

Regulations relating to the marketing of foods and beverages to children

Statutory authority: Laid down by the Ministry of Health and Care Services on [date] pursuant to Act of 19 December 2003 No. 124 relating to food production and food safety, etc. (Food Act) section 10, second paragraph, and section 23, first paragraph, cf. Decision no. 1790 of 19 December 2003 concerning delegation of authority, Decision no. 93 of 16 January 2004 concerning delegation of authority, and the Act of 17 December 2004 No. 101 on the European notification duty for technical regulations (EEA Consultation Act).

Section 1 Purpose

The purpose of these Regulations is to promote health by preventing obesity and diet-related diseases in the population.

Section 2 Scope

These Regulations apply to the marketing of foods and beverages to children.

These Regulations do not cover matters regulated by Regulations of 21 December 1993 No 1385 relating to the labelling, etc. of foods, Regulations of 17 February 2010 No 187 relating to nutritional and health claims for foods, Regulations of 21 December 1993 No 1382 relating to foods intended for particular nutritional needs and Regulations of 18 October 2002 No 1185 relating to processed cereal-based baby foods and other baby foods for infants and young children.

Section 3 Definitions

The following definitions apply in these Regulations:

- a) Children:
People up to and including the age of 15 years.
- b) Unhealthy foods and beverages:
Energy-dense, salty, sweet or nutrient-poor foods as defined in Appendix 1.
- c) Marketing:
Any action taken for commercial purposes in order to promote sales to consumers.

Marketing does not include the following:

- 1. The production and placing on the market of products.
- 2. General arrangement of products in retail outlets.
- 3. Packaging and wrapping, unless it is used to tempt children into purchasing unhealthy foods and beverages by means of effects that are indicated in point g) of the second paragraph of section 4.
- 4. Sponsorship that only involves the use of the sponsor's name, trademark and logo.

Section 4 Marketing prohibition

The marketing of unhealthy foods and beverages to children is prohibited.

Any assessment of whether marketing is aimed at children shall be based on an overall assessment in which weight may be attached to various factors, including:

- a) whether the marketing involves a form of presentation, content or design that may particularly appeal to children due to, for example, its use of language, colours, effects or images,
- b) the time and place of the marketing,
- c) whether it involves the participation of children,
- d) whether children are the target group for the marketing or medium being used,
- e) the use of persons who may particularly appeal to children,
- f) the use of animation or drawn characters that may particularly appeal to children,
- g) the use of gifts, toys, coupons, discounts, collectibles, competitions or games that may particularly appeal to children.

Section 5 *Supervision and appeals*

The Norwegian Directorate of Health shall monitor compliance and may issue the decisions necessary to enforce the provisions in these Regulations, cf. section 23 of the Food Act.

The Market Council shall consider appeals to decisions made by the Norwegian Directorate of Health under and in pursuance of these Regulations.

Section 6 *Transitional provisions*

Marketing that is covered by the ban in section 4, but which is implemented before the Regulations enter into force, shall be permitted until 1 July 2015.

Section 7 *Entry into force*

These Regulations enter into force on 1 January 2015.

Appendix 1

Foods and beverages that are considered unhealthy under these Regulations, cf. section 3 b).