

Marketing voor voedingsproducten

Bijlagenboek: bestedingen per medium en Engelstalige input voor casestudies



Panteia

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1 Televisie

Televisie is in termen van uitgaven het belangrijkste medium voor adverteerders. Ruim twee derde van alle uitgaven aan marketing via massamedia werd aan televisiereclames uitgegeven.

Onder televisiereclame verstaan wij de commercials die tussen en tijdens televisieprogramma's worden uitgezonden. Daaronder vallen ook de zogeheten 'billboards', waarbij een sponsor bij een uitzending wordt vermeld: "dit programma wordt u aangeboden door...". Voor het registreren van de bruto mediabestedingen aan het mediumtype televisie werkt Nielsen samen met de televisie-exploitanten in Nederland op het gebied van gegevensverstrekking en informatievoorziening.

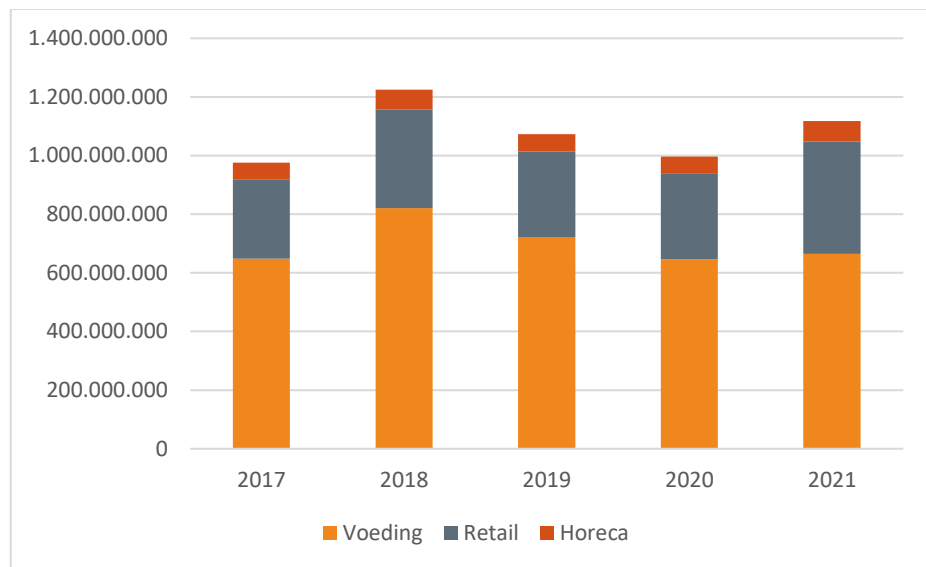
1.1 Conclusies voedingsreclame via televisie 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via televisie bedragen gemiddeld ruim **1 miljard en 78 miljoen euro per jaar**.
- De bestedingen waren het hoogste in 2018 (ruim 1,2 miljard), waarna deze twee jaar op rij afnamen. In 2021 namen de bestedingen aan televisiereclame weer toe.
- Het grootste deel van de marketing betreft voor voedingsmiddelen (65%), gevolgd door retail (29%) en horeca (6%). Voedingsmiddelenfabrikanten maken relatief vaker gebruik van televisie om hun producten te promoten dan retail en (vooral) horeca.
- Het aandeel van producten in Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) schommelde de afgelopen jaren tussen de 11 en 14 procent. Het aandeel reclame voor producten niet in de Schijf van Vijf varieerde jaarlijks tussen de 74 en 78 procent.
- In termen van mediabestedingen via televisie zijn non-alcoholische dranken (waaronder frisdrank) en chocolade & snoepgoed zijn de twee grootste categorieën. Die eerste categorie valt grotendeels en de tweede volledig buiten de Schijf van Vijf.



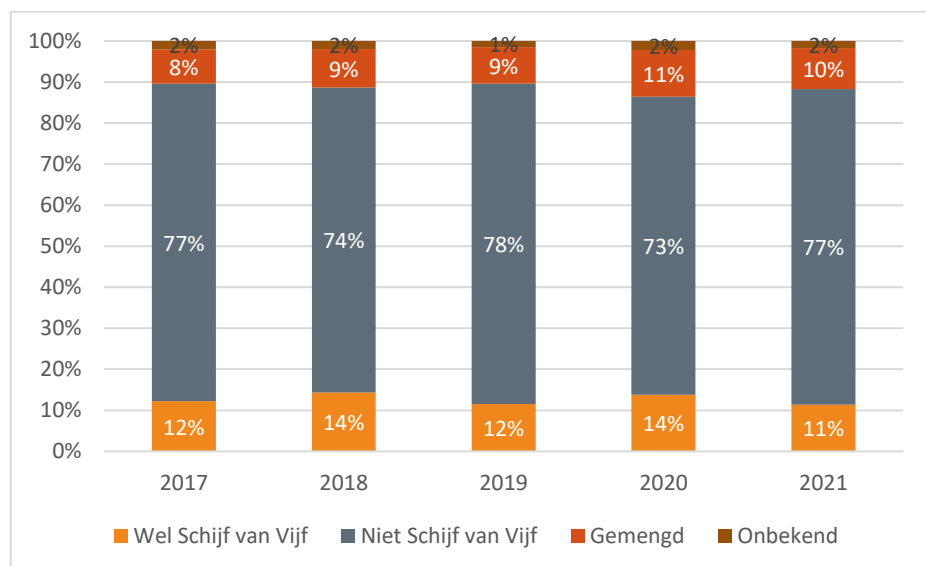
1.2 Ontwikkeling reclame via televisie naar type product

Figuur 1 Reclame voor voedingsmiddelen, voedingsretail en horeca via televisie 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 2 Ontwikkeling aandeel Schijf van Vijf in reclame van voedingsproducenten via televisie, 2017-2021 (exclusief horeca en retail)



Bron: Nielsen, bewerking Panteia, 2022



Tabel 1 Bruto jaarlijkse bestedingen aan televisiereclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					62,2
Restaurants					49,9
Bezorgdiensten Horeca					8,8
Hotels, pensions					3,1
Cateringbedrijven					0,4
Horeca overig					0,0
Rederij/partyboot					0,0
Retail		2%	98%		315,4
Filiaalbedr. supermarkten			100%		309,7
Filiaalbedr. dranken		100%			5,6
Filiaalbedr. voeding overig		65%	34%		0,1
Voedings- en genotmiddelen	13%	76%	10%	2%	700,1
Non-alcoholische dranken	5%	95%			104,1
Chocolade, snoepgoed		100%			103,8
Zuivel	11%	34%	55%		96,7
Koffie, thee	92%	7%	1%		60,0
Zwak-alcoholische dranken		100%			55,1
Suiker, kruiden, specerijen		96%	2%	2%	49,5
Voedingsmiddelen overig		82%	2%	15%	43,2
Broodproducten, banket	1%	97%	2%		37,7
Snacks		100%			36,0
Aardappelen, groenten, fruit	31%	40%	29%		20,9
Maaltijden		100%			19,1
Spijsvetten	43%	53%		4%	18,8
Sterk alcoholische dranken		100%			13,3
Vlees, vis, wild en gevogelte	13%	78%	9%		13,1
Ontbijtproducten	3%	54%	43%		9,0
Bakproducten		100%			7,0
Baby-, kindervoeding		11%		89%	5,1
Soep, -producten		100%			4,9
Deegwaren		100%			2,7

Bron: Nielsen, bewerking Panteia, 2022



2 Internet

Onder internet wordt verstaan display reclames (banners en advertenties op websites), en YouTube (inclusief reclamespots voorafgaand, tijdens en na afloop van YouTube video's). In 2020 en 2021 waren bruto bestedingen via internet goed voor ruim 17 procent van alle mediabestedingen.

De grote toename van internet in 2020 is grotendeels door een verandering van de methodiek. Daarnaast viel dit samen met Covid-19, wat ook leidde tot veranderingen: meer mensen bleven thuis en gingen meer shoppen via internet. Hierdoor is er ook een toename ontstaan in reclame via internet.

Nielsen maakt gebruik van crawlers, dit houdt in dat online advertenties via geautomatiseerde gegevensverzameling in beeld wordt gebracht. De geregistreerde sites zijn de top 400 sites van Nederland qua bezoekersaantallen, waarbij advertenties zowel op desk/laptop als op tablet en smartphone en in apps gemeten worden. De dekkingsgraad van internet is 65%, wat betekent dat de totale advertenties via internet (inclusief YouTube) circa 50% hoger kan zijn dan hier weergegeven.

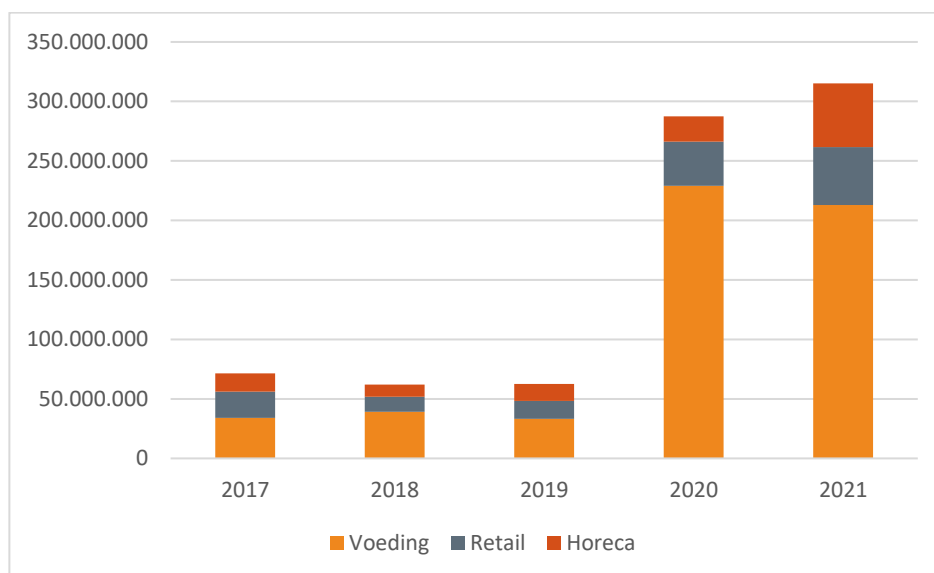
2.1 Conclusies voedingsreclame via internet 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via internet bedragen gemiddeld bijna **160 miljoen euro per jaar**.
- Er was een grote toename van bestedingen via internet tussen 2019 en 2020. Dit heeft echter grotendeels te maken met verandering in methodiek en deels te maken heeft met de veranderingen in consumentengedrag en mediabestedingen als gevolg van Covid-19.
- Het overgrote deel van de marketing betreft voor voedingsmiddelen (69%), gevolgd door retail (17%) en horeca (14%). De retail maakt relatief veel minder gebruik van internetreclame dan voedingsfabrikanten en horeca. Laatstgenoemde maakt juist relatief veel gebruik van internetreclame.
- Het aandeel van producten in Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) schommelde de afgelopen jaren tussen de 5 en 17 procent. In 2021 is het aandeel gestegen van 9% (2020) naar 14%. Het aandeel reclame voor producten niet in de Schijf van Vijf varieerde jaarlijks tussen de 63 en 78 procent.
- In termen van mediabestedingen via internet zijn zuivel en chocolade/snoepgoed de twee grootste categorieën.



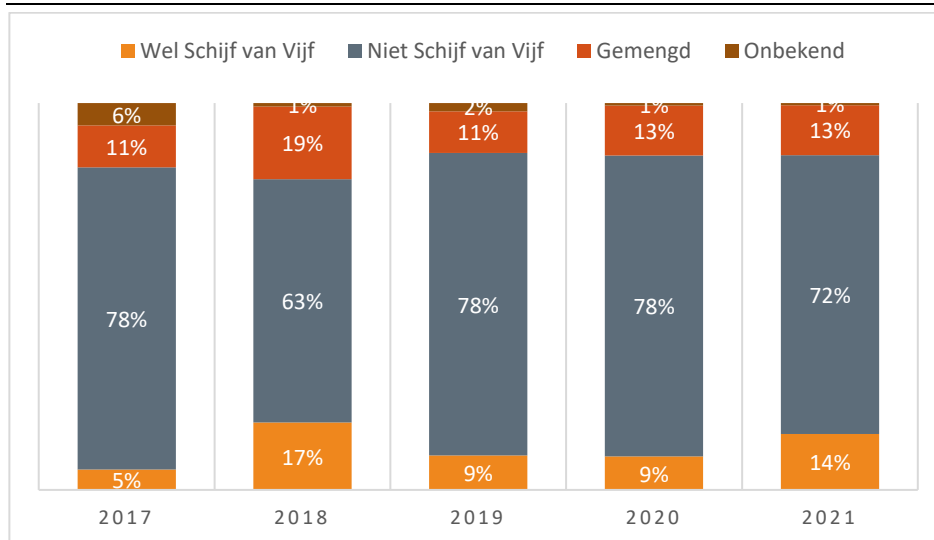
2.2 Ontwikkeling reclame via internet naar type product

Figuur 3 Reclame voor voedingsmiddelen, voedingsretail en horeca via internet 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 4 Ontwikkeling aandeel Schijf van Vijf in reclame via internet, 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 2 Bruto jaarlijkse bestedingen aan internetreclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					23,0
Restaurants					14,6
Bezorgdiensten Horeca					5,2
Hotels, pensions					2,7
Cateringbedrijven					0,4
Horeca overig					0,1
Rederij/partyboot					0,0
Retail		5%	95%		27,1
Filiaalbedr. supermarkten			100%		25,5
Filiaalbedr. dranken	4%	96%			1,3
Filiaalbedr. voeding overig	21%	26%	54%		0,3
Voedings- en genotmiddelen	11%	75%	13%	1%	109,7
Zuivel	19%	31%	50%		26,3
Chocolade, snoepgoed		100%			17,7
Voedingsmiddelen overig		94%	1%	5%	13,3
Non-alcoholische dranken	6%	94%			12,8
Koffie, thee	52%	45%	3%		9,4
Snacks	1%	98%			7,1
Suiker, kruiden, specerijen	3%	97%			5,3
Broodproducten, banket		94%	6%		3,9
Zwak-alcoholische dranken		100%			3,7
Sterk alcoholische dranken		100%			2,3
Baby-, kindervoeding	2%	74%	5%	19%	1,9
Aardappelen, groenten, fruit	76%	6%	18%		1,3
Deegwaren		100%			1,0
Ontbijtproducten	1%	89%	10%		0,9
Maaltijden		100%			0,8
Spijsvetten	56%	34%		9%	0,7
Vlees, vis, wild en gevogelte	33%	61%	7%		0,7
Bakproducten		99%	1%		0,3
Soep, -producten		100%			0,3

Bron: Nielsen, bewerking Panteia, 2022



3 Out of home

Out Of Home reclame, ook wel buitenreclame genoemd, is het medium dat het langst bestaat. Ruim 6 procent van alle uitgaven aan marketing via massamedia werd aan Out Of Home reclames uitgegeven.

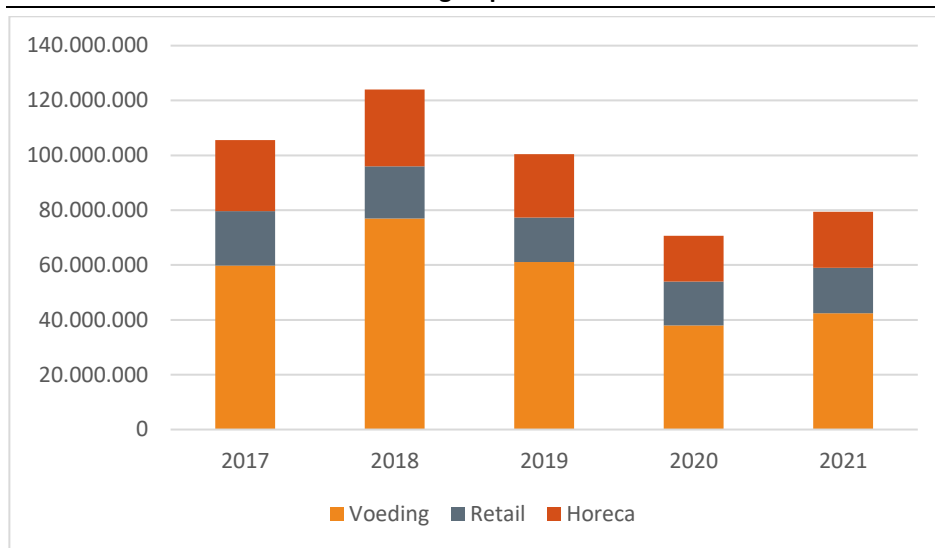
Voorbeelden van vormen van Out Of Home reclame zijn reclamezuilen, A0 reclameborden in bushokjes en reclame op trams, bussen, etc. Voor het registreren van de bruto mediabestedingen aan het mediumtype Out Of Home reclame werkt Nielsen samen met Out Of Home exploitanten in Nederland op het gebied van gegevensverstrekking en informatievoorziening.

3.1 Conclusies voedingsreclame via Out Of Home 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via Out Of Home bedragen gemiddeld ruim **96 miljoen euro per jaar**.
- De bestedingen waren het hoogste in 2018 (ruim 124 miljoen euro), waarna er een afnemende trend werd ingezet, met een grotere dip in 2020 als gevolg van de coronacrisis.
- Het grootste deel van de marketing betreft voor voedingsmiddelen (58%), gevolgd door horeca (24%) en retail (18%). De horeca maakt daarmee relatief veel gebruik van out of home reclame.
- Het aandeel van producten in Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) is sinds 2017 verdubbeld (van 8% naar 16%). Het aandeel reclame voor producten niet in de Schijf van Vijf varieerde tussen 2017-2020 tussen de 81% en 86% en is in 2021 gedaald naar 75%.
- In termen van mediabestedingen via Out Of Home zijn non-alcoholische dranken (waaronder frisdrank) en zwak alcoholische dranken de twee grootste categorieën.

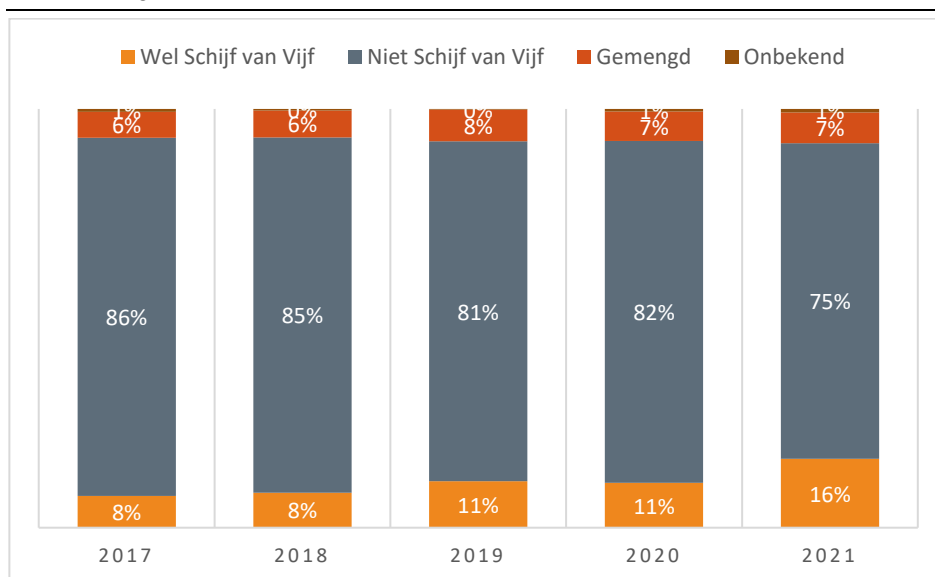
3.2 Ontwikkeling reclame via Out Of Home naar type product

Figuur 5 Reclame voor voedingsmiddelen, voedingsretail en horeca via Out Of Home 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 6 Ontwikkeling aandeel Schijf van Vijf in reclame via Out Of Home 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 3 Bruto jaarlijkse bestedingen aan out of home reclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					22,8
Restaurants					19,0
Bezorgdiensten Horeca					2,8
Hotels, pensions					0,9
Horeca overig					0,1
Cateringbedrijven					0,1
Retail		1%	99%		17,6
Filiaalbedr. supermarkten			100%		17,3
Filiaalbedr. voeding overig	3%	57%	40%		0,2
Filiaalbedr. dranken	71%	29%			0,0
Voedings- en genotmiddelen	10%	82%	7%		55,6
Non-alcoholische dranken	4%	96%			13,7
Zwak-alcoholische dranken		100%			8,1
Voedingsmiddelen overig		90%	7%		7,7
Zuivel		46%	41%		6,3
Sterk alcoholische dranken		100%			5,7
Koffie, thee		27%			4,7
Chocolade, snoepgoed		100%			2,3
Suiker, kruiden, specerijen		100%			1,7
Spijvetten	59%	40%			1,2
Broodproducten, banket		98%	2%		1,1
Aardappelen, groenten, fruit		9%			0,8
Snacks		100%			0,8
Vlees, vis, wild en gevogelte	4%	92%			0,5
Maaltijden		100%			0,5
Soep, -producten		100%			0,2
Ontbijtproducten	26%	55%	19%		0,2
Deegwaren		100%			0,1
Bakproducten		70%	30%		0,1
Baby-, kindervoeding		72%			0,0

Bron: Nielsen, bewerking Panteia, 2022



4 Radio

Radioreclame wordt relatief veel door supermarkten gebruikt om reclame te maken. Gemiddeld besteden supermarkten per jaar 50 miljoen euro aan radioreclames. Dat is bijna twee derde van de totale voedingsreclames via de radio.

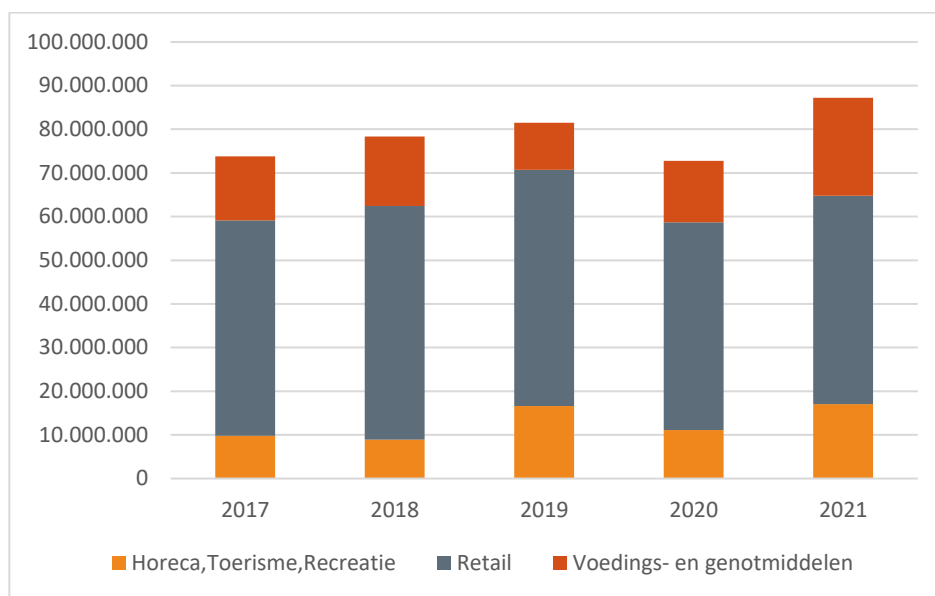
In deze studie zijn alle reclamespots op de radio via kabel en ether meegenomen. Internetradio vormt daar geen onderdeel van (voor zo ver het niet de zenders zijn die ook via kabel en ether uitzenden). Voor het registreren van de bruto mediabestedingen aan het mediumtype radio werkt Nielsen samen met radio-exploitanten in Nederland op het gebied van gegevensverstrekking en informatievoorziening.

4.1 Conclusies voedingsreclame via radio 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via radio bedragen gemiddeld bijna **79 miljoen euro per jaar**.
- Er is een stijgende trend te zien in de bestedingen over de jaren heen, met een uitzondering van 2020. Tijdens de lockdowns als gevolg van Covid-19 werd er minder aan radioreclame uitgegeven. De stijgende trend herstelde zich in 2021. Dat jaar waren de bestedingen het hoogste: ruim 87 miljoen euro.
- Het grootste deel van de marketing betreft voor retail (64%), gevolgd door voeding (20%) en horeca (16%).
- Het aandeel van producten in Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) is van 2017 op 2018 gedaald (van 16% naar 7%) en is in de jaren daarna rond de 10-11% gebleven. Het aandeel reclame voor producten niet in de Schijf van Vijf varieert over de jaren tussen 77% en 62%.
- In termen van mediabestedingen via radio zijn 'overige voedingsmiddelen' en zuivel de twee grootste categorieën. De generieke categorie 'overige voedingsmiddelen' bestaat, voor het grootste deel uit algemene reclames voor voedingsmiddelen van merken met een breed assortiment. Daarnaast vallen ook ijs, rijst en eieren in deze categorie.

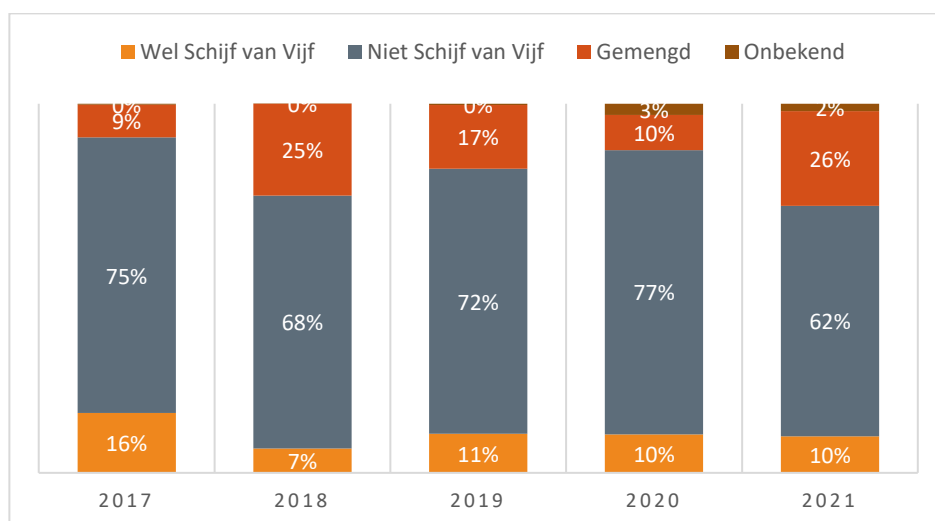
4.2 Ontwikkeling reclame via radio naar type product

Figuur 7 Reclame voor voedingsmiddelen, voedingsretail en horeca via radio 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 8 Ontwikkeling aandeel Schijf van Vijf in reclame via radio 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 4 Bruto jaarlijkse bestedingen aan radioreclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					12,7
Restaurants					11,6
Hotels, pensions					0,8
Bezorgdiensten Horeca					0,1
Cateringbedrijven					0,1
Horeca overig					0,1
Retail			100%		50,5
Filiaalbedr. supermarkten			100%		50,3
Filiaalbedr. voeding overig		51%	49%		0,2
Filiaalbedr. dranken	10%	90%			0,0
Voedings- en genotmiddelen	11%	70%	18%	1%	15,6
Voedingsmiddelen overig		82%	12%	6%	3,4
Zuivel	3%	37%	6		2,9
Non-alcoholische dranken		100%			2,6
Suiker, kruiden, specerijen		100%			1,1
Koffie, thee	69%	4%	27%		0,9
Chocolade, snoepgoed		100%			0,8
Aardappelen, groenten, fruit	84%		16%		0,7
Vlees, vis, wild en gevogelte	15%	76%	9%		0,6
Soep,-producten		100%			0,5
Maaltijden		100%			0,4
Snacks		100%			0,4
Spijsvetten	41%	51%	7%		0,4
Ontbijtproducten	5%	19%	75%		0,3
Zwak-alcoholische dranken		100%			0,2
Broodproducten, banket	19%	52%	29%		0,2
Bakproducten		100%			0,0
Sterk alcoholische dranken		100%			0,0
Baby-, kindervoeding				100%	0,0

Bron: Nielsen, bewerking Panteia, 2022



5 Sponsoring

Het aandeel van sponsoring binnen de onderzochte marketinguitgaven bedraagt ruim 3 procent. Daarbij springt er vooral één type sponsor uit: de zwak alcoholische dranken (met name bier). Bijna 45 procent van alle sponsoring van festivals, sportevenementen, voorstellingen/concerten, etc. was van fabrikanten van zwak alcoholische dranken.

Voedingsproducenten, retailers en horecaondernemers kunnen zich naar een breed publiek profileren door organisaties of evenementen te sponsoren. Tegen betaling wordt de naam van de sponsor dan aan het publiek getoond, bijvoorbeeld op reclameborden, op kleding en in media-uitingen van de organisatie van het evenement. Sponsoring kan ook (deels) bestaan uit het leveren van producten in ruil voor exposure bij een evenement.

In deze studie zijn data van SponsorMaps en Respons gebruikt om de omvang van sponsoring door A-merken in beeld te brengen. Sponsoractiviteiten van lokale bedrijven en instellingen worden niet meegenomen. Ook aan de evenementen is een ondergrens in aantallen bezoekers/deelnemers verbonden, namelijk 1.000 bezoekers bij publieks- en vakbeurzen, 3.000 bij festivals, voorstellingen en concerten, en 5.000 bezoekers en/of deelnemers bij jaarmarkten, braderieën, kermissen, parades, optochten en sportevenementen. Alleen als er sprake is van een Europees of Wereldkampioenschap gelden er geen ondergrenzen aan bezoekersaantallen.

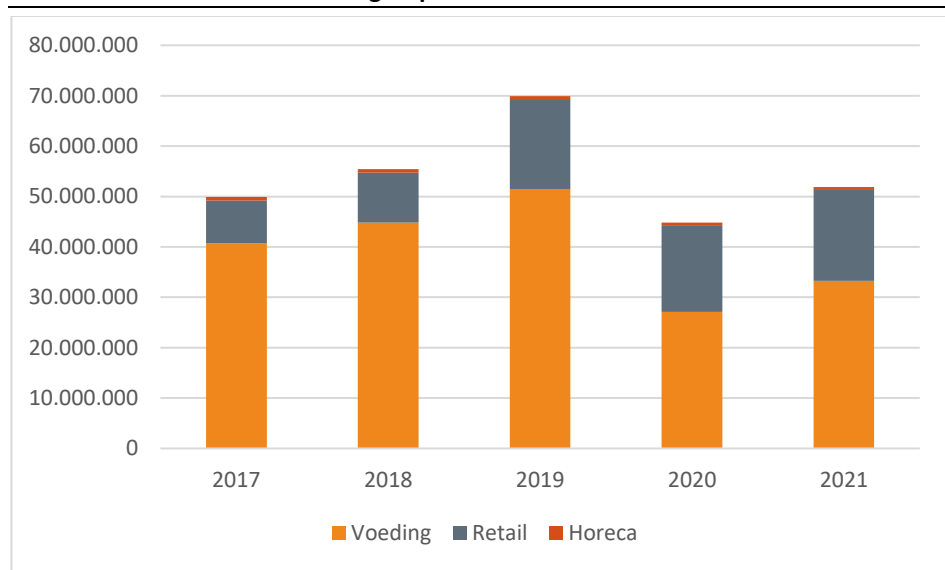
5.1 Conclusies voedingsreclame via sponsoring 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via sponsoring bedragen gemiddeld ruim **54 miljoen euro per jaar**.
- De bestedingen waren in een stijgende lijn tot 2019 (bijna 70 miljoen euro). De Covid-19 pandemie had een fors effect op sponsoring. Evenementengingen niet door, waardoor de sponsorbestedingen in 2020 daalden tot bijna 45 miljoen euro. In 2021 was er vervolgens weer een lichte stijging (tot bijna 52 miljoen euro).
- Het grootste deel van de marketing betreft voor voeding (73%), gevolgd door retail (26%) en horeca (1%). Horecaondernemers zetten sponsoring van grote evenementen dus nauwelijks in als marketingtool. Wel kan het zijn dat lokale horecaondernemers kleinere lokale evenementen sponsoren.
- Het aandeel van producten in de Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) is zeer laag (2%). Het aandeel reclame voor producten buiten de Schijf van Vijf is sinds 2019 gedaald (van 94% naar 87%), ten koste van sponsors met een gemengd productenaanbod (11% in 2020 en 2021).

- Zwak-alcoholische dranken, en met name biermerken, zijn veruit de grootste sponsors van evenementen van alle soorten. Bijna 45% van alle sponsoruitgaven komen op naam van zwak alcoholische dranken.

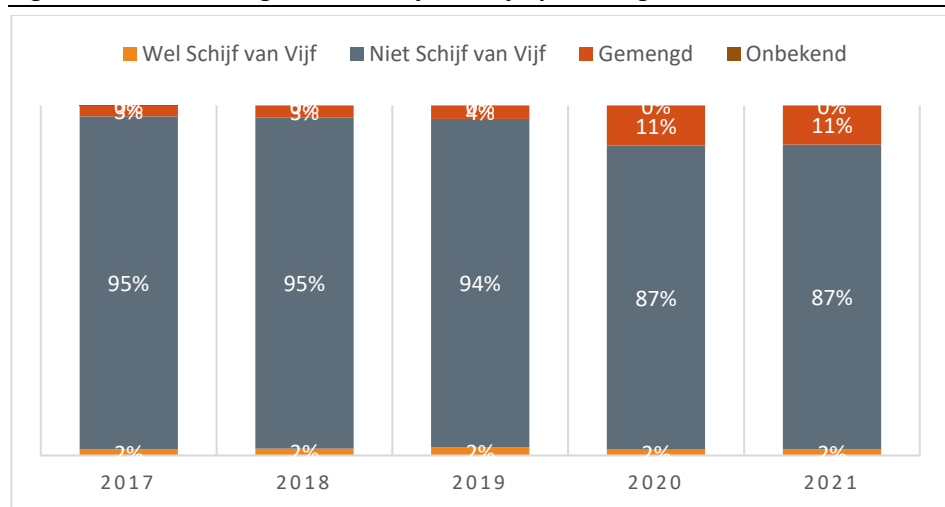
5.2 Ontwikkeling reclame via sponsoring naar type product

Figuur 9 Reclame voor voedingsmiddelen, voedingsretail en horeca via sponsoring 2017-2021 naar hoofdgroep



Bron: Respons, bewerking Panteia, 2022

Figuur 10 Ontwikkeling aandeel Schijf van Vijf sponsoring 2017-2021



Bron: Respons, bewerking Panteia, 2022



Tabel 5 Bruto jaarlijkse bestedingen sponsoring, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					0,6
Restaurants					0,5
Cateringbedrijven					0,1
Retail			100%		14,3
Filiaalbedr. supermarkten			100%		13,4
Filiaalbedr. voeding overig			100%		0,9
Voedings- en genotmiddelen	2%	92%	6%		39,5
Zwak-alcoholische dranken		100%			24,4
Non-alcoholische dranken	1%	99%			7,9
Zuivel			100%		2,3
Voedingsmiddelen overig		100%			1,9
Sterk alcoholische dranken		100%			1,1
Koffie, thee	94%	4%	2%		0,7
Chocolade, snoepgoed		100%			0,4
Aardappelen, groenten, fruit	13%	77%	9%		0,3
Snacks		100%			0,3
Vlees, vis, wild en gevogelte	3%	97%			0,1
Soep, -producten		100%			0,1
Broodproducten, banket		94%	6%		0,1
Bakproducten		100%			0,0
Baby-, kindervoeding				100%	0,0

Bron: Respons, bewerking Panteia, 2022



6 Dagbladen

Dagbladen worden sinds de Covid-19 pandemie meer gelezen. Mede door deze groei zijn advertenties in dagbladen goed voor ruim 3 procent van alle uitgaven aan marketing via massamedia.

In deze studie zijn alle advertenties in alle landelijke dagbladen, regionale dagbladen en gratis dagbladen geregistreerd. Bij het verzamelen van advertentiegegevens uit dagbladen, maakt Nielsen gebruik van de 'clippings' (knipsels van losse delen van alle dagbladen) van een derde partij. De codering en berekening van de bruto mediabestedingen worden door Nielsen zelf uitgevoerd.

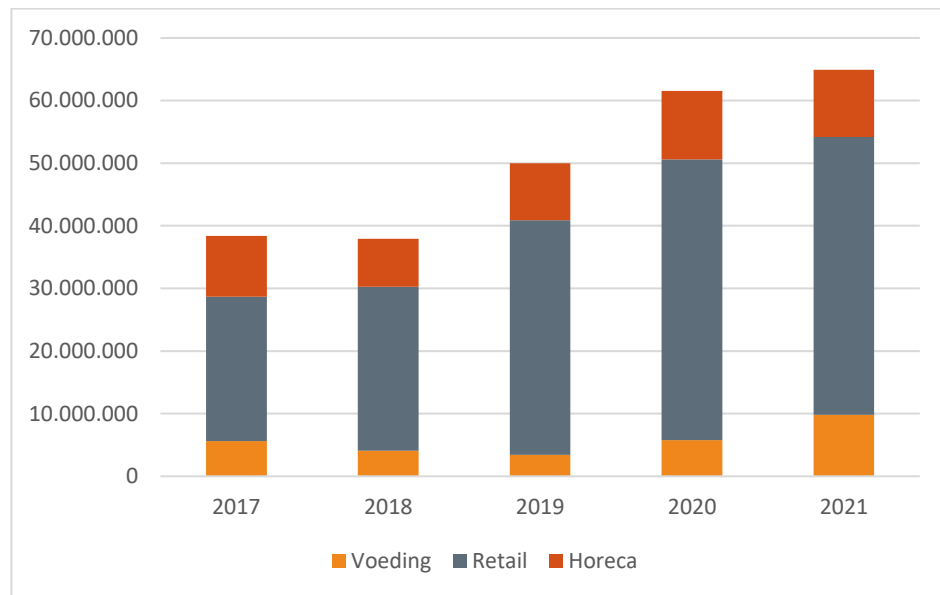
6.1 Conclusies voedingsreclame via dagbladen 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via Dagbladen bedragen gemiddeld **ruim 50 miljoen euro per jaar**.
- De bestedingen nemen alle jaren sinds 2018 jaar op jaar toe, met een grote groei in 2019 en 2020. De uitgaven waren het hoogste in 2021 (bijna 65 miljoen euro).
- Het grootste deel van de marketing betreft voor retail (70%, met name supermarkten), gevolgd door horeca (19%) en voeding (11%). Voedingsmiddelenfabrikanten maken dus relatief weinig gebruik van advertenties in dagbladen.
- Het aandeel van producten in de Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) was in een stijgende lijn tot aan 2019 (30%) en is de jaren erna weer gedaald naar 8% in 2021. Het aandeel reclame voor producten buiten de Schijf van Vijf nam tussen 2017 en 2021 toe van 67 tot 83%. Alleen in 2019 was er een opvallende afname, toen 30% van de uitgaven aan producten binnen de Schijf van Vijf was.
- In termen van mediabestedingen via dagbladen zijn zwak alcoholische dranken en overige voedingsmiddelen (veelal merken met een breed assortiment) de twee grootste categorieën.



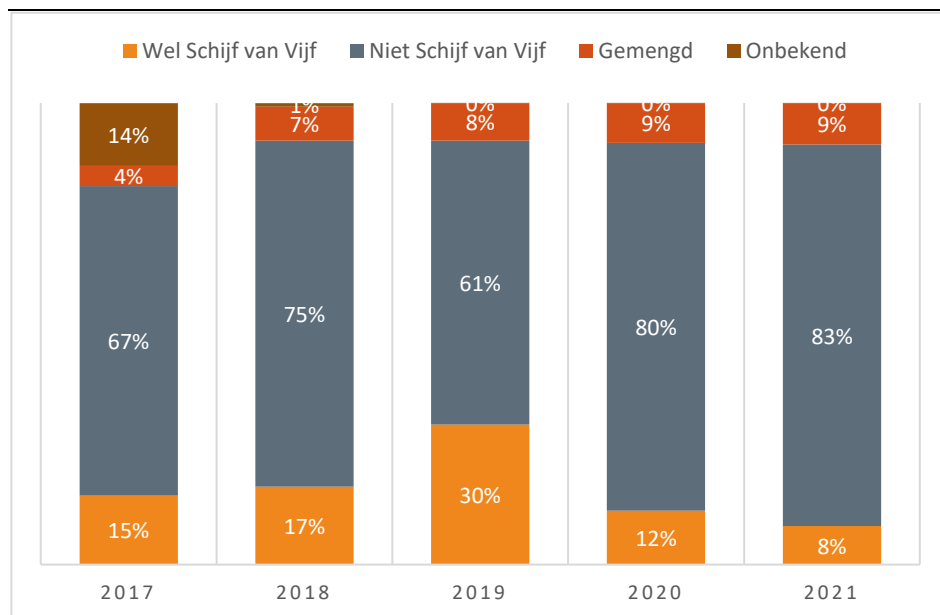
6.2 Ontwikkeling reclame via dagbladen naar type product

Figuur 11 Reclame voor voedingsmiddelen, voedingsretail en horeca via dagbladen 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 12 Ontwikkeling aandeel Schijf van Vijf in reclame via dagbladen 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 6 Bruto jaarlijkse bestedingen aan dagbladreclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					9,6
Hotels, pensions					7,6
Cateringbedrijven					1,1
Restaurants					0,9
Horeca overig					0,0
Bezorgdiensten Horeca					0,0
Rederij/partyboot					0,0
Retail		10%	90%		35,2
Filiaalbedr. supermarkten			100%		31,3
Filiaalbedr. dranken		100%			3,4
Filiaalbedr. voeding overig	5%	37%	58%		0,5
Voedings- en genotmiddelen	14%	75%	8%	3%	5,7
Zwak-alcoholische dranken		100%			1,7
Voedingsmiddelen overig	1%	81%	6%	12%	1,3
Non-alcoholische dranken	4%	96%			0,6
Zuivel		35%	65%		0,5
Koffie, thee	97%		3%		0,4
Maaltijden		100%			0,3
Spijsvetten	91%	9%			0,2
Aardappelen, groenten, fruit	91%	5%	4%		0,2
Sterk alcoholische dranken		100%			0,2
Suiker, kruiden, specerijen	7%	86%	6%		0,1
Vlees, vis, wild en gevogelte	29%	44%	27%		0,1
Broodproducten, banket	2%	91%	7%		0,1
Soep, -producten		100%			0,1
Snacks		100%			0,0
Chocolade, snoepgoed		100%			0,0
Ontbijtproducten		100%			0,0
Bakproducten		84%	16%		0,0
Deegwaren		100%			0,0

Bron: Nielsen, bewerking Panteia, 2022



7 Magazines

Magazines zijn publicaties die informatie en amusement bieden aan hun lezers. In de data zijn zowel alle grote landelijke tijdschriften als publicaties met kleinere oplagen meegenomen. Bijna 3 procent van alle uitgaven aan marketing via massamedia werd aan magazines uitgegeven.

Bij het mediumtype magazines zijn grote publiekstitjdschriften geïnccludeerd. Daaronder vallen ook de gratis publicaties van supermarkten, zoals de Allerhande en Hallo. Voor het registreren van de bruto mediabestedingen aan het mediumtype magazines maakt Nielsen gebruik van de clippings (knipsels van losse delen van tijdschriften) van een derde partij. De codering en berekeningen worden door Nielsen zelf verricht.

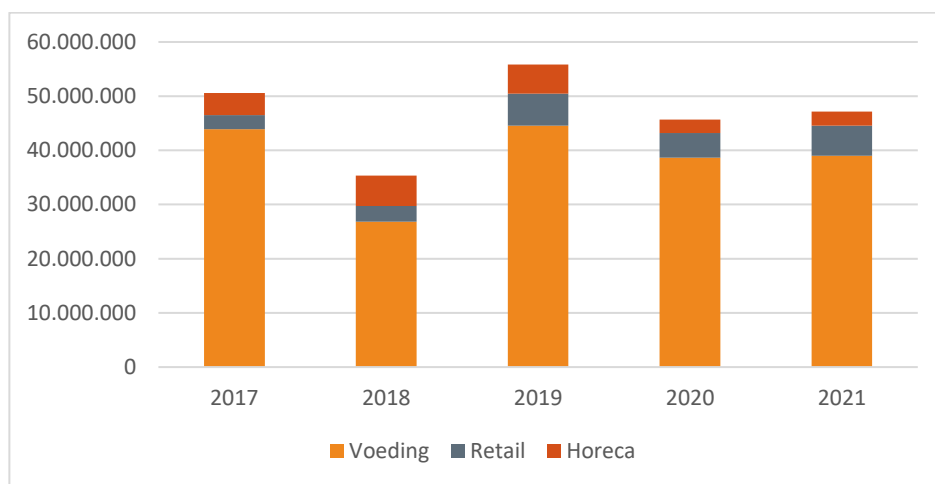
7.1 Conclusies voedingsreclame via magazines 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via magazines bedragen gemiddeld ruim **46 miljoen euro per jaar**.
- De bestedingen waren het hoogste in 2019 (bijna 56 miljoen), waarna ze in 2020 afnamen tot bijna 46 miljoen en in 2021 weer licht stegen (ruim 47 miljoen).
- Het grootste deel van de marketing betreft voor voedingsmiddelen (82%), gevolgd door horeca (9%) en retail (9%). Hoewel grote supermarkten wel enkele magazines faciliteren, adverteren ze ten opzichte van voedingsfabrikanten en horeca relatief weinig via andere magazines.
- Het aandeel van producten in Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) is redelijk stabiel gebleven (tussen de 12 en 16%). Het aandeel reclame voor producten niet in de Schijf van Vijf bleef ook redelijk constant tussen 2017-2021 (tussen de 71% en 76%)
- In termen van mediabestedingen via magazines zijn suiker, kruiden, specerijen en spijsvetten de twee grootste categorieën. In de eerste categorie vallen, naast suiker, kruiden en specerijen ook (zoet) broodbeleg, en sauzen.



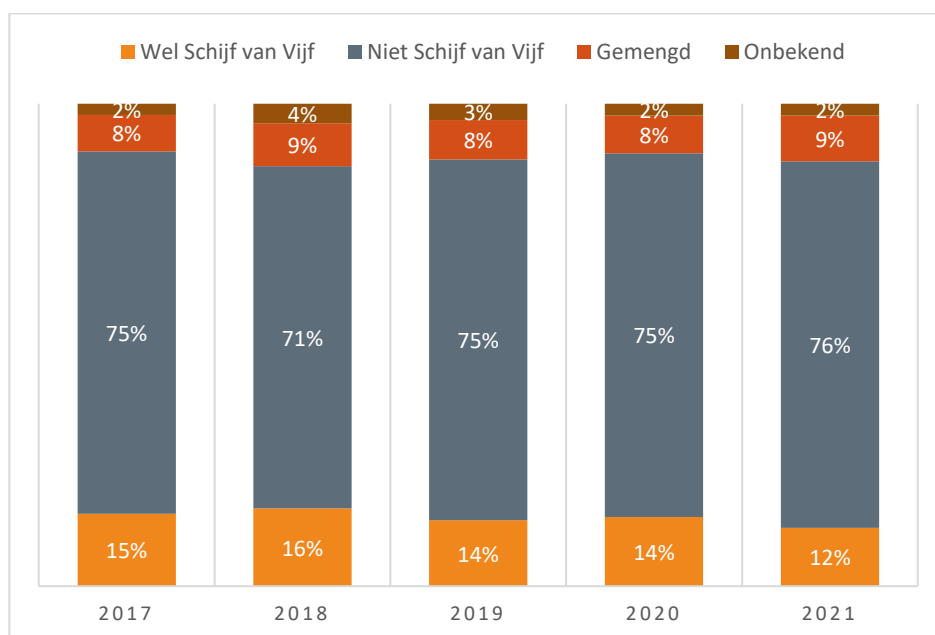
7.2 Ontwikkeling reclame via magazines naar type product

Figuur 13 Reclame voor voedingsmiddelen, voedingsretail en horeca via magazines 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 14 Ontwikkeling aandeel Schijf van Vijf in reclame via magazines 2017-2021



Bron: Nielsen, bewerking Panteia, 2022

Tabel 7 Bruto jaarlijkse bestedingen aan magazinereclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					4,1
Hotels, pensions					3,4
Restaurants					0,6
Cateringbedrijven					0,1
Horeca overig					0,0
Bezorgdiensten Horeca					0,0
Rederij/partyboot					0,0
Retail		1%	99%		4,3
Filiaalbedr. supermarkten			100%		4,2
Filiaalbedr. voeding Overig	4%	9%	87%		0,1
Filiaalbedr. dranken	4%	96%			0,0
Voedings- en genotmiddelen	14%	75%	8%	3%	38,6
Suiker, kruiden, specerijen	3%	91%	5%	1%	4,9
Non-alcoholische dranken	4%	96%			4,3
Zwak-alcoholische dranken		100%			4,2
Zuivel	6%	44%	49%	1%	4,0
Voedingsmiddelen overig	6%	71%	5%	19%	3,7
Chocolade, snoepgoed		100%			2,3
Koffie, thee	88%	9%	3%		2,2
Snacks	1%	99%			1,9
Aardappelen, groenten, fruit	44%	27%	29%		1,8
Vlees, vis, wild en gevogelte	50%	46%	4%		1,7
Broodproducten, banket	1%	98%	1%		1,6
Spijvetten	63%	33%	3%	1%	1,5
Maaltijden		100%			0,9
Baby-, kindervoeding	11%	53%	2%	34%	0,8
Soep, -producten		100%			0,8
Ontbijtproducten	5%	72%	20%	3%	0,8
Bakproducten		99%	1%		0,5
Deegwaren	2%	98%			0,4

Bron: Nielsen, bewerking Panteia, 2022



8 Folders

Folders worden vooral door retailers gebruikt als marketingtool. Na 2019 gaven voedingsproducenten geen eigen folders meer uit. Daarnaast is er de trend dat er minder (papieren) folders gedrukt en verspreid. Daarom worden in dit hoofdstuk alleen de resultaten op hoofdlijnen weergegeven.

Voor het verzamelen van de folders maakt Nielsen gebruik van het panel van een derde partij. Dit panel bestaat uit 70-80 huishoudens die wekelijks alle op hun adres ontvangen folders naar Nielsen opsturen. Het panel is samengesteld op basis van de variabelen regio (provincie), stedelijkheid, inkomen huishouden en leeftijd hoofdkostwinner. Alleen de folders van landelijke adverteerders met een oplage van meer dan 200 duizend worden hierin meegeteld.

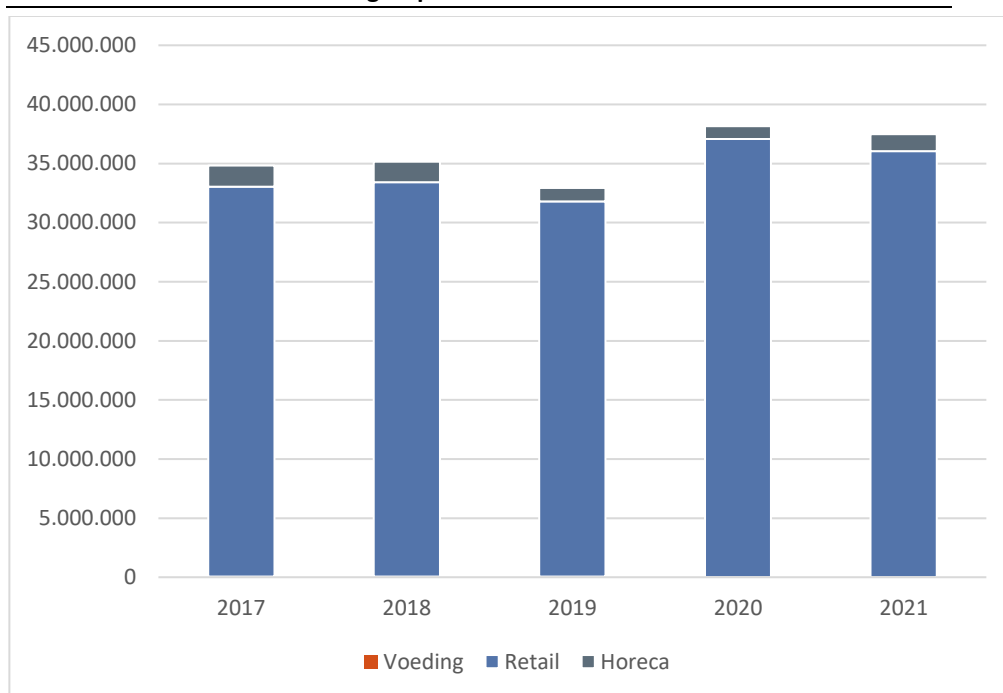
8.1 Conclusies voedingsreclame via folders 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via folders bedragen gemiddeld bijna **36 miljoen euro per jaar**. Dit komt vrijwel volledig op het conto van de retail.
- Marketing via folders bestaat voornamelijk uit retail (96%). Horeca (4%) en voeding (0%) maken via het medium amper reclame.
- De bestedingen zijn over de jaren iets toegenomen, met een dip in 2019 en met het hoogste bedrag in het Covidjaar 2020.



8.2 Ontwikkeling reclame via folders naar type product

Figuur 15 Reclame voor voedingsmiddelen, voedingsretail en horeca via folders 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Tabel 8 Bruto jaarlijkse bestedingen aan folderreclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca					14,3
Retail		10%	90%		342,4
Voedings- en genotmiddelen	6%	23%	10%	61%	0,3
Totaal	0%	9%	87%	0%	357,1

Bron: Nielsen, bewerking Panteia, 2022

9 Bioscopen

Van alle onderzochte media bevat bioscoopreclame relatief het meeste advertenties voor ongezonde voeding. Ruim 94 procent van de getoonde producten staan niet in de Schijf van Vijf. Het belang van bioscoopreclame in de marketingmix is relatief klein. Inclusief de dip tijdens Corona, was bioscoopreclame goed voor 0,4% procent van alle uitgaven aan marketing via massamedia.

Reclames in bioscopen zijn een bijzonder effectieve wijze van adverteren. De adverteerder heeft in de bioscoopzaal namelijk de volledige aandacht van de kijker. Het is ook een vorm van adverteren waarop Covid-19 een grote impact had. Bioscopen waren immers gedurende verschillende perioden gesloten of mochten minder bezoekers ontvangen.

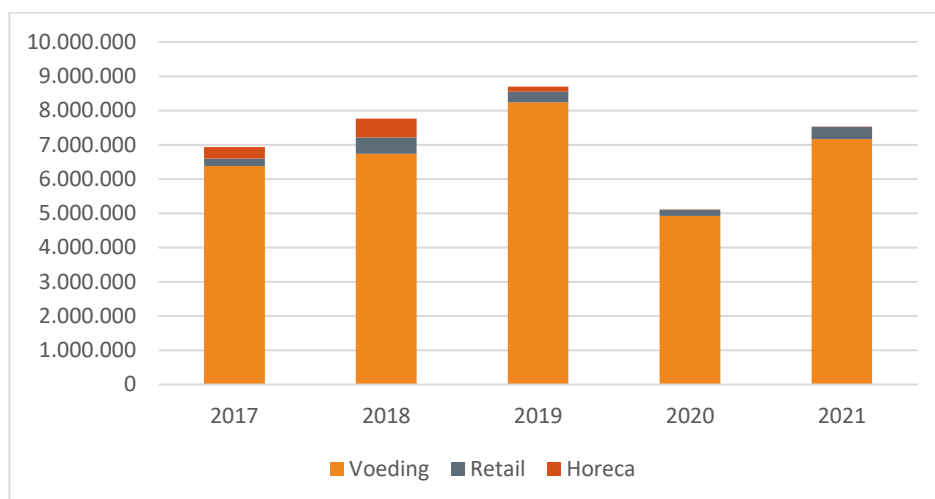
Voor de registratie van bioscoop data werkt Nielsen samen met de saleshouses van de Nederlandse bioscopen. Dit zijn de organisaties die de filmrollen met advertenties aan bioscopen aanleveren. De registratie geschiedt op basis van totale campagnes en niet op basis van het aantal vertoningen van een advertentie. In deze data zijn alleen de landelijke reclamecampagnes opgenomen. Lokale (dia-)reclames zijn niet meegenomen. Het bedrijf dat veel van deze advertenties faciliteert, CineFox, is om medewerking aan dit onderzoek gevraagd, maar heeft deze geweigerd.

9.1 Conclusies voedingsreclame via bioscopen 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via bioscopen bedragen gemiddeld ruim **7 miljoen euro per jaar**.
- De bestedingen waren het hoogste in 2019 (bijna 9 miljoen), gevolgd door een dip in 2020 (ruim 5 miljoen), wat weer stabiliseerde in 2021 (ruim 7,5 miljoen).
- Het grootste deel van de marketing betreft voor voeding (93%), gevolgd door retail (4%) en horeca (3%).
- Het aandeel van producten in de Schijf van Vijf bij de voedingsreclame (exclusief retail en horeca) is door de jaren laag gebleven (tussen de 0% en 10%), tegenover het aandeel reclame voor producten niet in de Schijf van Vijf (tussen 90% en 98%).
- De meeste voedingsmiddelenreclame in bioscopen is voor licht alcoholische en non-alcoholische dranken.

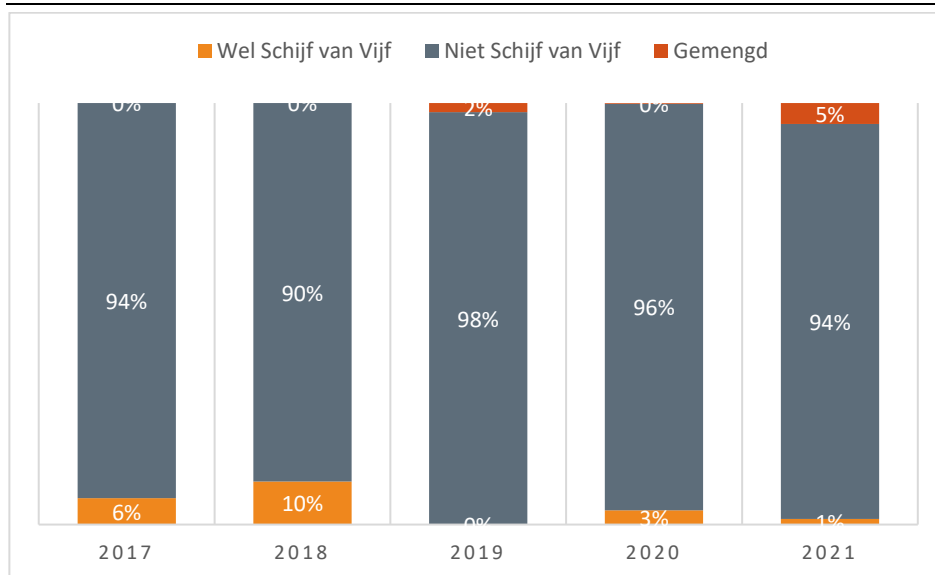
9.2 Ontwikkeling reclame via bioscopen naar type product

Figuur 16 Reclame voor voedingsmiddelen, voedingsretail en horeca via bioscopen 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 17 Ontwikkeling aandeel Schijf van Vijf in reclame via bioscopen 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 9 Bruto jaarlijkse bestedingen aan bioscoopreclame, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	In € miljoen
Horeca				0,21
Restaurants				0,19
Bezorgdiensten Horeca				0,02
Hotels, pensions				0,01
Retail			100%	0,31
Filiaalbedr. supermarkten			100%	0,31
Voedings- en genotmiddelen	4%	94%	2%	6,69
Zwak-alcoholische dranken		100%		2,95
Non-alcoholische dranken		100%		2,47
Voedingsmiddelen overig		100%		0,58
Koffie, thee	73%		27%	0,35
Chocolade, snoepgoed		100%		0,21
Sterk alcoholische dranken		100%		0,06
Spijsvetten		100%		0,02
Snacks		100%		0,02
Aardappelen, groenten, fruit	100%			0,01
Zuivel			100%	0,01
Suiker, kruiden, specerijen		100%		0,01

Bron: Nielsen, bewerking Panteia, 2022



10 Vaktijdschriften

Advertenties in vaktijdschriften vormen het kleinste deel van de bruto mediabestedingen door voedingsproducenten, horeca en retailers. Slechts 0,4% van de mediabestedingen gaan naar advertenties in vaktijdschriften. Bovendien hebben vaktijdschriften veelal een indirect effect op de consument.

De meeste voedingsreclame in vaktijdschriften betreft advertenties in tijdschriften gericht op horecaondernemers en retailers. Dit zijn doorgaans geen tijdschriften die een gemiddelde consument zelf leest. Indirect hebben de advertenties wel effect op de keuzes en keuzemogelijkheden van consumenten. Ze beïnvloeden immers het aanbod in de horeca en in de winkels.

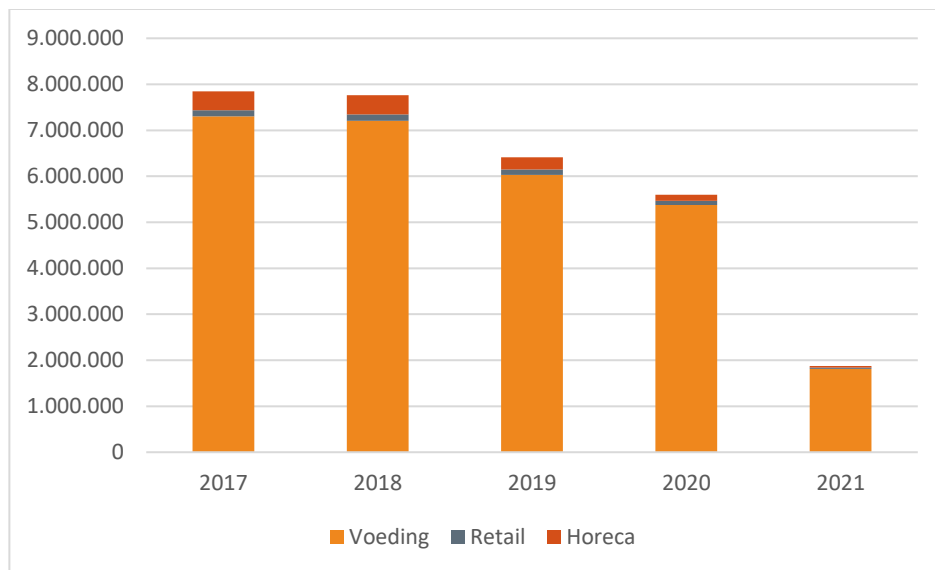
Voor het verzamelen van gegevens over vaktijdschriften maakt Nielsen gebruik van de 'clippings' (knipsels van delen van publicaties) van een derde partij uit een representatieve steekproef van de markt van tijdschriften. De codering en berekening van de bruto mediabestedingen voert Nielsen zelf uit.

10.1 Conclusies voedingsreclame via vaktijdschriften 2017-2021

- De bruto mediabestedingen aan voedingsmarketing via vaktijdschriften bedragen gemiddeld **5,9 miljoen euro per jaar**.
- Sinds 2017 nemen de bestedingen aan advertenties in vaktijdschriften elk jaar af. In 2021 waren de bruto bestedingen nog maar een kwart van die in 2017: een afname van 7,8 miljoen euro tot minder dan 1,8 miljoen euro.
- Bijna alle voedingsmiddelenreclame kwam van voedingsproducenten, er was nauwelijks reclame in vaktijdschriften door horeca en retail.
- Gemiddeld was rond de 75 procent van de advertenties door voedingsmiddelenfabrikanten voor producten van buiten de Schijf van Vijf. Mede door het afnemen van alle voedingsmiddelenreclame via vaktijdschriften nam het aandeel advertenties voor een gemengd aanbod toe.
- De twee grootste categorieën waarvoor wordt geadverteerd zijn non-alcoholische en zwak-alcoholische dranken, gevolgd door voedingsmiddelen vanuit een breed aanbod en chocolade/snoepgoed.

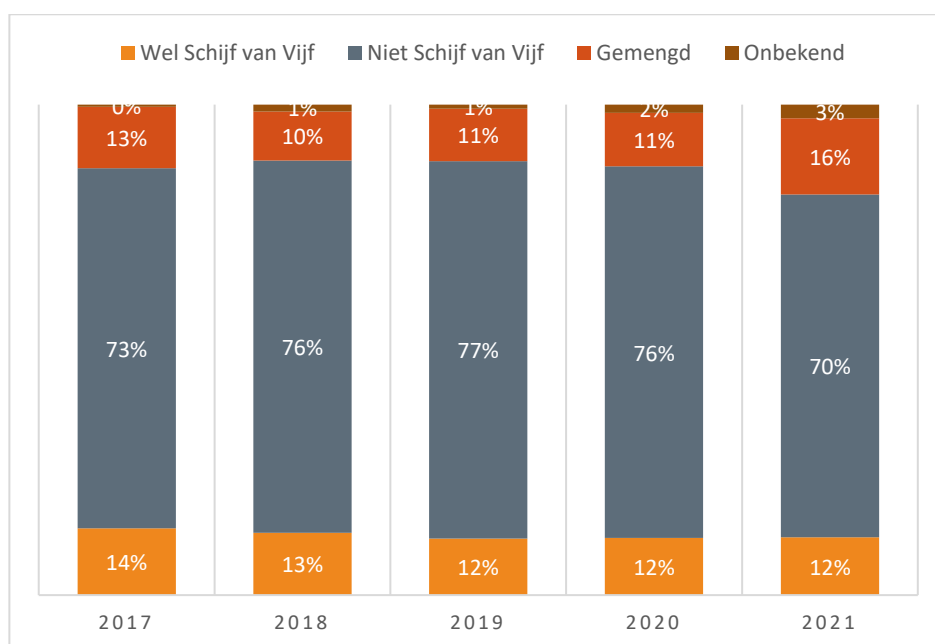
10.2 Ontwikkeling reclame via vaktijdschriften naar type product

Figuur 18 Reclame voor voedingsmiddelen, voedingsretail en horeca via vaktijdschriften 2017-2021 naar hoofdgroep



Bron: Nielsen, bewerking Panteia, 2022

Figuur 19 Ontwikkeling aandeel Schijf van Vijf in reclame via vaktijdschriften 2017-2021



Bron: Nielsen, bewerking Panteia, 2022



Tabel 10 Bruto jaarlijkse bestedingen aan advertenties in vaktijdschriften, naar type en Schijf van Vijf, gemiddeld 2017-2022

	Wel Sv5	Niet Sv5	Gemengd	Onbekend	In € miljoen
Horeca	0%	0%	0%	0%	0,25
Hotels, pensions					0,19
Restaurants					0,03
Cateringbedrijven					0,01
Horeca overig					0,01
Rederij/partyboot					0,00
Retail	0%	23%	77%	0%	0,10
Filiaalbedr. voeding overig		27%	73%		0,06
Filiaalbedr. supermarkten			100%		0,03
Filiaalbedr. dranken		100%			0,01
Voeding	12%	75%	11%	1%	5,55
Non-alcoholische dranken	8%	92%			1,01
Zwak-alcoholische dranken		100%			0,66
Voedingsmiddelen overig	5%	72%	17%	5%	0,58
Chocolade, snoepgoed		100%			0,42
Snacks	1%	99%			0,39
Aardappelen, groenten, fruit	40%	23%	35%	2%	0,39
Zuivel	2%	30%	68%		0,35
Broodproducten, banket	4%	79%	16%		0,32
Suiker, kruiden, specerijen	3%	86%	8%	3%	0,32
Vlees, vis, wild en gevogelte	59%	40%	1%		0,28
Koffie, thee	92%	3%	5%		0,20
Sterk alcoholische dranken		100%			0,16
Maaltijden		100%			0,12
Bakproducten		91%	7%	2%	0,10
Spijvetten	50%	46%	4%		0,09
Ontbijtproducten	4%	19%	77%		0,06
Baby-, kindervoeding		59%		41%	0,05
Deegwaren	2%	92%	6%		0,03
Soep, -producten		100%			0,00

Bron: Nielsen, bewerking Panteia, 2022

11 Casestudie: Chili

1) *Description of the restrictions placed on the marketing of unhealthy food in Chile*

a. Extent of restrictions

Chile has taken a number of strict measures regarding restricting the availability of unhealthy food, including a tax on sugar-sweetened beverages. Aside from tax measures, a large part of Chile's public policies aimed at regulating the food supply environment are based and derived from the information provided on product labelling and the limits established by the Ministry of Health in the Food Sanitary Regulation (RSA).¹ The RSA requires that the nutritional content of packaged food products to be reported, indicating the energy/calorie, protein, carbohydrate, fat, sodium and sugar content per portion and per 100 grams of product (Article 115 RSA). Likewise, the trans fat content must be specified, taking into consideration that in Chile the maximum content of trans fatty acids of industrial origin in foods must be equal to or less than 2% of the total fat content of the product (Article 248 of the RSA).

In regards to restrictions relating to the marketing of unhealthy foods, in 2016 Chile implemented Law 20.606 on the nutritional composition of foods and their advertising, which was implemented in three phases between 2016 and 2019. It came with built-in, increasingly stringent nutrient cutoffs to determine which foods and beverages require warning labels. This measure entails a legal restriction which obliged foods to be labelled with warning messages ("High in" front seals) on packaged foods and beverages. The seal is obligatory for beverage and packaged food with added critical nutrients (sodium, sugars, and saturated fats) and whose composition exceeds the limits for these nutrients: calories (275 calories/100g or 70 calories/100ml), saturated fat (4g/100g or 3g/100ml), sugars (10g/100g or 5g/100ml) and sodium (400mg/100g or 100mg/100ml).

In addition, Article 6 of Law 20.606 prohibits "high in foods" to be dispensed, commercialize, promoted and advertised in local nursery, elementary and secondary school establishments. Moreover Article 7 of Law 20.606 prohibits the sale and all forms of advertising (drawings, cartoons, animations) in all media (TV, internet, radio, magazines, etc.) targeted to kids. Furthermore, Law 20.606 was complemented by Law 20.869, which extended the scope of the limitations applied to advertising "High in" foods during the daytime (6:00-22:00) in the cinema and television, independent of the target age group. The table provides a breakdown that refers to the abovementioned measures and the specifics as to the type of media included in the restriction, the expressions, times and locations.

¹ <https://www.isl.gob.cl/wp-content/uploads/2015/04/D.S-N-----977actualizado-2013.pdf>

b. Forms of limitations

Measure	Type of media	Type of expressions	Times	Locations
Ley 20.606 y Reglamento Sanitario de los Alimentos (Mandatory)	All media aimed at children under 14	All, drawings, cartoons, animations, billboards.	All times	School
Ley 20.606 y Reglamento Sanitario de los Alimentos (Mandatory)	Television and Cinema	Advertisement	6:00-22:00	Cinema

c. Body responsible for monitoring

The body responsible for the implementation and restrictions of the above-mentioned restrictions is the Ministry of Health (Art.11 Law 20.606), which has the responsibility for monitoring the law’s enforcement. As officials of the Ministry of Health recognize, though, the most difficult part of inspections has been monitoring schools. Compliance with the rules against distributing “high in” food is easier, since food for children at most schools falls under the authority of the National Board for School Aid and Scholarships. Regarding inspection of advertising in the media, officials state that there have been no major problems². An agreement between the Ministry of Health and the Television National Council—the institution that ensures the correct functioning of television services—greatly facilitated this task. In order to make an efficient use of resources, the Ministry of Health signed agreements with several existing organizations. Recent agreements with the National Television Council, the National Consumer Service, and the Ministry of Education have been vital for the correct enforcement of the Law.³

d. Future plans/ discussions

Regarding plans and discussions around the current regulations to strengthening or adapting its scope, the Chilean Parliament has recognized the importance of using evidence based arguments for convincing those who proclaim arguments against what is intended to be regulated. As stated by researchers that participated in the discussion in Congress,⁴ 12 the food industry was not able to counterbalance the arguments in favor of this regulations because they did not have evidence for it.⁵

² <https://effectivecooperation.org/system/files/2021-06/GDI%20Case%20Study%20-%20Food%20Labeling%20and%20Advertising%20Law%20in%20Chile.pdf>

³ <https://effectivecooperation.org/system/files/2021-06/GDI%20Case%20Study%20-%20Food%20Labeling%20and%20Advertising%20Law%20in%20Chile.pdf>

⁴ Goiana-da-Silva F, Cruz-e-Silva D, Miraldo M, Calhau C, Bento A, Cruz D, Almeida F, Darzi A, Araújo F. Front-of-pack labelling policies and the need for guidance. *Lancet Public Health*

⁵ <https://effectivecooperation.org/system/files/2021-06/GDI%20Case%20Study%20-%20Food%20Labeling%20and%20Advertising%20Law%20in%20Chile.pdf>



e. Effectiveness of policies

Moreover, there are several challenges that remain regarding the implementation of Chilean's law: "The law will require a well-designed system of monitoring and evaluation to ensure its correct implementation and measure the impact of the initiative over time. In a similar vein, the regulation will require adjustments to incorporate new scientific evidence (e.g., changing the thresholds or the messages) and expand its scope (e.g., application of the law to restaurants, online food services, and others). In addition, the process will require adjustment to mitigate unintended consequences, including, for example, changes in the composition of some products that could increase the presence of non-regulated ingredients, such as artificial sweeteners"⁶⁷

2) Effects on the restrictions of marketing of unhealthy food in Chile

a. Impacts of restrictions consumption

There are several studies that look at the effects of the restrictions on the marketing of unhealthy foods in Chile. One study found that after the introduction of food labelling and advertising polices where introduces, overall calories, sugars, sodium, and saturated fat purchases declined.⁸ In addition, a Study by BMC on the responses to the Chilean law and behaviors of mothers of young children concluded the following: "The degree of use of warning labels was heterogeneous among participants, but most of them agreed that their children, particularly the youngest have positive attitudes toward the regulation and have become promoters of change in their families. Many mothers also expressed that they perceived an important shift toward healthier eating, which may lead to a change in eating social norms."⁹

b. Impacts of restrictions health

Furthermore, a study by Fao organization¹⁰, concluded that regarding health; "after the implementation of the Chilean Law on Food Labelling, the food industry positively changed its discourse regarding regulation, improved the quality of the food supply, mainly by decreasing the sugar and sodium content, and used the presence of a healthier product portfolio as a strategy to promote its products. Besides, we observed that in aggregate terms, there was no impact on jobs, wages and physical production in the food production sector" and that "robust evidence demonstrates the cost-effectiveness of implementing actions at the level of food environments in the prevention of obesity and its associated diseases, in countries with a variety of political and economic contexts."

⁶ <https://www.tandfonline.com/doi/full/10.1080/23288604.2020.1753159>

⁷ Gastón Ares, Lucía Antúnez, Magela Cabrera, Anne Marie Thow. (2021) Analysis of the policy process for the implementation of nutritional warning labels in Uruguay. *Public Health Nutrition* 24:17, pages 5927-5940

⁸ <https://www.thelancet.com/action/showPdf?pii=S2542-5196%2821%2900172-8>

⁹ <https://ijbnpa.biomedcentral.com/articles/10.1186/s12966-019-0781-x>

¹⁰ <https://www.fao.org/3/cb3298en/cb3298en.pdf>

12 Casestudie: Ierland

1) Please provide a description of the restrictions placed on the marketing of unhealthy food in your Member State.

- To what extent are restrictions placed on marketing unhealthy food? (please explain the various aspects of restrictions)

Restrictions placed on marketing unhealthy food largely focus on marketing towards children, and to a smaller extent, the general population. The restrictions concern foods which are high in fats, sugar, and salt (HFSS), fast food, and alcohol. The *Children's Commercial Communications Code*¹¹ was first introduced in 2005 by the government-approved broadcasting regulator *Broadcasting Authority of Ireland* (BAI) with inter alia, the intention of offering protection for children from harmful commercial communications. This has been subsequently revised in 2013 to include the prohibition of marketing of HFSS foods towards children when certain criteria are fulfilled. The BAI also implements a *General Commercial Communications Code*¹² which sets the rules for commercial communications and pertaining to specific products such as alcohol and food, and nutrition and health, which are directed at the general population. These codes are only applicable to broadcast media (TV and radio).

The 7th and most recent edition of the *Code of Standards for Advertising and Marketing Communications in Ireland*¹³ set by the Advertising Standards Authority for Ireland (ASAI) came into effect in March 2016 and should be read in conjunction with the relevant EU legislation.¹⁴ It provides rules for marketing communications related to diet and lifestyle; nutrition and health claims; and HFSS products in non-broadcast media, amongst others. In this same year, the Irish government approved and published 'A Healthy Weight for Ireland – Obesity Policy and Action Plan 2016-2025' with the intention of reversing obesity trends. From this action plan came the *Voluntary Codes of Practice for Non-Broadcast Media Advertising and Marketing of Food and Non-Alcoholic Beverages*¹⁵, which aims to ensure that HFSS foods are marketed and advertised in a responsible way. Through these two codes, the scope of media subject to restrictions has been expanded to include non-broadcast media, however, only in a self-regulatory way.

¹¹ Broadcasting Authority Ireland, Children's Commercial Communications Code < <https://www.bai.ie/en/download/130364/>> accessed 21 November 2022.

¹² Broadcasting Authority Ireland, General Commercial Communications Code < <https://www.bai.ie/en/download/131870/>> accessed 21 November 2022.

¹³ ASAI, Code of Standards for Advertising and Marketing Communications < <https://www.asai.ie/asaicode/>> accessed 21 November 2022.

¹⁴ Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October, 2011, on the provision of food information to consumers as amended, including Commission Implementing Regulation (EU) No. 1337/2013 and its implementing legislation in Ireland, European Union (Provision of Food Information to Consumers) Regulations, 2014, Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods (the EU Regulation) together with the amending legislation. They apply to all marketing communications for food products.

¹⁵ Healthy Ireland, Voluntary Codes of Practice for non-broadcast media advertising < <https://euagenda.eu/upload/publications/untitled-131322-ea.pdf> > accessed 21 November 2022.

- **What form(s) of that limitation(s) are involved? (Please explain in detail each aspect). This can include the following:**

The *Children's Commercial Communications Code (CCCC)* prohibits advertising, sponsorships, teleshopping, product placement and other commercial communications which directly or indirectly promote HFSS foods *during* children's TV and radio programmes where over 50% of the audience are younger than 18 years old.

It is not permitted to use licensed characters, such as from films and video games, in children's commercial communications for HFSS foods *in between* children's programming where 50% of the audience is younger than 18 years old. It is furthermore prohibited to include health and nutrition claims, and promotional offers in communications for HFSS food products *in between* children's broadcasts which either target children younger than 13 or where more than 50% of the audience is younger than 13. It is prohibited to use celebrities in communications for HFSS products *in between* children's broadcasts which target either children younger than 15 or where more than 50% of the audience is younger than 15.

Other requirements imposed by the CCCC include the responsible representation of food, the prohibition of communications which encourage unhealthy eating or drinking habits and the prohibition of the implication that certain foods are replacements for fruit and/or vegetables. All children's commercial communications for fast food products/outlets/brands aimed at under 18s must contain an audio or visual message stating that the food should be eaten in moderation and as part of a balanced diet. All children's commercial communication for confectionary products aimed at under 18s must contain an audio or visual message which states that snacking on sugary foods and drinks can damage teeth.

The General Commercial Communications Code (GCCC), applies to all commercial communications carried on broadcasting services either operating under contract with the BAI or established under Irish law. It restricts the marketing of HFSS food products to 25% of sold advertising time and to only one in four advertisements per day.

Restrictions on alcohol under the GCCC include the prohibition of: linking the consumption of alcohol to enhanced physical performance or driving; creating the impression that alcohol enhances sexual attraction or social success; claiming that alcohol has therapeutic qualities; encouraging immoderate consumption and placing positive emphasis on high alcohol content. Commercial communications for beverages which contain an alcohol content of 25% and more, and for alcopops and pre-mixed spirit drinks, are completely prohibited. Alcohol sponsorship of sports programmes, bulletins, and competitions is also prohibited. Communications for alcoholic beverages can only be broadcast in or around programmes with an adult audience profile of 75% or more and never broadcast between 6am and 10am. Alcohol advertising is limited to a maximum of 25% of sold advertising time and 1 in 4 advertisements per day. No more than 2 alcohol

advertisements can appear in any one break. Presenters are also prohibited from glamourizing or encouraging the misuse of alcohol.

The *Code of Standards for Advertising and Marketing Communications in Ireland (ASAI Code)* applies inter alia to all marketing communications in all printed publications; promotional media; mailings; broadcast media; e-mails; and online advertisements in paid-for and non-paid for space. It prohibits marketing for food which promotes excess consumption or an unhealthy/unbalanced diet. It prohibits communications for HFSS foods which target children under 15 years through non-broadcast media such as websites and social media apps. It prohibits the marketing of HFSS foods in locations primarily used by children such as creches, pre-schools, nurseries, family clinics, schools, playgrounds. It prohibits the use of promotional offers and licensed characters and celebrities in marketing of HFSS foods targeted at children except for at POS displays, packages, wrappers, labels, tickets, timetables, and menus.

The *Voluntary Codes of Practice for Non-Broadcast Media Advertising and Marketing of Food and Non-Alcoholic Beverages (Voluntary Codes)* applies to all non-broadcast media (digital, out of home, print, cinema), commercial sponsorship and retail product placement. It re-affirms the rules set out by the ASAI Code and prohibits the marketing of HFSS food and drink on children's media, as well as the use of licensed characters/celebrities and the utilization of promotions and competitions on all forms of non-broadcast media. Additional rules for non-broadcast digital media include the prohibition of HFSS food marketing that targets children under 15 through websites, social media apps, e-mails, SMS, and social media. Where HFSS food marketing is permitted, it must not exceed more than 25% of total advertising space.

Additional voluntary rules for out-of-home media such as billboards, hoardings and public transport limit the space available to HFSS marketing to 33%. Displays of HFSS foods are restricted within 100 metres of school gates for large billboards and HFSS food marketing is not allowed at all on building banners. Marketing for HFSS foods which utilizes wraparounds or takeovers must account for less than 5% of the total advertising space. Additional rules for print media state that marketing communications for HFSS foods will only be carried in publications where 75% or more of the readership are adults. When it is permissible, it shall not exceed 25% of total advertising space. The HFSS food sponsorship of sports pages or supplements is not allowed. Marketing communications for HFSS foods at the cinema cannot exceed 25% of total advertising space. Furthermore, sponsorships involving HFSS foods for setting or event dedicated to the use by primary school age children is prohibited.

The Voluntary Codes also set rules for the placement of HFSS foods in retail outlets, which is known to influence the purchase behaviour of consumers. Retail outlets must actively promote the consumptions of 5 – 7 portions of fruit/vegetables a day both instore and online/offline platforms. Meal deal offers must promote a healthy balanced diet. There should be at least 1 non-HFSS checkout bay. Calorie labelling information should be provided in food service areas such as delis and hot food counters.

- **Does it concern legal restrictions or a system of self-regulation? (please include reference to laws/regulations where relevant, and a brief explainer as to what is covered)**

Ireland's restrictions on the marketing of unhealthy foods concern a hybrid system of both statutory- and self-regulation. The Broadcasting Act 2009¹⁶ regulates the broadcasting sector through its independent regulator, the Broadcasting Authority of Ireland (BAI). Section 42 of the Broadcasting Act empowers the BAI to implement codes which govern standards and practices which must be observed by broadcasters. It is under this statutory obligation that the BAI has implemented the aforementioned *Children's Commercial Communications Code* and the *General Commercial Communications Code* which all broadcasters (TV and radio) must adhere to.

The *Code of Standards for Advertising and Marketing Communications in Ireland (ASAI Code)* is operated and administered by the ASAI, an independent and self-regulatory body that has been established and financed by the advertising industry and works in the public interest to promote high standards of marketing communications. Members of ASAI are required to abide by the ASAI Code and to refrain from publishing a commercial communication that contravenes it.

The *Voluntary Codes* has no statutory basis and has been developed and is implemented by mutual agreement between both private and public stakeholders, as part of the government's *Obesity Policy and Action Plan*.

Private stakeholders include ASAI and other private bodies representing advertisers and advertising practitioners, in addition to IBEC, Ireland's largest lobby and business representative group, and its sub-sectors: Food Drink Ireland (the main trade association for the food and drink industry); Retail Ireland (organisation representing the retail sector); and the Irish Beverage Council (representative body for the non-alcoholic beverage industry). Public stakeholders include BAI; the Food Safety Authority of Ireland; Safefood; the Health Service Executive; the Department of Agriculture, Food and the Marine; and the Department of Children and Youth Affairs.

- **Who is responsible for monitoring the implementation of the restrictions? (please explain their role)**

The Broadcasting Authority Ireland is responsible for monitoring the implementation of the restrictions imposed on broadcasting media through the CCC and the GCC. It regulates all content broadcast on all Irish licensed broadcasters on both programming and commercial content. It actively monitors and enforces compliance of the licensed broadcasters with the codes and rules and/or with their broadcasting contracts. It also provides for and decides on

¹⁶ Irish Statute Book, Broadcasting Act 2009 <https://www.irishstatutebook.ie/eli/2009/act/18/enacted/en/html> accessed 17 November 2022.



complaints from viewers and listeners regarding broadcast content on all Irish broadcasting services. The BAI's Compliance Committee is responsible for operation activities covering compliance and publishes its decisions on complaints. It can conduct investigations with sanctions into apparent breaches of the codes. The BAI is also responsible for reporting to the Minister of Communications, Energy and Natural Resources on the extent to which opt-out advertising on services licensed outside the State complies with the BAI's codes and in particular, the content that is directed towards children.

The ASAI is responsible for monitoring the implementation of the restrictions imposed by the ASAI Code on marketing communications in all of the media within its scope (section 2 of code) including printed publications, promotional media, brochures, emails, tv, radio, cinema, DVDs, online advertisements, and non-broadcast media. It regularly conducts monitoring exercises of individual marketing communications to assess compliance with the Code requirements. This is carried out on an informal basis at first, with the advertiser/promoter requested to provide information within a specific time frame to the Compliance Monitor. Failure to do so results in the matter being passed to the Executive for a formal investigation. The ASAI's Complaints Committee is responsible for considering and dealing with complaints that can be brought by the public, by a ASAI member, by a Government Department or any other person or body of persons.

The *Voluntary Codes* are monitored by Ireland's Department of Health or its designated monitoring body. It submits an annual report to the Minister detailing the effectiveness and complaints. All companies and organisations which are party to the Code are published in a register and are committed to complying with its rules.

- **Are there plans/discussions around the current regulations/restrictions in regard to strengthening, adapting, or expanding the scope?**

The *Online Safety and Media Regulation Bill (OSMH)*¹⁷ is currently at the third stage of the Dáil Éireann (lower house of the Irish Parliament) and intends to replace the *Broadcasting Act 2009*. It is a comprehensive and wide-ranging legislation that seeks to address the issues raised by the transformation of how content is consumed, particularly the wide-spread availability of the internet and smart devices by imposing obligations on providers of broadcasting services, audio-visual on-demand media services, and online content and services. This new piece of legislation would expand the scope of the rules included in the Broadcasting Act to cover non-broadcasting media for the first time, which is now currently only being covered through the self-regulatory ASAI Code and the Voluntary Codes.

The OMSH proposes the establishment of a *Coimisiún na Meán* (Media Commission) which would take over the current functions of the BAI. The

¹⁷ Houses of the Oireachtas, Online Safety and Media Regulation Bill 2022, <<https://www.oireachtas.ie/en/bills/bill/2022/6/>> accessed 17 November 2022.



Commission would be responsible for implementing and enforcing the regulation and have functions and powers in line with EU law and best practices. It would operate independently in its functions, create legally binding regulatory codes, conduct investigations, and impose financial sanctions on non-compliant service providers.

The campaign 'Stop Targeting Kids' is being run by the Irish Heart Foundation (IHF) with the goal of encouraging the Government to impose a complete ban on all online marketing of junk food and drinks, to extend the broadcast watershed of adult-related content to include the advertising of junk food, and to remove junk food ads from state owned transport, buildings and other public infrastructure. The IHF views the current Voluntary Code as being too weak and views the OSMH positively but still lacking in its approach to total bans

- **What is the status of the political discourse: What are arguments for further regulations/restrictions and what are opponent's responses?**

In a recent debate¹⁸ (21 Sep 2022), arguments put forward for the bill's passing include the need to regulate online content which has gone largely unregulated and unchecked for over 15 years. The need to hold tech platforms accountable for certain online behaviours through robust penalties, especially as they are seen as being incapable or unwilling to self-regulate is also one of the arguments put forward welcoming the bill. The bill is seen as an answer to the issue of tech platforms profiting of algorithms which target and reward negative content, hate, violence and misinformation. The parts of the bill addressing harmful advertising of HFSS foods towards children is well-received and even actively pursued for inclusion by the opposition senators.

Opponents' responses include the worry of the bill imposing on personal liberties and the freedom of speech; however, this is limited to parts of the bill unconcerned with the marketing of unhealthy foods.

2) What are/have been the effects of the restrictions on the marketing of unhealthy food in your Member State?

- What have been the main impacts/effects of any restrictions on the marketing of food? Is there any information on what have been the effects on:
 - Consumption of (un)healthy food;
 - Health
- **Has the policy of restrictions been evaluated? If so, what does the evaluation say regarding the effectiveness of the restrictions?**

The restrictions enshrined in the CCCC have been evaluated academically by psychologists as well as mandatorily by the BAI. One of the main issues brought up in

¹⁸ House of the Oireachtas, Dáil Éireann debate – Wednesday, 21 Sep 2022 < <https://www.oireachtas.ie/en/debates/debate/dail/2022-09-21/15/>> accessed 17 November 2022.

the academic literature, is that research-based evidence shows that children are still being exposed to HFSS food marketing when they are not watching what the CCCC determines to be 'children's programming'. The proportion of food and drink advertising in Ireland is negligible on children's channels, however, general-view channels show food and drink adverts every 10-15 minutes, which large numbers of children are also exposed to. These foods are dominated by burgers, dairy, pizza, sweets, and chocolate. The literature suggests that regulations should be adapted to reflect children's actual viewing patterns especially concerning family programming. Further suggestions are to assess children's exposure to digital media, to promote healthy foods that are underrepresented, to inform parents about the diets advertised to their children in order to promote public opinion, and to develop school-based education about unhealthy foods and the role of the media in shaping children's thoughts about food.

The BAI is statutorily required to undertake a review of the effectiveness of the CCCC. In its most recent 2020 report, the code was evaluated as being broadly effective and its principles respected and understood. Issues of discussion for future revisions of the code include the definition of a children's programme. The BAI invited stakeholders to provide views on the inclusion of additional regulation being applied during peak viewing times and family viewing times. Broadcasters and advertisers were of the view that parental responsibility should be applied in cases where children are exposed to adverts outside of children's programming and the code should not be extended. Civil society organizations and public health bodies requested the strengthening of the code to cover family time as well as the implementation of a 9pm watershed for HFSS food advertising.

Other issues brought up by the evaluation include the need for further examination of diet and nutrition rules as concerns HFSS food advertising (which is a primary public health concern for all stakeholders), the exploration of a watershed ban for HFSS foods, raising awareness of the code amongst the public and reviewing the code in light of new EU legislation such as the Audio-visual Media Services Directive.

The other codes and the policy of the Government to tackle obesity have yet to be evaluated.

- **Has the curtailment of the marketing of unhealthy food in your Member State had a positive impact on citizens/society as a whole?**

While there is little to be found in relation to the impacts and effects of restrictions on marketing unhealthy food in Ireland, the rate of obesity and overweightness is on the rise. According to the WHO's European regional obesity report 2022, Irish 5–9-year-olds rank 9th in Europe for overweight and obesity while 10–19-year-olds rank tenth. According to the Childhood Obesity Surveillance Initiative (COSI 2020) study, 20.9% of girls and 17.4% of boys are either overweight or obese. The main priority for Ireland is the targeting of marketing towards children and a lot of emphasis seems to be put on the introduction of the OMSH and the effects that will take place after its implementation. Stakeholders across the public and private sphere have HFSS food advertising as a primary public health concern and welcome the necessary changes to legislation and regulation.



13 Casestudie: Malta

Dit deelrapport is opgesteld door onze Maltese partner EMCS ltd.

1) Please provide a description of the restrictions placed on the marketing of unhealthy food in your Member State.

- To what extent are restrictions placed on marketing unhealthy food? (please explain the various aspects of restrictions)

In view of the prevalence of overweight and obesity among Maltese (particularly with respect to schoolchildren and adolescents) in recent years, the Government has undertaken a number of strategies to enhance healthy lifestyles and prevent diseases. These include

- Non Communicable Disease Strategy (2010)¹⁹,
- the National Cancer Plan (2017),
- the National Healthy Weight for Life Strategy (2015-2020),
- the Food and Nutrition Policy and Action Plan for Malta (2014)²⁰ and
- Whole of School Approach to Healthy Lifestyle: Healthy Eating and Physical Activity Policy and Strategy for all schools in Malta (2015) and
- the Health Enhancing Physical Activity Strategy.

In essence the above strategies revolve around:

- Increasing availability of healthy foods – primarily in schools/ school canteens
- Campaigns/ promotions on awareness-raising on healthy eating – these also target the general public through national campaigns. This endeavour targets both the general population as well as specific population groups. In terms of in-school promotions, these also comprise an organised food service that relates to the EU School Fruit Scheme which started in October 2010 and provides free/subsidised portion of fruit/ vegetables to all primary school children once a week.
- Strengthening compliance with the ban of sale of junk food from school canteens
- Discussions with the food industry on product reformulation, for instance by decreasing fat and salt content of food

The above are linked with limiting the availability of products high in salt, sugar and fats as transposed in the Subsidiary legislation Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act (Cap. 550)²¹ and the 'Procurement of Food for Schools Regulations, LN 266 of 2018²² whereby, in schools, only food that

¹⁹ https://www.iccp-portal.org/system/files/plans/ncd_strategymalta.pdf

²⁰ https://deputyprimeminister.gov.mt/en/strategy-development-and-implementation-unit/Documents/Strategies_and_Policies/Food_and_Nutrition_Policy_and_Action_Plan_for_Malta.pdf

²¹ https://deputyprimeminister.gov.mt/en/administration-and-communication/Documents/Information/L.N. 266_of_2018.pdf

²² <https://legislation.mt/eli/si/550.1/eng/pdf>

meets the requirements as outlined in the criteria issued by the Advisory Council may be offered

for sale or sold or in any manner provided by the administration of schools²³²⁴. Updated in 2018, the Advisory Council for the Procurement of food for Schools Regulations during school hours drew up the standards in accordance with Chapter 550 HEALTHY LIFESTYLE PROMOTION AND CARE OF NONCOMMUNICABLE DISEASES ACT.

Such Act provides a list of both the permissible and prohibited foods and drinks as well as the nutrient based guidelines for food and drink providers (list Annexed to this report).

It is noted that in schools drinks limited to specific types (e.g. milk, fruit juice, water, combination of these) are allowed in public schools and, though children take their own food to school, such food is regulated by HELP²⁵.

Furthermore, any advertising of or accept sponsorships by food products not allowed in accordance with the criteria issued by the Advisory Council is not permitted. It is noted that in addition to these regulations, schools should establish a programme for the promotion of healthy eating. Also, vending machines are not allowed in public schools and most private schools.

Subsidiary Legislation 449.47 that relates to the use of sweeteners in foodstuffs notes that sweeteners may not be used in food for infants (under 12 months) and young children (aged 1 to 3), including food for infants and young children who are not in good health, unless otherwise laid down in specific provisions.

The Broadcasting Act that regulates the broadcasting of all radio and television broadcasts originating from the Maltese Islands highlights that the showing of a sponsorship logo during children's programmes, documentaries and religious programmes is prohibited²⁶. Furthermore, reference should be made to subsidiary legislation 350.05 – broadcasting code for the protection of Minors (issued in 01/09/2000) where reference to minors implies individuals who are under eighteen years of age. The code notes that advertisements shall not encourage minors to eat frequently throughout the day and adverts for confectionery and snack foods shall not suggest that such products may be substituted for balanced meals. In addition, advertisement for the following shall not be transmitted during minor's programmes or in advertisement breaks immediately before or after them, comprising (and in relation to the study):

- Alcoholic drinks
- Medicinals
- Vitamins or dietary supplements;
- Slimming products, treatments and establishments

²³ Annex 1.

²⁴ In Malta, public schools have to comply with a list of permissible and prohibited food and beverages based on the 2014 Healthy Lifestyle (Reducing Obesity) Act and Food and Beverage Standards for food consumed in schools (set by the Education Division of the Ministry of Education, Youth and Employment in 2007 and amended in 2015). The standards include nutrient-based guidelines for food and drink providers with limits for fats, sugar and salt per 100g or ml. The standards are mandatory in public schools and voluntary in most private schools, with public schools monitored for compliance.

²⁵ https://joint-research-centre.ec.europa.eu/system/files/2017-07/jrc-school-food-policy-factsheet-malta_en.pdf (page 8)

²⁶ <file:///C:/Users/ramon.muscat/Downloads/350en-XVI-2018.pdf> (page 22),

The same code notes that media service providers will be encouraged to develop codes of conduct regarding inappropriate audio-visual 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 the overall diet are not recommended.

- What form(s) of that limitation(s) are involved? (Please explain in detail each aspect). This can include the following:

As indicated above the Subsidiary legislation Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act (Cap. 550) and the 'Procurement of Food for Schools Regulations, LN 266 of 2018 are the primary legislative documents pertaining to the limitation of marketing of unhealthy foods in schools whereby only food that meets the requirements as outlined in the criteria issued by the Advisory Council may be offered for sale or sold or in any manner provided by the administration of schools.

On the other hand, the Broadcasting Act and subsidiary legislation 350.05 – broadcasting code for the protection of Minors (issued in 01/09/2000) that regulates the broadcasting of all radio and television broadcasts originating from the Maltese Islands that prohibits advertising, sponsorships, teleshopping, product placement and other commercial communications which promote unhealthy foods (as suggested by the Advisory Council) during children's TV and radio programme or exactly prior or following such programmes. The same applies for the advertising and teleshopping of particular products related to medicinal products and medical treatment as well as alcohol.

Furthermore, advertising and teleshopping for alcoholic beverages shall comply with the following criteria:

- it may not be aimed specifically at minors or, in particular, depict minors acquiring or consuming such beverage;
 - it shall not link the consumption of alcohol to enhanced physical performance or to driving;
 - it shall not create the impression that the consumption of alcohol contributes towards social or sexual success;
 - it shall not claim that alcohol has therapeutic qualities or that it is a stimulant, or sedative, or a means of resolving personal conflicts;
 - it shall not encourage immoderate consumption of alcohol or present abstinence therefrom or moderation therein in a negative light;
 - it shall not place emphasis on high alcoholic content as being a positive quality of the beverages.
- Does it concern legal restrictions or a system of self-regulation? (please include reference to laws/regulations where relevant, and a brief explainer as to what is covered)

Malta's restrictions on the marketing of unhealthy foods concern a hybrid system of both statutory- and self-regulation. The Broadcasting Act of 1991 as latest amended in 2018, including subsidiary legislations comprising the Broadcasting Code for the protection of minors (LEGAL NOTICE 160 of 2000, as amended by Legal



Notice 325 of 2010), that have been drawn up to cover the activities licensed and regulated by the Broadcasting Authority. Such Act seeks to make provision for the regulation of all sound and television broadcasting services in Malta; as well as to provide for the powers, duties and financial resources of the Broadcasting Authority set up in accordance with the Constitution; to provide for the exercise and performance by the Authority of functions in addition to those established by the Constitution, which functions shall include that of issuing licences in respect of radio and television services in Malta; to make provision in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with the Constitution and this Act; and to make provision in respect of matters ancillary thereto or connected therewith.

Furthermore, in relation to products high in salt, sugar and fats targeting minors, these are regulated by the Subsidiary legislation Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act (Cap. 550) and the 'Procurement of Food for Schools Regulations, LN 266 of 2018 whereby, in schools, only food that meets the requirements as outlined in the criteria issued by the Advisory Council may be offered

for sale or sold or in any manner provided by the administration of schools. Updated in 2018, the Advisory Council for the Procurement of food for Schools Regulations during school hours drew up the standards in accordance with Chapter 550 healthy lifestyle promotion and care of noncommunicable diseases act.

- Who is responsible for monitoring the implementation of the restrictions? (please explain their role)

In terms of monitoring and implementation of the restrictions, it is the Maltese Broadcasting Authority that is responsible for monitoring the implementation of the restrictions imposed on broadcasting media. It monitors and enforces compliance of the licensed broadcasters with the codes and rules and/or with their broadcasting contracts. It also provides for and decides on complaints from viewers and listeners regarding broadcast content.

Overall, other suggestions/ guidelines are very generic and non committal.

- Are there plans/discussions around the current regulations/restrictions in regard to strengthening, adapting, or expanding the scope?

In terms of the expansion of scope, the interviews carried out clearly highlighted that focus would be predominantly on the promotion of healthy food rather than restrictions on unhealthy.

The Ministry responsible for food, is in the process of developing a national policy for food security and sustainability that will have as its main aims the need to empower consumers to make healthier choices and support local production of fresh, wholesome food. That said, the Ministry is more inclined to incentivising and supporting businesses to offer healthy food including organic, as well as addressing consumers' needs for convenience and food products that match their lifestyles.



It was noted that the Ministry has already embarked on healthy food campaigns in conjunction with the Ministry for Health - with the need to limit sugar consumption being given as one example, while another related to the intake of salt.

The discussions that ensued further highlighted the Ministry's impetus is towards promotion with the Government steering away from placing restrictions on the promotion of unhealthy foods in view of the implications on several industries. Such comments mirror the Food and Nutrition Policy and Action Plan for Malta 2015-2020 which objectives focus primarily on promotion/ increased awareness with no mention on restrictive actions . Such a stance is also mirrored in National Children's Policy that indicates one of the policy objectives to relate to the need to promote healthy eating among children with focus on daily water intake and consumption of fresh fruit and vegetables as opposed to the high intake of sugars and saturated and processed foods. Measures in this regard and to counter the promotion of unhealthy foods comprised state provision of healthy snacks of fruit, vegetables,

and milk to students, recognising also that children need to develop a lasting healthy eating lifestyle

Rather than putting effort to restrict the marketing of unhealthy food, with the associated contentions around what is in fact unhealthy and to what extent should Government intervene in the market, the Ministry would be more in favour of stimulating the right kind of agri-entrepreneurship by creating the business ecosystem for the manufacturing of food that is more nutritious and coming from sustainable food production systems. This could include, for example, incentives to industry to reformulate certain products, and investment in the food manufacturing sector as well as in the R&D&I around it.

- What is the status of the political discourse: What are arguments for further regulations/restrictions and what are opponent's responses?

There seems to be no political will to implement further restrictions. The discussions evidenced that certain unhealthy foods are staple 'cheap' foods for the low income families. Following COVID-19 and the subsequent Russia-Ukraine crises that has considerably disrupted the economic market and resulted in increased prices, the Government is not inclined to place any legislation that could further adversely affect the low income cluster.

2) What are/have been the effects of the restrictions on the marketing of unhealthy food in your Member State?

- What have been the main impacts/effects of any restrictions on the marketing of food? Is there any information on what have been the effects on:
 - Consumption of (un)healthy food;
 - Health
- Has the policy of restrictions been evaluated? If so, what does the evaluation say regarding the effectiveness of the restrictions?



The interviews have not evidenced any evaluations on this. That said, the desk research notes a study that was carried out in 2015 - Television food advertising to children in Malta²⁷ that noted that 7.2% of all food advertisements were considered

to be aimed primarily at minors (children or adolescents) with chocolate and confectionery advertisements ranking first (40% of child-focused food advertisements), followed by full-fat dairy products (21%) and cakes, muffins and pastries (18%). That said, only one child focused advertisement (belonging to a large multinational fast food company) was broadcast during a children's programme with 38% of advertisements aimed at children aired during Discussion/Current Affairs and 31% during Entertainment/Gameshow programmes.

Also, political-commercial channels aired more child-focused advertisements than

Public Service channels, whereas commercial channels did not broadcast any child-focused advertisements at all.

- Has the curtailment of the marketing of unhealthy food in your Member State had a positive impact on citizens/society as a whole?

No info available

²⁷ Television food advertising to children in Malta. Daniel Cauchi1,*, Sascha Reiff2, Cecile Knai1, Charmaine Gauci2, and Joanna Spiter (Oxford. October 2015). Report attached to this document



14 Casestudie: Portugal

Dit deelrapport is opgesteld door onze Portugese partner Techinvest.

14.1 Reducing the consumption of unhealthy food

Most of the programmes and measures currently practiced in Portugal that aim to reduce the consumption of unhealthy food have a legally mandatory character and are directed at restricting the marketing of some food items and categories by acting upon components of their marketing mix, notably promotion, distribution, and pricing. Their primary target is the preschool and school population, as early life is an important period for the development of healthy dietary habits. The measures cover the following policy areas:

- A. Mandatory standards for food available in schools including restrictions on unhealthy food.
- B. Mandatory regulation of food advertising to children through both broadcast and non-broadcast communication channels
- C. Health-related food taxes

Besides the 3 above restraining policies there are promotional and variety-increasing, as well as, self-regulatory initiatives in place, notably:

- D. Milk, fruit, and vegetable initiatives in schools
- E. Self-regulatory Initiatives

A – Standards & Restrictions in Public Schools

The legislation on School Welfare Action (*ASE - Acção Social Escolar*) was introduced in 2009 to enhance and better codify previous legal provisions that offered social support services to students of the basic and secondary public schools²⁸ covering the 6-17 years-old age span (later extended to pre-schoolers). Among the range of services delivered by this policy, are the provision of **subsidised meals on school days**, the amount of the subsidy depending on the income of the student's family. Since 2013 the responsibility of managing *ASE* has been progressively de-centralised to city and town halls, most of which have now their own regulations. However, the control over the rules and standards of this social support system remains in central government bodies.

The models of these meals were broadly set by the Ministry of Education in accordance with hygiene and health standards defined by the Directorate-General for Health²⁹ and are detailed (and revised from time to time) by the Directorate-General for Education. The most recent **guidelines** were issued in 2018³⁰ and set: (i) nutrition principles; (ii) the

²⁸ PT Govt (2021a). Basic mandatory education consists of nine years of schooling divided into three sequential cycles of education of four, two, and three years. Secondary and vocational education has a duration of up to three years. Besides schools run by the state, there are some private schools that have contracts with the central government to provide public education, which are also covered by *ASE*. Students of basic and secondary education enrolled in the public school system correspond to about 76% of the Portuguese student population, the remaining being educated in private schools (Source: Pordata. <https://www.pordata.pt/home>. Accessed November 2022).

²⁹ PT Govt (2009).

³⁰ Lima, R. (2018). There are also guidelines for school buffets that were published in 2012. See Cunha, P. (Ed) (2012). The specifications of these guidelines were superseded by a government order of 2021, which forbids school cafeterias to offer some food items and sets a list of food items that should be available: see next paragraph and PT Govt (2021).

caloric content of meals, and its distribution along age ranges; (iii) macronutrient distribution along age ranges; (iv) recommendation on the various components of meals, their per capita quantities and frequencies (v) mandatory inclusion of alternative diet and vegetarian meals; (vi) restrictions on the use of added salt; (vii) a list of **authorised food items** (that was later updated); (viii) specifications on the equivalence between food pieces and gross weight of a long list of food items of more than 20 food categories (fruits, vegetables, grains, etc.). It also includes specifications for dozens of vegetarian and Mediterranean recipes as well as a framework for monitoring meals with daily, weekly, and monthly **inspection and verification actions**, which are assigned to the school managers and the superintendents of local school groupings. There are also guidelines for school buffets and cafeterias that were published in 2012³¹, which were generally superseded by the regulation mentioned in the following paragraph. A government order passed last year³², **forbids the sale of 17 food categories** (Appendix, Table 1) in cafeterias and buffets of public schools. It also sets an updated list of **food products that should be available** (Appendix, Table 2) in the same cafeterias and buffets. These restrictions are also applicable to vending machines.

B – Advertising Restrictions

In April 2019, the Parliament passed a new law³³ **prohibiting the advertising** of food and beverages with high content of several nutritional components (salt, sugar, saturated fatty acids, trans fatty acids, and caloric value) in preschool, basic, and secondary education **schools (both public and private)**, and kindergarten. This prohibition is extended to the neighbourhood of the schools (an area with a 100-metre radius)³⁴ and to cultural, sporting, and leisure activities organised elsewhere by the schools.

The prohibition of the same food and beverage items is extended to the following media and circumstances: (i) radio and TV for 30 minutes preceding and following children's programs; (ii) theatres during shows rated to audiences less than 16 years old; (iii) magazines and newspapers intended for readers less than 16 years old; (iv) online and social media featuring content aimed at viewers less than 16 years old.

The law also prescribes positive attributes that the **advertising messages** should have (clear and objective) and negative attributes they must avoid by refraining from linking the consumption of the advertised products to any health benefits (Appendix, Table 3). The Directorate-general for Health is responsible for the specification of the food items⁸ that are covered by the law. There are penalties for non-complying advertisers, ranging from EUR 1,750.00 to 3,750.00 (individuals) or EUR 3,500.00 to 45,000.00 (organisations); enforcement of the legislation is assigned to the Directorate-general of the Consumer. In August 2019 the Directorate-general for Health published the specifications that define the criteria. The specifications of the Directorate-general for Health were based on the WHO nutrient profile model – WHO Regional Office for Europe Nutrient Profile Model – to which changes were introduced, with the objective of aligning the limits for some nutrients in some of the food categories, with the values defined by legislation from the European Union. Other changes reflect the targets of

³¹ Cunha, P. (Ed) (2012).

³² PT Govt (2021).

³³ PT Parl (2019).

³⁴ This prohibition does not apply to store suppliers' promotion messages placed on storefront awnings and entrance canopies, as well as tables and chairs located in terraces.

the agreements made by Portugal in the context of food reformulation, as well as an analysis of the nutritional composition of foods available on the Portuguese market. The legislation on advertising does not forbid the existence and sale of products with higher content of the said nutrient components (salt, sugar, etc.). It only forbids the advertising of them in certain media and circumstances. Advertisers have to comply with the provisions of the Code of Advertising. If advertisers do otherwise, they are liable to a legal procedure that leads to fines as described in the report. Enforcement of these legal procedures is assigned to the Directorate-general of the Consumer. The law sets a 5-year recurring evaluation of its impact.

C – Food Tax

In February 2017 came into force an amendment to the Code of Excise Taxes (**CIEC - Código dos Impostos Especiais de Consumo**) creating a **new tax on non-alcoholic beverages**³⁵, for human consumption, with added sugar. The tax is levied on the manufacturers or importers (including imports from EU countries) of such beverages, is calculated on the volume of the beverages³⁶, and has 2 rates: (i) EUR 8.22 per hectolitre for beverages with a sugar content of up to 80g/l and (ii) EUR 16.46 per hectolitre for beverages with higher sugar content. Verification and enforcement duties regarding this tax are assigned to the Tax Authority (*Autoridade Tributária*).

D – Milk and Fruit Initiatives in Schools

There are 2 measures started by the government and co-funded by the European Union under the Common Agricultural Policy: The **School Milk** and the **School Fruit** Schemes. Both measures are deployed by the municipalities on a voluntary basis and aim at providing free milk and fruit to students of the preschool and basic education schools of the public system.³⁷

A privately led programme started in 2011 and branded “Heróis da Fruta” (*Fruit Heroes*), is a game show, featuring model characters with superpowers, that combines educational content with non-formal education techniques of storytelling and gamification. “**Fruit Heroes**” is a registered trademark owned by APCOI (Portuguese Association Against Children Obesity), an ONG active in the health education area. Since its inception, more than 500 thousand children have already participated in the programme, the results of which are periodically evaluated by researchers of ISAMB, a research institute of the School of Medicine of Lisbon University³⁸.

E – Self-regulatory Initiatives

Since the beginning of the century, the **advertising and food industries** have been involved in promoting the self-regulation of the food sector, with a particular focus on advertising and communication with children. The main actors are APAN (The Portuguese Advertiser Association) and FIPA (The Federation of Portuguese Agri-food Industries)³⁹ that are generally following the initiatives and guidelines of UNESDA and

³⁵ Customs Tariff Number Position 2202. It applies also to codes 2204, 2205, 2206, and 2208 with alcohol content between 0.5% and 1.2%, as well as to concentrates for the preparation of such beverages.

³⁶ Or the equivalent volume of the end mixture in the case of concentrates.

³⁷ <https://www.gpp.pt/index.php/en/apoios-de-mercado/regim-escolar>. Accessed November 2022.

³⁸ <http://isamb.medicina.ulisboa.pt/en/home/>. Accessed November 2022.

³⁹ See <https://apan.pt/> and <https://www.fipa.pt/>, respectively. Accessed November 2022.

the “EU Pledge” associations⁴⁰. Main self-regulating documents include the “Code for Good Commercial Communication Practices for Minors” (2015), the “Media Smart” initiative, an awareness and dissemination programme in collaboration with the Directorate-general for Education (2008), the “Commitments of the Food Industry” (2009), the “Self-regulation on Commercial Communication of Food and Beverages for Children” (2010). In 2017, an enhanced version of the “Commitments of the Food Industry” was approved with a larger number of companies (39 vs 27 in 2009) that pledged to limit their advertising campaigns of products not complying with the “EU Pledge Nutritional Criteria”⁴¹. In May 2019, a protocol was signed, aiming to progressively reduce the levels of sugar, salt, and trans fats in a selected set of food product categories⁴² by 2022/2023.

14.2 Effects of the restrictions on unhealthy food

The findings of the last report of COSI Portugal, a component of the “Childhood Obesity Surveillance Initiative” of the European branch of the World Health Organisation⁴³, suggest that the dietary health patterns of the young population are following an encouraging trend as the prevalence of **childhood overweight is decreasing** for both boys and girls. This may be partially explained by the country’s higher international rankings in: daily breakfast consumption (94%), percentage of children consuming fruit daily (63%), and percentage of children eating vegetables every day (57%).

Concerning the **ex-ante evaluation** of the implementation⁴⁴ of food policies aiming at creating “healthy food environments to promote healthy diets”, a recent international study (2019–2021) involving 11 European countries (Estonia, Finland, Germany, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Slovenia, and Spain), found that Portugal, together with Finland and Norway, has the **highest implementation score** of the group, including actions that are “rated at the level of best practice”⁴⁵. Relevant **enhancements** of healthy food promotion policies in Portugal submitted by the Portuguese experts that contributed to the research mentioned in the previous paragraph:

(i) Concerning the standards & restrictions:

- Allow the food service outlets to participate in the reformulation, to encompass the definition of short and medium-term priorities and objectives.

(ii) Distribution:

- Ensure the effective implementation of the existing guidelines to ensure compliance with the standards/guidelines in place.

(iii) Price:

- Reduce taxes on healthy foods (pulses, fruit, and vegetables).

⁴⁰ See <https://www.unesda.eu/> and <https://eu-pledge.eu/>, respectively. Accessed November 2022.

⁴¹ <https://eu-pledge.eu/eu-pledge-nutrition-criteria/>. Accessed November 2022.

⁴² Salt content levels – ‘Potato chips and other salty snacks’, ‘pizzas’ and ‘breakfast cereals’; sugar content levels – ‘soft drinks’, ‘fruit nectars’, ‘yogurts’, ‘fermented milk’, ‘flavoured milk’ and also ‘breakfast cereals’.

⁴³ COSI (2020)

⁴⁴ The implementation of most of the policies is relatively recent (2017 to 2021), thus its effects are still limited and difficult to measure.

⁴⁵ Pineda, E. et al (2022).

- Change Value Added Tax (VAT) to reduce the rate applicable to products contributing to healthy dietary standards.

14.3 Appendix

Table 1
Forbidden Food groups in Public Cafeterias and Buffets

Pastry, typical Portuguese salty snacks, sandwiches with sweet fillings, delicatessen, snacks with ketchup, mayonnaise or mustard, biscuits and cookies, soda beverages with cola and tea extracts, candy, sweet desserts, cereal bars, hamburgers, hot dogs, pizzas, lasagnas, chocolate, alcoholic beverages, sauces with ketchup, mayonnaise or mustard, spreads with chocolate, cocoa and added sugar, and ice cream.

Table 2
Food groups that must be available in Public Cafeterias and Buffets

Free drinking water, bottled water, milk (except full-cream), yogurts (no sugar added, no full-cream), bread (with less than 1g of salt/100 g of grain and preferably whole grain or mixed; may be spread with low tuna, ham, boiled egg, vegetable pastes or low-fat cheese), fresh fruit, salads, vegetable soups, cured cheeses (with less than 45% of fat content), natural oil fruits (no sugar or salt added), herbal infusions without sugar, vegetable drinks without sugar, snacks with at least 50% of leguminous content and less than 12% of fat and 1% of salt, de-hydrated fruit snacks, fruit or vegetables juices containing at least 50% of fruits/vegetables

Table 3
Types of Messages that should be avoided in the Advertising Copy

Encouraging excessive consumption of the product*; demeaning non-consumers of the product; creating feelings of pressing needs for the product; conveying the idea of easiness and readiness of the purchasing of the product; conveying ideas of exaggerated benefits from the consumption of the product; associating the consumption of the product to social status or achievements, or to special abilities, popularity, success or cleverness; using pictures, cartoons, mascots, and other graphic material that are directly related to children's programmes; conveying the idea that the product is beneficial to the health of the consumer.

* “Product” = some food item with high content of salt, sugar, saturated fatty acids, and trans fatty acids as well as high caloric value.

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15 Casestudie: Verenigd Koninkrijk

1) Please provide a description of the restrictions placed on the marketing of unhealthy food in your Member State.

- **To what extent are restrictions placed on marketing unhealthy food? (Please explain the various aspects of restrictions)**

Transport for London ban on unhealthy food marketing

In the United Kingdom, there are different restrictions on the marketing of unhealthy food in place or being introduced various different levels. In November of 2018, the Mayor of London announced that a ban on advertising food and non-alcoholic drinks that are high in fat, salt and sugar (HFFS), would be introduced across London's public transport system, specifically for all transport run by Transport for London (TfL). In February 2019, the measures went into effect. In efforts to address causes of child obesity, the initiative was supported by the Mayor of London in close cooperation with the Greater London Authority and Transport for London, Public Health Organizations and members of the London Food Board⁴⁶ The ban applies to buses, Tube and Train network which are run by TfL, as well as Roads controlled by TfL, including adverts on roundabouts and at bus stops, Taxis, private hire vehicle and Dial-a-Ride. Additionally, it applies on River services, trams, Emirates Air Line cable car (now know as: IFS Cloud Cable Car) and Victoria Coach Station.⁴⁷

Government efforts: Restrictions on volume and TV watershed

Promotion by volume price

In 2019, the UK government, specifically the Department of Health and Social (DHSC), in its efforts to address childhood obesity started consultations on restricting the promotion of products high in fat, salt and sugar (HFFS products) by volume price (for example actions such as buy one, get one free) and locations, both for online and in store. Stemming from these consultations, the government introduced legislation to restrict the promotion of products by volume (such as, buy one, get one free actions) both online and in stores in England, as well as the restriction on free refills of soft drinks.⁴⁸ The restrictions will apply to medium and large stores.⁴⁹

The aim of the policy is to reduce the excess purchases of HFSS products. The rationale behind the policy is to limit the possibility of impulse purchases of such HFSS products through such advertisement therefore to also limit the overconsumption of HFSS foods.

⁴⁶ BBC News, Tube 'junk food' advert ban announced by London Mayor, 2018. Available at: [Tube 'junk food' advert ban announced by London mayor - BBC News](#).

⁴⁷ *ibid.*

⁴⁸ Department of Health & Social Care, Guidance: Restricting promotions of products high in fat, sugar or salt by location and by volume price: implementation guidance, 2022. Available at: [Restricting promotions of products high in fat, sugar or salt by location and by volume price: implementation guidance - GOV.UK \(www.gov.uk\)](#)

⁴⁹ Department of Health and Social Care, Promotions of unhealthy foods restricted from April 2022, 2020. Available at: [Error! Hyperlink reference not valid.](#)

The government states by imposing the restrictions, it encourages the retailers to promote healthier options⁵⁰ The restrictions were set to go into force from April 2022, but in July of 2021, the government had announced it would go into force from October 2022 after taking into account feedback from the industry and allowing business to have enough time to prepare for the restrictions.⁵¹

TV watershed restrictions

In addition to the policy restricting the promotion of HFFS product by volume price, the government also introduced a Bill, originally planned to start 1 January 2023, that will restrict on paid-for advertising of unhealthy food or drink online and as well ban advertisement of HFFS foods on TV before the 9pm watershed, meaning between 5:30am and 9pm.⁵² The policy is known as Health and Care Bill: advertising of less healthy food and drink. The restriction will include all on demand programme services under the UK jurisdiction, regulated by government agency Ofcom, which is the UK's regulator for communications services. The restrictions will only apply to HFFS foods that are of most concern to childhood obesity.

Legislation postponed

But the implementation of both restrictions mentioned above have been set back by a year. The Department of Health has states that the volume by price measures will be set back by a year due to the high cost of living and will allow them to assess the financial struggles during this year. The TV restrictions will be set back due to a delay of the bill receiving Royal Assent and to give the industry more time to prepare.⁵³ The restriction on the promotion of HFFS products by volume price will be put on hold until October 2023 and bill on advertisement of HFFS on TV and online will be put on hold until January 2024.⁵⁴

- **What form(s) of that limitation(s) are involved? (Please explain in detail each aspect). This can include the following:**
 - **Type of media included in restriction;**
 - **Types of products restricted;**
 - **type of expressions included;**
 - **times where marketing restricted;**
 - **locations where marketing restricted;**
 - **any other restrictions/considerations.**

TfL junk food advertisement ban

⁵⁰ Department of Health and Social Care, Restricting checkout, end of sale and store sales of food and drinks high in fat, salt and sugar (HFFS), 2020. Available at: [Impact assessment of restricting checkout, end-of-aisle, and store entrance sales of food and drinks high in fat, salt, and sugar \(HFSS\) \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/91424/impact-assessment-of-restricting-checkout-end-of-aisle-and-store-entrance-sales-of-food-and-drinks-high-in-fat-salt-and-sugar-hfss.pdf)

⁵¹ Department of Health and Social Care, Promotions of unhealthy foods restricted from October 2021. Available at: [Promotions of unhealthy foods restricted from October 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/promotions-of-unhealthy-foods-restricted-from-october-2022)

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⁵³ Department of Health and Social Care, Government delays restrictions on multibuy deals and advertising TV and online, 2022. Available at : [Government delays restrictions on multibuy deals and advertising on TV and online - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/government-delays-restrictions-on-multibuy-deals-and-advertising-on-tv-and-online)

⁵⁴ BBC News, Junk food: Ministers to delay ban on multi-buy deals, 2022. Available at: [Junk food: Ministers to delay ban on multi-buy deals - BBC News.](https://www.bbc.com/news/health-61811441)

As previously mentioned, the ban on the advertising of food and non-alcoholic applies to all areas governed and owned by TfL, also known as their advertisement estate. As the ban is applied generally, there is no specific time when the marketing is restricted, but rather it applies to all hours of the day. The same applies for the types of media included in the restriction, which is not specifically mentioned, but is applied generally to all areas governed by TfL.⁵⁵

To determine whether foods/non-alcoholic drinks are classified as HFFS, the UK Nutrient Profiling Model (NPM) is used.⁵⁶ According to this model, a food falls under HFFS where it scores 4 points or more and a drink where it scores 1 point or more.⁵⁷ Thus, the NPM decides what foods are HFFS and thus also what types of foods are included in the ban. Examples include chocolate, cheeseburgers and soft drinks among many others.

In particular, the ban has been rolled out through the following ways:⁵⁸

- Advertisement that directly features HFSS food or non-alcoholic drinks (which is determined by the NPM model mentioned above) is not allowed.
- Food and drink brands, restaurants, takeaways, and ordering services must now advertise and promote their healthier food and drinks, instead of solely advertising their brand. Where e.g., advertisers only include their brand, they may only do so if their advertisement includes healthier options (i.e., non HFFS products). An example of this is where a fast-food chain wants to advertise their brand, they must also include foods that are of non-HFFS nature (i.e., salads)
- Any advertisement that has incidental images, references in text, graphical representations, and references to food and/or non-alcoholic drinks that promote the consumptions of HFSS will also not be permitted
- Drink of food that are non-HFFS but might indirectly promote it, must include a prominent product description to help differentiate from non-compliant products (e.g., where non-HFFS pizza or burgers are advertised, the advertiser must include text that helps show that this food is indeed non-HFFS)
- An exception may be permitted by TfL (Transport for London) to advertise HFFS food, if the advertiser can demonstrate, with appropriate and concrete evidence, that the product does not contribute to child obesity⁵⁹ The advertisers should also demonstrate that the advertisement is targeted at adults and as well must comply with TfL's overall advertising policy.

Government restrictions

The policy restricting the promotion of HFFS product by volume price will apply to medium and large store and online stores. Per the regulations, stores which do not

⁵⁵ Transport for London, TfL Ad Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising. Available at: <https://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

⁵⁶ Department of Health, Nutrient Profiling Technical Guidance, 2011. Available at: [Microsoft Word - Nutrient Profiling_DH template.doc \(publishing.service.gov.uk\)](https://www.gov.uk/government/publications/the-nutrient-profiling-model).

⁵⁷ Department of Health and Social Care, The nutrient profiling model, 2011. Available at: <https://www.gov.uk/government/publications/the-nutrient-profiling-model>

⁵⁸ Transport for London, TfL Ad Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising. Available at: <https://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

⁵⁹ Mayor of London, TfL junk food ads ban will tackle child obesity, 2019. Available at: [TfL junk food ads ban will tackle child obesity | LGOV \(london.gov.uk\)](https://www.london.gov.uk/press-releases/mayor/tfl-junk-food-ads-ban-will-tackle-child-obesity)

primarily sell food, but offer food alongside stores main selling products, also fall within the scope. As such, 'by volume price' per this regulation is defined by if an item or part of an item is free and if a financial incentive is given to buy more of the products as opposed to only buying one. Therefore, phrases such as 'buy one, get one free' or '3 for the price of one' are prohibited for HFFS products.⁶⁰

The regulation also sets out specific categories, 1 through 13 of food that fall within the scope of the restrictions. The ban also applies to free refills of sugar sweetened beverages for each category some exceptions may apply, but the categories are as followed:⁶¹

1. Prepared soft drinks containing added sugar ingredients
2. All chips and products that are eaten alternatives
3. Breakfast cereals and all other products predominantly found in the breakfast cereal aisle
4. Confectionery including chocolates and sweets
5. Ice cream, ice lollies or products of similar category
6. Cakes and cupcakes, including cake mixes
7. Sweet biscuits and bars based one or more nuts, seeds or cereal
8. Pastries such as croissants, teacakes or similar products
9. Desserts and puddings
10. Sweetened yoghurt and fromage frais
11. Pizza
12. Roast potatoes, potato and sweet potato fries, other freezer potato pre-packaged products
13. Ready-made freezer meals, breaded or battered food

Furthermore, the Bill on restricting advertisement on TV will apply between 5:30am and 9pm. On paid-for advertisement of HFFS food, drinks on online will also be prohibited. All on demands programme services under the UK jurisdiction, which is regulated by Ofcom falls under this ban. The products in scope are determined by a two steps approach in which the products need to fall within a list of food that are of most concern to childhood obesity and as well the Nutrient Profile Model discussed before.⁶²

- **Does it concern legal restrictions or a system of self-regulation? (Please include reference to laws/regulations where relevant, and a brief explainer as to what is covered)**

TfL's System of Self-Regulation

The ban is part of the Mayor of London's: The London Food Strategy. In this plan the mayor sets out plans to tackle obesity. The ban is supported by the Mayor, but no legal restrictions are imposed, it is a system of self-regulation. The restriction implemented by TfL is a system of self-regulation, as there are no legal restrictions imposed. The

⁶⁰ Department of Health & Social Care, Guidance: Restricting promotions of products high in fat, sugar or salt by location and by volume price: implementation guidance, 2022. Available at: [Restricting promotions of products high in fat, sugar or salt by location and by volume price: implementation guidance - GOV.UK \(www.gov.uk\)](#)

⁶¹ *ibid.*

⁶² Department of Health and Social Care, Health and Care Bill: advertising of less healthy food and drink, 2022. Available at: [Error! Hyperlink reference not valid.](#)

restrictions are governed by TfL's Ad Policy, which states the rules and regulations concerning what falls under the restrictions and who is responsible for governing the restrictions, as well as other important details relating to the restrictions.

Legal restrictions by the Government

The Bill pertaining to the restrictions on advertisement before the 9pm water shed (5:30 am between 9:00pm) currently is only to be found in a policy brief format, due to its delay of implementation. It stipulates all details of what the Bill will include. This includes liability and enforcement of the restrictions, exceptions to the restrictions. The government has stated that it planned to review the policy 5 years post implementation. Thus, this review would be planned in 2027.⁶³ But as mentioned previously, the government has pushed back its implementation until 2024. The Department of Health and Social Care has mentioned this delay due to the Health and Care Bill received Royal Assent, as well as stating that the industry needs more time to prepare.⁶⁴

As for the Bill on the restrictions placed on promotions by volume price, an implementation guide was published. The guide includes a detailed analysis of who the Bill would be implemented. It states the way definitions of important terms, which businesses must comply with the restrictions, what food is in scope, liability and enforcement and other details relating to the restrictions. But, similarly to the Health and Care Bill, the implementation of this legislation was set back due to the unprecedented global economic situations and the rising cost of living. The government has also decided to set back the restrictions to award the industry more time to prepare.⁶⁵

- **Who is responsible for monitoring the implementation of the restrictions? (please explain their role)**

Monitoring of TfL's restrictions

Based on TfL's guidelines, it is up to the TfL or its agents to monitor the restrictions. All advertisers must first go through them to approve of the advertisement as well. They may reject an advertisement if they do not deem it to be fit.⁶⁶

Monitoring of Government Restrictions

The regulations on restriction by volume price will be enforced by food authorities (which is any authority in charge of regulation of food products or enactment of food safety laws) which in practice will be the local authorities. They may also be enforced by trading standards or environmental health officers and are authorized to do so per the regulation. As for the online promotion, it is the role of the Advertising Standards

⁶³ Department of Health and Social Care and Digital, Culture, Media and Sport, Consultation outcome: Introducing further advertising restrictions on TV and online for products high in fat, salt and sugar: government response, 2021. Available at: [Error! Hyperlink reference not valid.](#)

⁶⁴ Department of Health and Social Care, Government delays restrictions on multibuy deals and advertising TV and online, 2022. Available at : [Government delays restrictions on multibuy deals and advertising on TV and online - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/government-delays-restrictions-on-multibuy-deals-and-advertising-on-tv-and-online).

⁶⁵ *ibid.*

⁶⁶ Transport for London, TfL Ad Policy: Approval Guidance Food and Non-Alcoholic Drink Advertising. Available at: <https://content.tfl.gov.uk/policy-guidance-food-and-drink-advertising.pdf>

Authority to regulate this. If a breach of the regulation is found, one can be subject to fines that must be paid within 28 days.

As for the regulations regarding the 9pm watershed, Ofcom is appointed as the regulatory authority to enforce the online prohibition on the advertising of less health food and drink. The government will appoint Ofcom as the appropriate regulatory authority to enforce the online prohibition on the advertising of less healthy food and drink.⁶⁷ The government has proposed the Advertising Standards Agency to carry out frontline regulation. In this role they will use informal powers such as naming and shaming to enforce the regulations. In this instance of serious breaches or where the prior enforcement by ASA, has had no effect, ASA should refer these instances to Ofcom for further actions. This creates a co-regulatory structure which has been proven to be successful for broadcast media in the past.⁶⁸

- **Are there plans/discussions around the current regulations/restrictions in regards to strengthening, adapting or expanding the scope?**
 - **What is the status of the political discourse: What are arguments for further regulations/restrictions and what are opponent's responses?**

Discussion on Government restrictions

When the government first revealed its plans, the UK's biggest food companies labelled the measures 'disproportionate' and lacking evidence. Despite this criticism, the announcement was met with wide support.

Critics of the delay state that this threatens the UK's plans to tackle childhood obesity even more.⁶⁹ Adding that instead of relieving the pressure from the NHS in preventing childhood obesity, the government is adding more. The critics include professors in the field of nutrition, activists in the fields as well former and current politicians. Supporters of the delay, reiterate the importance to understand the impact of the economic situation on consumers. The food industry, such as the Food and Drink Federation, welcomes the delay as manufactures struggle with high inflations and gives the industry more time to prepare.⁷⁰

Discussion on Tfl's restrictions

The initiative by Tfl has been widely met with support by the Mayor of London, the Veg power campaign and the Food Foundation among others.⁷¹ During public consultation, the ban also received an 82% support.⁷² But some critics' mention that the ban is more of a publicity stunt and is not effective as while it bans the advertisement of HFFS food,

⁶⁷ Department of Health and Social Care, Health and Care Bill: advertising of less healthy food and drink, 2022. Available at: [Error! Hyperlink reference not valid.](#)

⁶⁸ *ibid.*

⁶⁹ Health Europa, UK Government delays changes in junk food regulations, 2022. Available at:

<https://www.healtheuropa.com/uk-government-delays-changes-in-junk-food-regulations/118011/>

⁷⁰ BBC News, Junk food: Ministers to delay ban on multi-buy deals, 2022. Available at: [Junk food: Ministers to delay ban on multi-buy deals - BBC News](#)

⁷¹ Mayor of London, Tfl junk food ads ban will tackle child obesity, 2019. Available at: [Tfl junk food ads ban will tackle child obesity | LGOV \(london.gov.uk\)](#)

⁷² BBC News, Tfl Junk food advert ban: Has the Policy cut obesity?, 2022. Available at: [Tfl junk food advert ban: Has the policy cut obesity? - BBC News](#)

it can still be bought in the same areas the advertisement is banned. Currently there are no plans to expand the measures.⁷³

2) What are/have been the effects of the restrictions on the marketing of unhealthy food in your Member State?

- **What have been the main impacts/effects of any restrictions on the marketing of food? Is there any information on what have been the effects on:**
 - **Consumption of (un)healthy food;**
 - **Health**
- **Has the policy of restrictions been evaluated? If so, what does the evaluation say regarding the effectiveness of the restrictions?**
- **Has the curtailment of the marketing of unhealthy food in your Member State had a positive impact on citizens/society as a whole?**

For this section, the effects of the Government restrictions cannot be evaluated. As mentioned previously, the policy has not yet been implemented, thus no effects can be discussed.

Effects of TfL's restrictions

In February of 2022, two years after the implementation of the TfL restrictions, the London School of Hygiene and Tropical Medicine released a study discussing the effects. The study followed the effects 10 months post-introduction of the measures. The conclusions were based in a previous study that focuses into the purchasing habits of an estimate of 1,000 Londoners following the advertising ban, compared to 1,000 people in the North-East of England, where there are no restrictions of the advertisement of unhealthy foods. The study also used a microsimulation model to estimate further conclusions.⁷⁴

The study concluded that due to the ban the average person consumed 1000 kcal less than before and reduction of fat (57.9g), saturated fat (26.4g) and sugar (80.79) were seen in weekly household purchases. Furthermore, the study concluded that the largest reductions were seen from energy (kcal) from chocolate and sweets (317.9 kcal). As the study report the ban has led to 94,867 fewer cases of obesity than expected. Researchers state a reduction of this size would save the National Health Services (NHS) an estimate of 218m pounds over the lifetime of the current populations. Thus, based on their findings, the researchers state that the findings can be used to support policies that restricts HFFS products, to promote a healthy diet and prevent obesity.⁷⁵

⁷³ City A.M, Critics slam 'absurd' TfL junk food ad ban as fast food delivery sites allowed to advertise on Tube and buses, 2019. Available at:[Critics slam 'absurd' TfL junk food ad ban as fast food delivery sites allowed to advertise on Tube and buses \(cityam.com\)](https://www.cityam.com/critics-slam-absurd-tfl-junk-food-ad-ban-as-fast-food-delivery-sites-allowed-to-advertise-on-tube-and-buses/)

⁷⁴ Amy Yau, Nicolas Berge, Cherry Law et al, Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis, 2022. Available at:<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003915#sec029>

⁷⁵ Ibid.

But the study has also faced some criticism surrounding its credibility. Critics have stated the true effects of the ban cannot be based on this study. They point to NHS data regarding childhood obesity data that has increased in London faster than average since the start of the restrictions. They also mention that calculations in the study have been too simplified and rough. Furthermore, the study is based on an earlier modelling study which is inaccurate.⁷⁶

Nevertheless, the supporters of the study and the measures mention that it is still an important tool to improve the populations' diet. Additionally, they state that the study still pushes into the right direction, as there is always a degree of uncertainty in science.⁷⁷

⁷⁶ BBC News, Tfl Junk food advert ban: Has the Policy cut obesity?, 2022. Available at: [Tfl junk food advert ban: Has the policy cut obesity? - BBC News](#)

⁷⁷ Ibid.



16 Casestudie: Zweden

Dit deelrapport is opgesteld door onze Zweedse partner Oxford Research.

Restrictions placed on the marketing of unhealthy food in Sweden

There are no national laws in Sweden specifically restricting the marketing of unhealthy food. Instead, the most specific restriction comes from the European Parliament and the Council of the European Union, Regulation (EC) 1924/2006 on nutrition and health claims made on foods. The regulation determines which claims can and cannot be made about a food product.

All marketing in Sweden is controlled by the Marketing Act (SFS 2008:486 §1), which places an obligation on economic actors to exercise 'good marketing practice' for the benefit of consumers, other businesses, and the public interest and to counteract marketing that is unfair to consumers and other businesses (SFS 2020:338 §1). The act has a general scope and can be termed technology-neutral, i.e., there is no restriction on the applicability of the law based on the medium used. Under the marketing act⁷⁸ it is prohibited to advertise directly towards children, urging them to buy or to persuade their parents or other adults to buy the advertised products for them. The Marketing Act also provides children with protection from exposure to direct marketing. Meaning that marketers are prohibited from sending promotional mail, text messages, emails, and so forth, directly to children under 16 years. TV advertising and product placement targeting children under the age of 12 are specifically banned, which is regulated in the Radio and Television Act (SFS 2010:696). This means that advertisement broadcasted on television⁷⁹ targeting an audience up to the age of 12 are:

- not to include product placement,
- not to include commercial breaks during the programme,
- not to broadcast commercial before or after the programme,
- not allowed to have the intention or aim to gain the attention of children under the age of 12,
- Characters from, for example, children's programmes are not allowed to appear in commercials.

This act also restricts commercial interests, product placement and sponsorship in TV and radio broadcasting in general.

The marketing act includes a clause concerning 'marketing practice', referring to good commercial practice or other accepted standards aimed at protecting consumers and businesses when marketing products. This essentially refers to the extra-legal system of norms that have developed in the business world, in particular the International Chamber of Commerce (ICC), but also other codes of conduct and codes of practice⁸⁰. The ICC and the business community have their own marketing guidelines and a specific

⁷⁸ According to Section 4 of the MFL, Annex, I to the Unfair Commercial Practices Directive shall have the force of law in Sweden. The Annex has been announced in the announcement (2008:487) relating to the Marketing Act. Paragraph 28 states that it is prohibited to advertise directly towards children.

⁷⁹ This also includes video streaming platforms (SFS 2008:486, §9, §10).

⁸⁰ SOU 2018:1. *Ett reklamlandskap i förändring – konsumentskydd och tillsyn i en digitaliserad värld*. Page 74f.

framework for food and beverage marketing calling for truthful and honest marketing. It specifically calls for responsible marketing towards children⁸¹.

Forms of limitations involved

As mentioned above, there are no specific restrictions on marketing unhealthy food in Sweden. However, the marketing act does prohibit advertisements directed at children, which includes the advertisement of unhealthy food. It is restricted in all forms and media, as the law is technology-neutral. The more specific ban on marketing directed towards children under the age of 12 in Swedish television is limited to broadcasts from Sweden. This means that broadcasting from other EU countries does not need to abide by the restriction (country-of-origin principle), and that the regulation does not cover all transmissions Swedish children can access. In terms of restrictions on specific products, the fact that there are no specific legal restrictions on the marketing of unhealthy food in general also means no restrictions on specific products. Worth mentioning, however, is that Sweden has a far-reaching restriction on the marketing of alcohol. In the Alcohol Act (SFS 2010:1622) it is stated that it is forbidden to advertise alcoholic beverages or alcohol-like preparations in commercial advertisements on radio, television, and on-demand television. It is also forbidden to advertise alcoholic beverages specifically towards people under the age of 25. Thus, restricting the marketing of specific products does occur in Sweden.

The EU regulation (EC) 1924/2006 constitutes the most specific restriction in terms of marketing unhealthy foods. However, it determines *how* a product can be marketed rather than *which* products can be marketed. The same logic applies to the restriction of marketing towards children – it determines how but not what can be marketed. Moreover, children may be exposed to an advertisement featuring unhealthy food without the marketer breaking the law, if the specific target group of the advertisement does not consist of children. The general perception among members of the Swedish Food Federation⁸² is that marketing directed at children is largely done through digital channels. Children can be reached by all types of marketing in the public domain, TV and on the internet, even if this is not directly aimed at them⁸³. As such, the trade association has noted shortcomings in the rules.

The Swedish Food Federation reports that many companies have their own guidelines for marketing directed at children. An example of such a guideline is to not market products such as sweets to children under the age of 12. Another example is to advertise only in media channels where less than 35% of the target audience is children under 12 years old. Companies selling soft drinks and flavoured water have specific rules on marketing to young people and follow the industry guidelines of the European trade association UNESDA⁸⁴. Thus, both legal and self-regulatory restrictions are in place, which illustrates how both restrictions may be necessary to restrict marketing. Self-regulation is, however, dependent upon the businesses conforming to it. Previously, there was also an industry agreement between the Swedish Consumer

⁸¹ ICC. (2019). *Framework for Responsible Food and Beverage Marketing Communications*.

⁸² The Swedish Food Federation (Livsmedelsföretagen) is an employer and industry organization for companies that produce food and/or beverage in Sweden.

⁸³ Statskontoret. (2019). *En analys av några offentliga styrmedel för bättre matvanor*. Page 117

⁸⁴ Ibid.



Agency and many actors in retail, not to display sweets close to the checkouts. Due to non-compliance with the agreement, it was abandoned in 2011⁸⁵.

Agencies and other actors responsible for monitoring the implementation of the restrictions

Numerous agencies and actors are monitoring the implementation of marketing restrictions in Sweden. For instance, the Swedish Post and Telecom Authority, the Swedish Authority for Press, Radio and Television, the National Board for Consumer Disputes and the Consumer Ombudsman, are some of the authorities responsible in this context. The Swedish Post and Telecom Authority also constitutes a monitoring authority under the Electronic Communications Act (2003:389). Its responsibility is not limited to consumers but also includes other end-users. However, it does not act in individual consumer or end-user disputes, like the National Board of Consumers. Within the Press, Radio, and Television Authority there is an independent decision-making body, a Review Board, that evaluates programmes based on public complaints or on the initiative of the government.

The most prominent authority when it comes to marketing is the agency is the Swedish Consumer Agency⁸⁶. It is the central authority in the consumer field and has the main responsibility for implementing government consumer policy. The authority is responsible, among other things, for reviewing companies' marketing and advertising to ensure that it is not misleading or otherwise unfair. The Director General is the head of the agency and has the position of Consumer Ombudsman (CO). The CO works to ensure that businesses comply with laws and that consumers' rights are respected. In most cases, companies that have committed infringements voluntarily agree to change their conduct. If they do not, the CO can issue injunctions or go to court. Whilst the National Board of Consumers works foremost on proactive work (information- and knowledge spreading) and based on complaints, the CO has an active role in monitoring companies marketing

As mentioned above, the International Chamber of Commerce's (ICC) rules on advertising and marketing communications are examples of such standard-setting that complement legal regulations. In Sweden, it is part of what is considered good marketing practice under the Marketing Act. The body that oversees the ICC's rules in Sweden is the Advertising Ombudsman (RO) and the Advertising Ombudsman's Opinion Board (RON). RO's role is to act as the industry's self-regulatory body to ensure that market participants take responsibility for a high level of ethics in all marketing communications. It does this by providing guidance on the ICC rules and how they are applied by the reviewing bodies (RO and RON)⁸⁷. As the RO is not an association, authority, or court, it cannot impose sanctions in the form of fees, damages, or fines. However, all acquittals and convictions are publicly published. Thus, it is a self-regulatory system built on a 'name and shame'-principle⁸⁸.

⁸⁵ Ibid. Page 147.

⁸⁶ SOU 2018:1. *Ett reklamlandskap i förändring – konsumentskydd och tillsyn i en digitaliserad värld*. Page 99ff.

⁸⁷ SOU 2018:1. *Ett reklamlandskap i förändring – konsumentskydd och tillsyn i en digitaliserad värld*. Page 116ff.

⁸⁸ Statskontoret. (2019). *En analys av några offentliga styrmedel för bättre matvaror*. Page 140.

Discussions around the current regulations/restrictions with regard to strengthening, adapting or expanding their scope.

In 2017, the Public Health Agency of Sweden (Folkhälsomyndigheten) and the Swedish Food Agency (Livsmedelsverket) published the report *Proposed measures for strengthened, long-term efforts to promote health related to eating habits and physical activity*. In the report, these agencies call for a limitation on the marketing of unhealthy foods to children through governmental restrictions. The argument for this is to protect public health. This is often met with the argument that the individual is responsible for their own choices. When it comes to marketing directed at children it is a discussion of decreasing obesity and introducing healthy eating habits, which is met with the argument of the responsibility of the parent(s). An additional argument used in favour of restricting the marketing of unhealthy food, especially towards children are the 'new', digital channels used. This because advertisement on the internet is more difficult to avoid, identify and process than advertisement in traditional media⁸⁹.

On a system level, the debate concerns the intervention in the free market that a restriction would entail. It is a question of governmental laws and policies or self-regulation as a means to control marketing. For example, the report from Folkhälsomyndigheten and Livsmedelsverket calls into question whether voluntary industry guidelines are followed and have any impact on the exposure of advertising, and in turn, healthier food choices. Industry organisations, on the other hand, have expressed doubts about a government-led project and argued that the state should not dictate what companies should do⁹⁰. Self-regulatory restrictions are instead put forth as both functioning and desirable by the businesses as well as other agencies⁹¹.

As recently as 2020, Swedish parliamentarians submitted 3 separate motions⁹² calling for the evaluation and implementation of government measures restricting the marketing of unhealthy foods. Marketing directed towards children is specifically mentioned in these, but they were all rejected by the parliament 2021⁹³. The political decision not to evaluate or enforce legal restrictions on the marketing of unhealthy food follows a general societal trend in Sweden. In recent years, the responsibility of companies to prevent and solve consumer problems has been emphasised in the consumer policy and market law debate. The idea is that businesses themselves, through voluntary action, should try to address market failures and functioning⁹⁴. Another trend that is becoming apparent is to combine healthy food and sustainability as an argument for restricting unhealthy food, including the restriction of marketing. This is evident in the report from Folkhälsomyndigheten and Livsmedelsverket, but also in motions submitted to the Swedish parliament and in debate articles⁹⁵.

⁸⁹ Statskontoret. (2019). *En analys av några offentliga styrmedel för bättre matvanor*. Page 145.

⁹⁰ Folkhälsomyndigheten & Livsmedelsverket. (2017). *Förslag till åtgärder för ett starkt, långsiktigt arbete för att främja hälsa relaterad till matvanor och fysisk aktivitet*.

⁹¹ Statskontoret. (2019). *En analys av några offentliga styrmedel för bättre matvanor*.

⁹² Motion 2020/21:859. *Reglering av marknadsföring av ohälsosamma livsmedel*; Motion 2020/21:730. *Svenska livsmedel*; Motion 2020/21:3549. *Förbud mot erbjudanden och kampanjer på godis och läsk*.

⁹³ Betänkande 2020/21:CU12. *Konsumenträtt*. Civilutskottet.

⁹⁴ SOU 2018:1. *Ett reklamlandskap i förändring – konsumentskydd och tillsyn i en digitaliserad värld*. Page 111.

⁹⁵ Motion 2020/21:859. *Reglering av marknadsföring av ohälsosamma livsmedel*; Rööf, E., Larsson, J., Resare Sahlin, K., Jonell, M., Lindahl, T., André, E., ... & Persson, M. (2020, 15 June). Om politikerna vågar kan de hjälpa oss att äta rätt. *Dagens Nyheter*.

Effects of the prohibition to advertise directly towards children in Sweden

Knowledge of food marketing to children in Sweden is relatively limited, and most studies date back at least a decade. A 2010 study shows that children in Sweden are exposed to a large amount of TV advertising for food, mainly for fast food and sweets. The study shows that Sweden, despite its ban on TV advertising to children, was no different from the rest of the world in terms of the amount of advertising to which children are exposed⁹⁶. This falls in line with the perception of members of the Swedish Food Federation, that children can be reached through all types of marketing even if this is not directly aimed at them. The explanations behind the restriction's inefficiencies are threefold⁹⁷:

- Marketers target children through broadcasting from outside of Sweden and through non-broadcast marketing,
- the regulatory frameworks do not expressly restrict some of the techniques that marketers of unhealthy products use to target children,
- Broadcasting the advertisements during children's peak viewing times,
- The overlap between the media that appeals to children of similar ages, meaning that younger viewers may view marketing designed for older children,
- There is a lack in gathering of data on, and evaluation of, the prevalence and nature of food marketing over time. This would be necessary to thoroughly evaluate the restrictions and improve policies.

No evaluation of the regulation has been done, especially not one focusing on the marketing of unhealthy food. Interestingly, the marketing and advertisement of alcohol in Sweden is also increasing. This derives from the changes in the media landscape, and the advertisements are foremost found in social media and on the internet. Whilst individuals over the age of 25 were primary exposed to alcohol advertisements on news media on the internet, individuals under the age of 25 were foremost exposed to advertisements on social media⁹⁸. Ensuring the compliance of marketing restrictions seems to face two challenges in Sweden: EU:s country-of-origin principle and the new media channels.

A government report from 2018 concludes that the regulation should be expanded from restricting marketing directed towards children, to also include all 'vulnerable people'⁹⁹. The same report also concludes that marketing on the Internet should not be regulated separately in order to combat the problematics of marketing in new digital channels such as social media (i.e., hidden marketing and personalised advertisement)¹⁰⁰. The Swedish Agency for Public Management published the report *An analysis of public policy instruments for better eating habits* (2019:10), in which they conclude that the lack of research on the subject hampers the possibility to assess the impact of introducing legal restrictions on the marketing of unhealthy food. Simultaneously, research on the impact of food industry self-regulation shows mixed results: industry-funded reports show that advertising to children of unhealthy food

⁹⁶ KELLY, B., HALFORD, J., ... EFFERTZ, T. (2010). Television Food Advertising to Children: A Global Perspective

⁹⁷ CATHAOIR, K. (2017). Food Marketing to Children in Sweden and Denmark: A Missed Opportunity for Nordic Leadership.; KELLY, B., HALFORD, J., ... EFFERTZ, T. (2010). Television Food Advertising to Children: A Global Perspective

⁹⁸ IQ. (2015). *Fyller reklamen glaset?*

⁹⁹ Statskontoret. (2019). *En analys av några offentliga styrmedel för bättre matvanor.*

¹⁰⁰ SOU 2018:1. *Ett reklamlandskap i förändring – konsumentskydd och tillsyn i en digitaliserad värld.* Page 238ff.

products has decreased significantly, while reports from various government sources show a slight decrease, no reduction or insufficient evidence.

Please indicate who was interviewed in the context of this study: No interview was conducted within the scope of this case study.

16.1

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