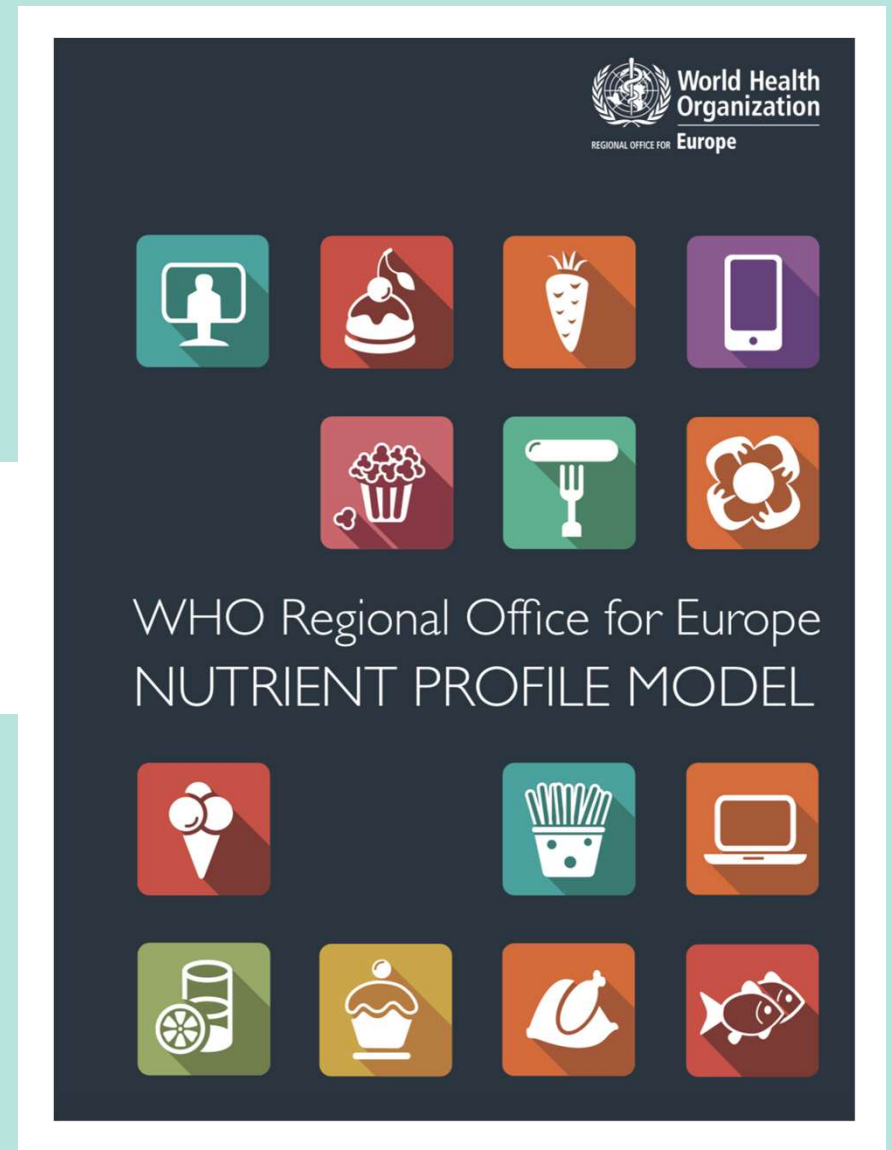
02

The involvement of the food industry in a general stakeholder group that integrates other institutions that supports a robust NPM (with the technical side bilateral meetings did not happen)

03

The expert group and the involvement of supportive stakeholders was determinant to the ensure no changes in the PT NPM at the political level

The WHO Nutrient Profile Model was the reference model for the PT NPM





PORTUGUESE WHO-MODIFIED NUTRIENT PROFILE MODEL RESTRICTING FOOD MARKETING TO CHILDREN 2021

ANEXO I

Tabela do perfil nutricional para a identificação dos géneros alimentícios com elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos *trans*

Categoria de alimentos	Incluídos na categoria (exemplos)	Não incluídos na categoria (exemplos)	Código do Sistema Harmonizado de Designação e Codificação de Mercadorias (posição e/ou número da subposição) ^a	O elevado valor energético, teor de sal, açúcar, ácidos gordos saturados e ácidos gordos <i>trans</i> deve ser considerado quando exceder, por 100g ^b					
				Ácidos gordos saturados (g)	Açúcar total (g)	Açúcar adicionado (g)	Sal (g)	Ácidos gordos <i>trans</i> (g)	Valor energético (kcal)
1	Chocolates, produtos de confeitaria, barras energéticas, coberturas doces, cremes para barrar e sobremesas	Cereais de pequeno-almoço com chocolate; bolos e pasteleria; biscoitos e outros produtos cobertos de chocolate	17.04; 18.06; alguns do 19.05; alguns do 20.08; alguns do 21.06	1,5	5		0,3	2	40
2	Bolos e outros produtos de pasteleria, biscoitos doces, preparados em pó para a produção de doces	Pão e produtos à base de pão	Alguns do 19.05	1,5	5		0,3	2	40
3	Aperitivos/ <i>Snacks</i>	<i>Snacks</i> de frutos secos ou sementes	10.05; 19.04.10; 19.04.20; alguns do 19.05; 20.05.20;	1,5	5	0	0,3	2	
4	Frutos oleaginosos e sementes		08.01; 08.02; 08.13; 20.08.11; 20.08.19; 20.08.99	*	5	0	0,3	*	
Bebidas									
	Sumos		20.09	*	2,5	0	*	*	20
	Leite ^c	Natas	Alguns do 04.01; alguns do 04.02	2,5	5,5	0	0,3	*	
5	Bebidas vegetais		22.02.99	2,5	2,5	0	0,3	*	
	Bebidas refrigerantes		Alguns do 22.02	*	2,5	0	*	*	20

Food category (PT WHO-modified NPM)		PT WHO-modified NPM (per 100g)	WHO Europe NPM (per 100 g)	Food category (WHO Europe NPM)
5b	Milk drinks	Saturated Fat – 2.5 g Total Sugar – 5.5 g Added sugar – 0 g Salt – 0.3 g	Total Fat – 2.5 g Added sugar – 0 g Non-sugar sweeteners – 0 g	Milk drinks 4b
5c	Plant-based milk drinks	Saturated Fat – 2.5 g Total Sugar – 2.5 g Added sugar – 0 g Salt – 0.3 g	Not permitted	Energy drinks 4c
5d	Soft Drinks	Total Sugar – 2.5 g Added sugar – 0 g Energy – 20 kcal	Added sugar – 0g Non-sugar sweeteners – 0 g	Other drinks 4d
7	Breakfast cereals	Saturated Fat – 1.5 g Total Sugar – 15 g Salt – 1 g	Total Fat – 10 g Total sugar – 15 g Salt – 1.6 g	Breakfast cereals 6
12	Bread, bread products and crisp breads	Saturated Fat – 1.5 g Total Sugar – 5 g Salt – 1 g	Total Fat – 10 g Total sugar – 10 g Salt – 1.2 g	Bread, bread products and crisp breads 11
15	Processed meat, poultry and meat products	Saturated Fat – 1.5 g Salt – 0.3 g Energy – 40 kcal	Total Fat – 20 g Salt – 1.7 g	Processed meat, poultry, fish and similar 14
16	Processed/canned fish	Salt – 1.3 g		15



TEST THE AGREEMENT BETWEEN PORTUGUESE NPM AND THE WHO NPM

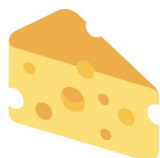
2816 products



140 products



411 products



61 products



1024 products



856 products



42 products



25 products



24 products



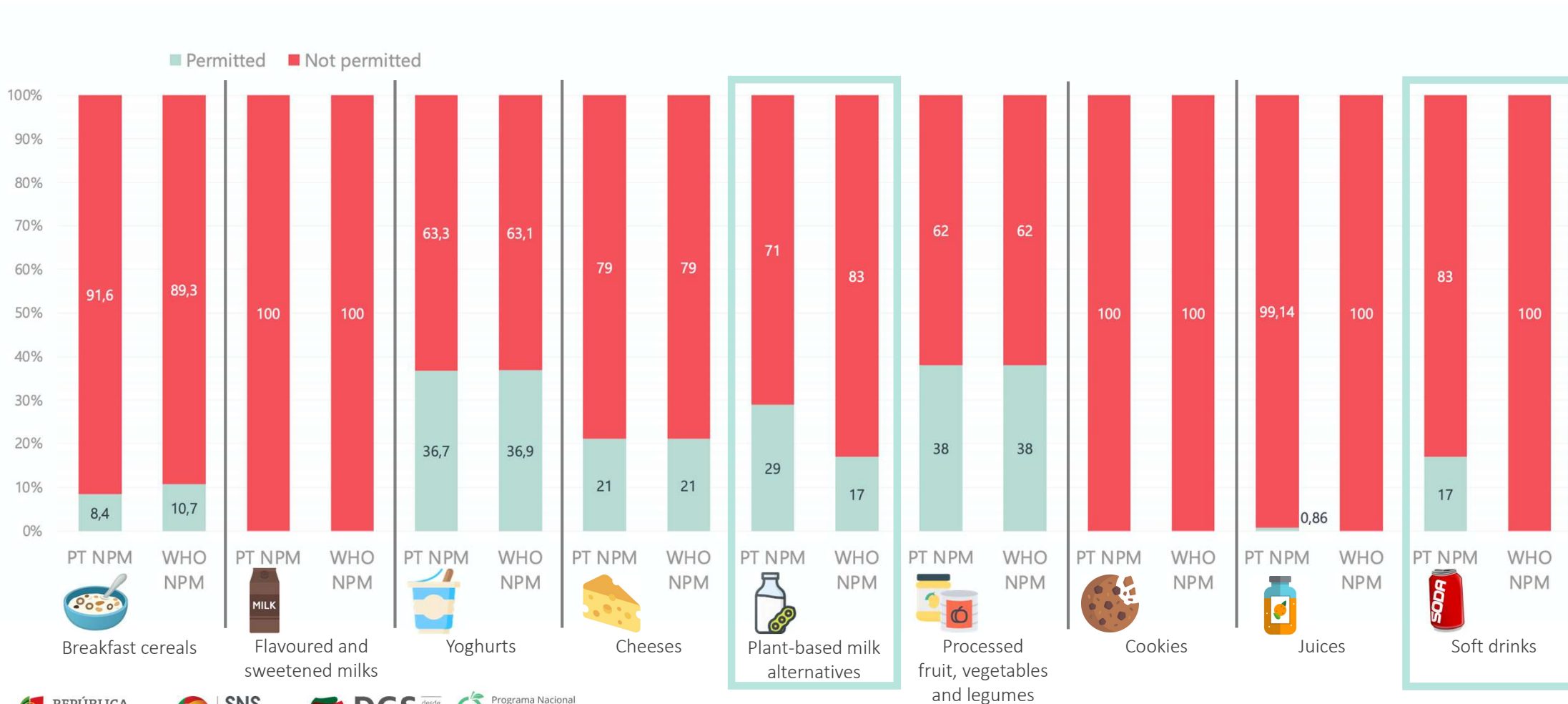
233 products



0,835

Strong agreement between
the PT and the WHO NPMs

PT WHO-MODIFIED NPM vs WHO NPM



Monitoring food advertising on TV and digital media



MONITORING CHILDRENS' EXPOSURE

FOOD MARKETING TO CHILDREN

Law published

Portuguese Law on Food Marketing Restrictions to Children (Law 30/2019)

23 April 2019



2020

TV

4 TV channels
4 days of data collection
6h to 22h
577 ads

Food brands websites and social media

90 websites
70 FB® pages
44 Instagram® pages
2219 posts

Social media influencers

2 influencers
68 videos
134 hours
182 food cues

2021

TV

4 TV channels
256 hours
6h to 22h
590 ads

Food brands social media

54 food brands FB® and Instagram® pages
970 posts

2022

CLICK

Children's' direct exposure to paid-for food ads at social media (YouTube®, Facebook®, Instagram®, TikTok® e Twitter®)
44 participants

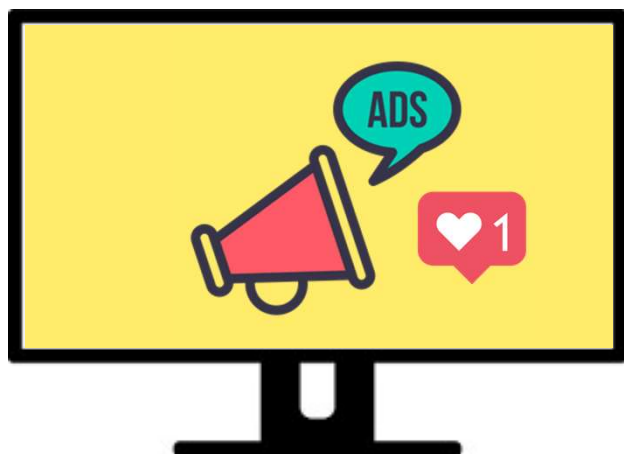
2023

Environment around schools

On-going

FOOD AND DRINK ADS ON PORTUGUESE TV

FOOD MARKETING TO CHILDREN



590 (11.2%) food and drink ads captured

78.3% of food and drink ads don't meet the
Portuguese Nutrient Profile Model

* Data collected in November 2021, for 4 PT channels (RTP 1, RTP 2, SIC, TVI) and ads were recorded between 6 am to 10 pm.

EXPOSIÇÃO DAS CRIANÇAS PORTUGUESAS AO MARKETING DIGITAL DE ALIMENTOS E BEBIDAS:

estudo piloto da
ferramenta CLICK
da OMS Europa



General description

Study promoted by WHO Europe

CLICK Monitoring Framework



CLICK step

Investigate exposure



Date and duration of the study

28 February 2022 – 20 January 2023



Number of participants

44



Data collection

RealityMeter software



Investigated platforms

YouTube®, Facebook®, Instagram®,
TikTok® and Twitter®



Method used to classify advertisements

Portuguese Nutrient Profile Model



Age range of children

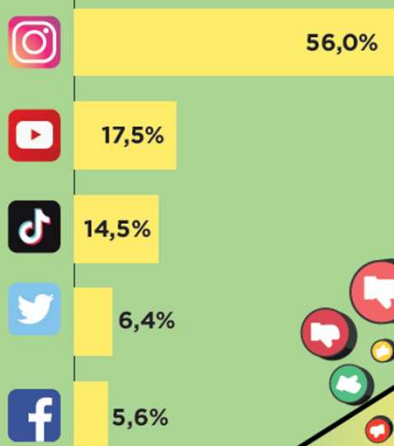
3-16 years



MOST FREQUENTLY ADVERTISED BRANDS (N=1476)



FOOD AND DRINK ADVERTISEMENTS (N=1476)



CHILDREN'S EXPOSURE TO DIGITAL MARKETING

18 469

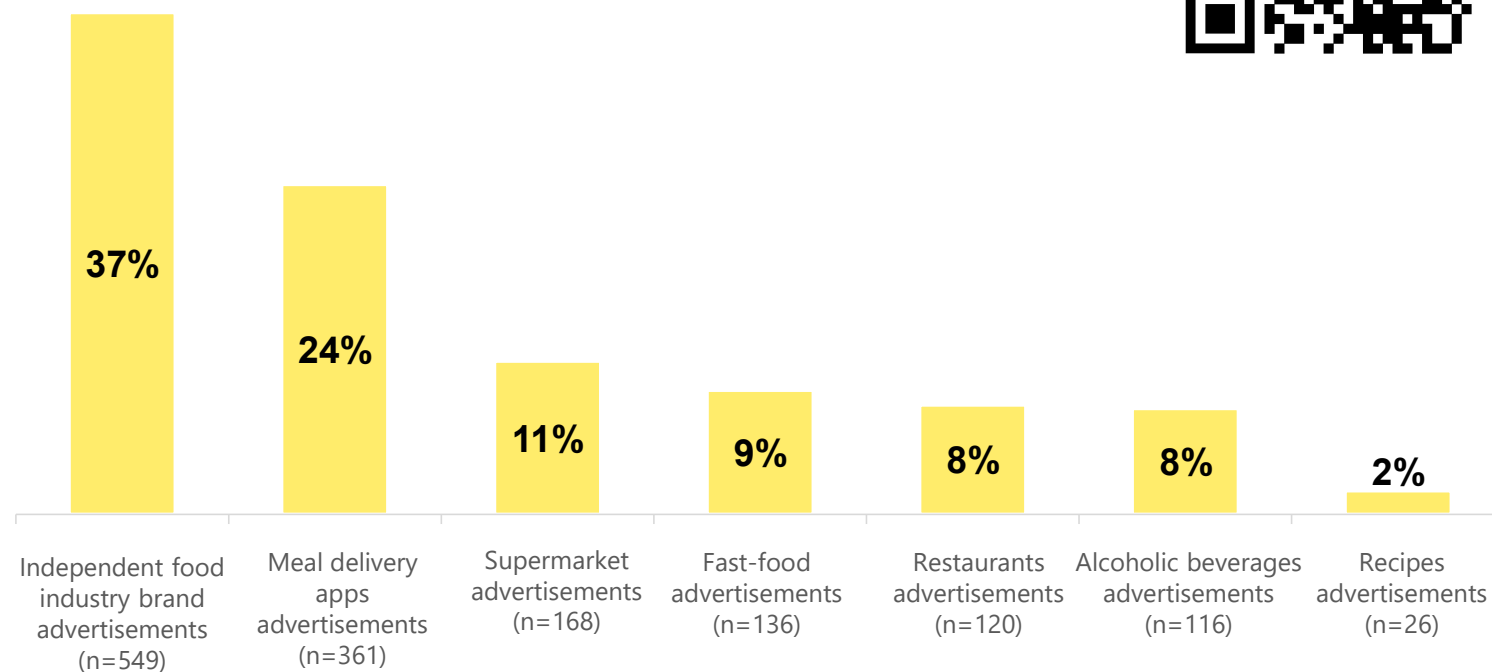
advertisements

8%

1 476 food and drink advertisements



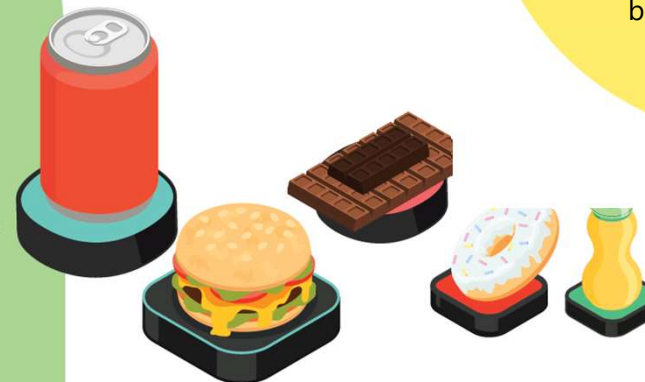
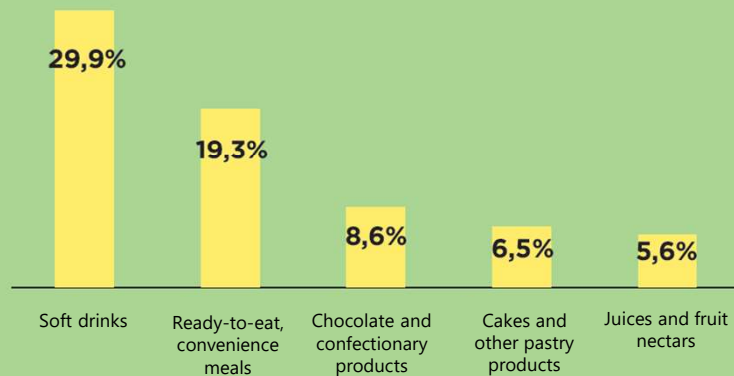
TYPES OF FOOD AND DRINKS ADVERTISEMENTS (N=1476)



RESULTS

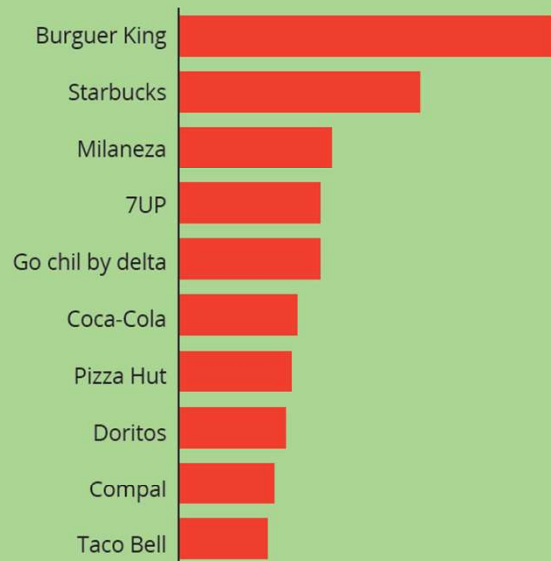


MOST FREQUENTLY ADVERTISED FOOD CATEGORIES (N=642*)

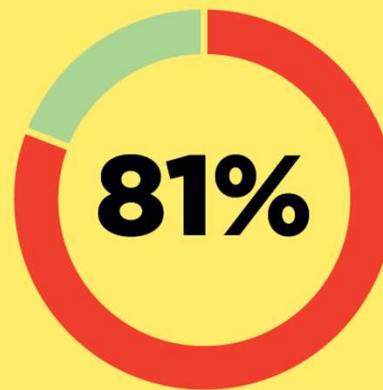


of **642**
food and drinks
advertisements analysed
(independent food industry
brands and fast food)

MOST FREQUENTLY ADVERTISED FOOD AND DRINK BRANDS (N=642*)



* This analysis was only conducted for the advertisements in the categories "independent food industry brand advertisements" (n=549) and "fast-food advertisements" (n=136)



**PERCENTAGE OF FOOD AND
DRINKS ADVERTISEMENTS
THAT DOES NOT COMPLY
WITH THE DGS NPM**





CHILDREN'S AVERAGE EXPOSURE TO FOOD AND DRINK ADVERTISEMENTS, PER WEEK *

Mean number of food and drink advertisements per week (n=1 471)

Mean number of food and drink advertisements that don't comply with the DGS NPM per week (n=517)

Gender



3,6 ± 3,4 advertisements
vs
8,7 ± 14,7 advertisements

1,4 ± 1,3 advertisements
vs
3,1 ± 4,9 advertisements

Age

3 - 12

3,1 ± 3,6 advertisements
vs

1,0 ± 1,2 advertisements
vs

13 - 16

15,2 ± 18,8 advertisements

6,0 ± 7,5 advertisements

Subjective financial well-being



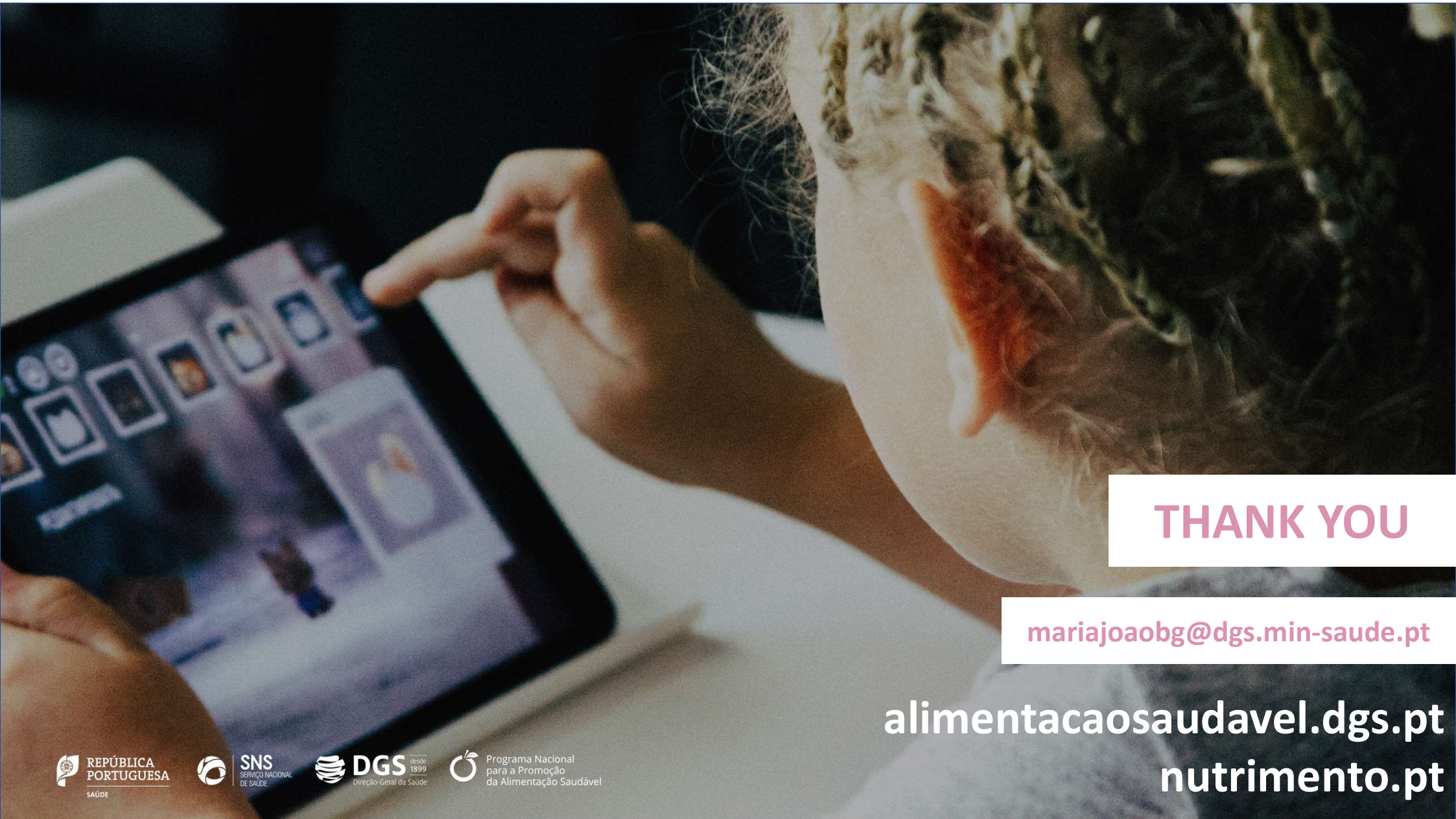
Comfortable or very comfortable
4,7 ± 4,1 advertisements
vs
Reasonable/Difficult or very difficult
6,9 ± 13,2 advertisements

Comfortable or very comfortable
1,4 ± 1,7 advertisements
vs
Reasonable/Difficult or very difficult
2,6 ± 5,2 advertisements



FINAL REMARKS

- Implement a regulatory approach to protect children from unhealthy food marketing is a key policy action to tackle obesity
- Implement monitoring systems to evaluate the impact of the policies in place is crucial
- It was very important to have a strong support of the WHO in this area (WHO Nutrient Profile Model and the WHO monitoring protocols/CLICK framework)



THANK YOU


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SERVIÇO NACIONAL
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 **DGS** desde
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 Programa Nacional
para a Promoção
da Alimentação Saudável