



Ministero della Salute

General Directorate for Hygiene, Food safety and Nutrition
Office V

DIREZIONE GENERALE PER L'IGIENE E LA SICUREZZA DEGLI ALIMENTI E LA
NUTRIZIONE
UFFICIO V

Commercial Communications Guidelines Relating to food products and beverages, for the protection of children and their proper nutrition

Introduction

Poor eating habits and lack of physical activity are among the most important risk factors for the development of non-communicable diseases; hence the need to issue guidelines for the promotion and marketing of food and beverages intended for children which confirm principles and rules for, correct, fair and responsible communications policies that are conducive to guaranteeing a high level of protection of children.

Since overweight and obesity represent one of the most serious challenges to public health, a very sensitive issue in our Country, the Ministry of Health, in collaboration with all the social partners involved (schools, families, non-governmental organizations, consumer organisations, professional associations, experts, researchers and food producers) has taken upon itself to promote and encourage healthy lifestyles and behaviours as well as appropriate purchase and consumption habits. To this end, a Memorandum of understanding (3 May 2007) was stipulated with Traders' Associations representative of the food chain within the framework of the National Platform on food, physical activity and smoking prevention, as set out in the "Gaining Health" programme.

The signatories to these guidelines recognise that obesity and non-communicable diseases are complex social problems and are aware of the role they can play in being instrumental to their solution. Together with the most authoritative International Institutions, they furthermore share the conviction that the most efficient strategy to counter the phenomena, lies in the adoption of a comprehensive, multi-faceted approach in which the promotion of physical activity plays an essential role: in fact there is no such thing as good food or bad food, but only healthy lifestyles.

The Food Industry is one of the largest, most innovative and visible sectors in the market and the signatories therefore believe that it is fundamental to encourage commercial communications and sales practices that comply with the principles of responsibility, to promote informed choices on the part of consumers with respect to the broad range of products available on the market, that protect minors owing to their limited ability to fully evaluate information. This result will only be attainable thanks to the commitment of all stakeholders (producers, wholesalers, operators, experts, managers, healthcare professionals, educators).

Given the onset of obesity, or at least of overweight in children as an issue, in 2004 article 11 of the Self-Regulatory Code of Conduct on Commercial Communication, issued and implemented by IAP (Institute for Self-Regulation in Advertising), was further expanded with the introduction of specific parameters for the protection of minors, to foster the spread of consumption models based on balanced eating habits and healthy lifestyles.

Other self-regulatory Codes of Conduct were subsequently adopted in specific sections of the food sector:

- the Code for voluntary initiatives in the Confectionary Industry for the promotion of healthy dietary behaviours, adopted by AIDI now AIDEPI (Italian Association of Confectionary Industries) committing associated Industries to avoid undertaking any direct commercial activity, relevant to the sale of confectionary products, such as sweets and snacks, biscuits, ice-creams and chocolate based products to primary school (elementary and lower middle school) children;
- the Self-Regulation Code for the promotion and marketing of non-alcoholic beverages adopted by ASSOBIBE (Italian Association of the Non-Alcoholic

Beverages Industrialists) that, for instance, bans commercial communications on paper, websites and in television broadcasts specifically targeting children below the age of 12 and inside primary schools;

- the CONFIDA code of voluntary engagement for school food and beverage vending machines operators, including, among other things, the sharing of the “Gaining Health - health choices made easy” inter-ministerial guidelines as well as guidelines relevant to products, nutritional parameters, education and commercial advertising aimed at children (3-12 years of age).”

As far as the above Codes are concerned, the Self-Regulatory Code of Conduct is set out as a general and not sector-wide series of provisions that act both by virtue of voluntary subjection on the part of adhering enterprises to the decisions of a Jury, and by virtue of the accepted and respected commitment by the media not to further disseminate commercial communications judged to be in conflict with the Code.

The Ministry of Health has felt the need for Traders' Associations to promote, with their associate food sector enterprises, the basic principles enshrined in these Guidelines governing communications activities, with the specific aim to ensure protection of children from the risk of obesity and overweight.

The principles and recommendations contained in these Guidelines are thus an instrument intended to strengthen extant national trade promotion measures and can be included harmoniously in the Regulatory Code of Conduct for Commercial Communications to lend efficacy to and provide implementation of the principles therein indicated, thanks to well-established self-regulatory instruments that have proved their worth in the past fifty years.

Self-Regulation Guidelines on Commercial Communications relating to food products and beverages, for the protection of children and their proper nutrition

GIVEN the rights of all children to adequate food as a means for adequate growth and the attainment and preservation of health;

RECOGNIZING that the encouragement of appropriate lifestyles plays an important role in health, nutrition and other social measures needed to promote a child's healthy growth and development;

RECOGNIZING, also, that inappropriate eating habits may be harmful, especially in children, and are likely to impact their adult lives;

CONSIDERING that the healthcare system should play an essential role in promoting correct food choices and in providing objective and consistent advice to families on the value of good food and healthy lifestyles;

CONSIDERING families play an important role with respect to the promotion of food and nutrition education;

CONSIDERING it necessary to engage the businesses operating in the food sector;

CONSIDERING it is necessary to encourage, on a voluntary basis, action aimed at promoting healthy growth and

development of children , and that this set of rules is only one aspect of such measures;

CONSIDERING that commercial communications play a particularly important role in a Country's economic process and should be undertaken with fairness and responsibility, with special regard to their impact on consumers;

CONSIDERING that food producers and distributors have an important and constructive role to play with respect to child nutrition and in furthering the goals of this set of rules and their proper implementation;

AFFIRMING the need to adopt decisions that are consistent with the development and implementation of this set of rules;

CONSIDERING the vulnerability of children and hence the importance of appropriate advertising, also in the light of WHO recommendations on the marketing of foods and non-alcoholic beverages for children and scientific evidence of the existing link between commercial promotion of food and diets;

GIVEN the broad range of media techniques used to advertise food aimed at children;

GIVEN the Self-Regulatory Code of Conduct for Commercial Communications issued and implemented by IAP (Self-Discipline Institute for Advertising) that lays down specific rules to provide enhanced protection for children in all media and all time bands regardless of the determination of a specific audience;

GIVEN the Memorandum signed by IAP and the Ombudsman for Childhood and Adolescence, aimed at promoting ever more responsible commercial communications intended for minors;

GIVEN the Milan Charter “For the respect of girls and boys in communications”, that calls on communications operators to promote proper physical and dietary lifestyles;

GIVEN the Code of voluntary initiatives of the Confectionary Industry for the promotion of healthy food behavior, adopted by AIDI - now AIDEPI (Association of Italian Confectionary Industries);

HAVING SEEN the Self-Regulatory Code of Conduct on Marketing, adopted by ASSOBIBE (Italian Association of Non-Alcoholic Beverages Industrialists);

GIVEN the code adopted by CONFIDA for food and beverage automatic vendors;

GIVEN the Self-Regulation Code for TV and minors;

GIVEN legislation in force ensuring that advertising is lawful, not misleading, fair, not deceitful, regardless of the type of audience it targets;

The Signatories to these Guidelines on Commercial Communications relating to food products and beverages, for the protection of children and their proper nutrition, undertake to disseminate and support the principles set out below.

1. Objectives and implementation framework. Reference.

1.1. The objectives covered by the guidelines are commercial communications relevant to substances or products listed in the article below intended for children, as defined hereunder, or in any event designated for their fruition.

1.2. One of the goals of this set of rules is to ensure the provision of said commercial communication as a public service, in the performance of a role which is particularly useful to the economic process. It is all the more necessary owing specifically to the influence that the aforementioned commercial communications have on children and their dietary habits, and is generally provided pursuant to the Self-Regulatory Code of Conduct on Commercial Communication, and namely in compliance with article 11, to which reference is made.

2. Definitions

For the purpose of these guidelines, the term “commercial communication” includes advertising and any other form of communication aimed at promoting the sale of foodstuffs by whatever means this is achieved. By way of explanation, it includes: display advertising, promotion, sponsoring, direct marketing, commercial communications via the “new media”.

The term “child” includes any natural person in the three to twelve age bracket, to whom the commercial communication is targeted or is a likely recipient of it.

The term “food” (or “food product” or “foodstuff”) includes any substance or processed, partially processed or unprocessed product, intended to be, or reasonably expected to be ingested, by humans. It also includes beverages, chewing gum and any other substance including water, intentionally incorporated in food during its production, preparation or processing.

The term “message” includes any form of presentation to the public of the foodstuff and is therefore understood to also extend to packaging, boxes, labels and other such products.

3. Principle of Loyalty

Commercial communication of foodstuffs meant for children, or likely to be received by them, should be honest, truthful and accurate.

It should not contain anything that may be psychologically, morally or physically harmful to them and furthermore should not be exploitative of their natural credulity, inexperience or sense of loyalty.

4. Presentation of food products

Commercial communication of food products intended for children, or likely to be received by them, should also avoid any mention or representation that may be misleading, even by means of omissions, ambiguity or exaggerations that are not overtly hyperbolic, especially as concerns nutritional characteristics and the effects of the product, its price, gratuitousness, sales conditions, distribution, the identity of people represented, prizes or awards. It should not encourage the belief that non possession of the product that is the focus of the commercial communication might imply inferiority, or parental failure to fulfil their roles.

It should not diminish the role of parents or other educators in providing valuable dietary indications.

It should not induce the adoption of unbalanced dietary habits or behaviours or overlook the need to lead a healthy lifestyle.

Educational messages aimed at promoting careful use of the product, the adoption of a healthy and balanced diet and more physical exercise are encouraged.

5. Identification of commercial communication

Commercial communication concerning food products intended for children, or likely to be received by them, should always be recognized as such.

In the media where, in addition to commercial communications, other information or contents are conveyed, suitable measures should be taken to clearly distinguish the commercial communications channelled.

6. Implementation and monitoring

6.1 The above rules are implemented through standards, bodies, procedures and sanctions laid down in the Self-Regulatory Code of Conduct on Commercial Communication above.

“10 Recommendations” are annexed to this text as guidance for the formulation of such messages.

6.2 Any interested party has the right to report the violation of the rules set out in the articles above to the competent bodies of IAP (Institute for Self-Regulation in Advertising).

6.3 The results of activities described in articles 6.1 and 6.2 should be communicated to the Ministry of Health to be periodically monitored and assessed by an appropriate Committee, chaired by the Ministry of Health, established with the signatories to these Rules.

6.4 The Committee established under article 6.3, in the light of experience gained, shall promote activities and initiatives to be carried out in collaboration with the parties engaged in the implementation of this set of rules.

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Signed:

A.I.D.E.P.I.
Italian Association of Confectionary and Pasta Industries

A.I.I.P.A.
Italian Association of Food Industries

ASSOBIBE
Italian Association of Non-Alcoholic Beverage Industrialists

ASSOLATTE
Italian Dairy Products Association

CONFIDA
Italian Automatic Vending Machines Association

FEDERALIMENTARE
Italian Federation of Food Industries

MINERACQUA
Italian Federation of Natural Mineral Waters, Spring Waters and
Non Alcoholic Beverage Industries

Italian Institute for Self-Regulation in Advertising (IAP)

Ministry of Health

Rome,

“10 Recommendations”

The guidelines for Commercial Communications relating to food and beverages, to protect children and their proper nutrition, establish the limits within which commercial communications in this sector should be confined. The 10 recommendations listed below are given merely by way of example, as they do not exhaust the broad range of possible cases that may arise. They should not be taken as a formulation of new rules but rather as an illustration of already existing ones.

1. Performance claims shall be substantiated by scientific evidence.
2. Performance claims shall reflect the properties and characteristics claimed by the product. If they were to fall under the indications authorised pursuant to EC Regulation n. 1924/2006 care should be given to their formulation in promotional language.
3. No to approvals, references and advice or certification of a medical nature that may attribute health features to products outside the scope provided for in EC Regulation 1924/2006.
4. No to the display of food portions or situations that may suggest immoderate consumption in conflict with correct dietary behaviour.
5. No to adult attitudes condoning incorrect dietary behaviors.
6. No to the ridiculing of correct dietary behaviours, that might induce acting against them or be an incitement to wrong dietary behaviour.
7. No to suggestions that failure to possess or consume the product may lead to friend or peer group rejection.
8. No to communications that may explicitly induce excessive or unbalanced use in an attempt to win a prize or be given a toy, for instance through collection points or some such specific promotion.
9. When symbols, drawings, characters linked to minors are utilized it must be stated clearly that the communication is commercial so that it cannot be mistaken with the equivalent editorial content.
10. No to communications that are an incitement to inappropriate lifestyles or diminish the importance of an active lifestyle.