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The World Health Organization (WHO) has long recognised the importance of addressing the challenge of food marketing to children. In May 2010, at the Sixty-third World Health Assembly, the WHO Member States endorsed a set of recommendations on the marketing of foods and non-alcoholic beverages to children (resolution WHA63.14). The recommendations were developed in response to an explicit request made by Member States in May 2007 for technical assistance in this area (resolution WHA60.23). The main purpose of the recommendations is to guide efforts by Member States in designing new and/or strengthening existing policies on food marketing communications to children with the aim of reducing the harmful impact on children of marketing of HFSS foods.

Experience indicates that restrictions are enforceable and can be effective at reducing children's exposure to HFSS food marketing if the criteria are well defined and sufficiently comprehensive in scope. Furthermore, country practice from across Europe suggests that legislative restrictions – such as those that have been proposed in Portugal – are likely to be more effective. Evidence suggests that adherence to voluntary codes does not sufficiently reduce the advertising of foods which undermine healthy diets, or reduce children's exposure to this advertising.

As WHO describes in the set of recommendations and the subsequent framework for implementing the set of recommendations, the overall objective of policies to restrict food marketing to children should be to reduce both the total exposure of children to marketing of HFSS foods (i.e. the total amount of marketing that they see) and the power of persuasive techniques used in marketing communications (i.e. the content of the marketing designed to appeal to children). It also encourages Member States to introduce comprehensive restrictions which cover all forms of marketing and all communication platforms, including *inter alia* broadcast media, online media, and outdoor marketing (e.g. billboards and posters). In the recommendations, marketing is defined as any form of commercial communication or message that is designed to, or has the effect of, increasing the recognition, appeal and/or consumption of particular products and services. It comprises anything that acts to advertise or otherwise promote a product or service.

The proposal from Portugal is strong aligned with the WHO set of recommendations on a number of fronts:

- The restriction on any form of marketing in primary and secondary schools, and within a 500 metre radius, aligns with WHO's recommendation that settings where children gather should be free from all forms of marketing of HFSS foods.
- The restriction on advertisements in broadcast media during children's programmes and during programmes with an audience where >20% are under 12 years of age responds to strong evidence that children are frequently exposed to marketing during "family viewing". These programmes, albeit not explicitly targeted at children, often have the largest absolute numbers of child viewers. Restrictions that take a more narrow definition of child audience, for example >50%, have been shown to provide much less protection to children and are thus less effective in achieving the objective of reducing children's overall exposure to food marketing.
- The inclusion of internet websites within the scope of restrictions on HFSS marketing is consistent with existing evidence that there has been a shift in marketing to online platforms, and consistent with the comprehensive aims of the WHO recommendations. HFSS foods are frequently promoted on brand websites, non-food websites and social media pages popular with children or with content that is child- or youth-oriented.

Finally, the proposal to develop nutritional criteria, informed by WHO guidance, as the basis for identifying foods and beverages subject to the restrictions is also highly important. WHO has made significant efforts to develop relevant tools for Member States in this area. The WHO Regional Office for Europe nutrient profile model, which classifies HFSS foods, is designed explicitly for use and adaptation by Member States, according to their needs, when developing policies to restrict food marketing to children. We would be more than willing to provide further technical support and advice to your colleagues regarding its possible use and/or adaptation in the Portuguese context. Having strong nutritional criteria underpinning the proposed legislative measure will be essential to identify marketing that should be restricted. Evidence indicates that controls on content alone (with no restrictions on the amount of marketing for HFSS foods) will be less effective at reducing the harmful impact of food marketing to children.

We take this opportunity to offer our full support to you and your colleagues in the further progress and definition of this proposed legislation. We also congratulate you once again for placing children's health and the prevention of obesity high on your political agenda. We remain confident that effective and comprehensive restrictions on the marketing of HFSS foods will make a material contribution to improving children's diets and reducing their risk of overweight and obesity.