Recommendation Extract

Recommendations towards a Global Convention to protect and promote healthy diets

Part II Objective, guiding principles and general obligations

Article 3 Objective and Guiding Principles

The objective of this Convention and its protocols is to protect current and future generations from avoidable, diet-related ill health by providing a health promoting food environment through a framework of dietary protection and promotion measures, to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of diet-related disease.

Article 4 General obligations

1. Each party shall develop, implement, periodically update and review comprehensive multi-sectoral national nutrition strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party:

2. Towards this end, each Party shall, in accordance with its capabilities:
   a. develop and promote national nutrition recommendations, food-based dietary guidelines and nutrient profile models;
   b. establish and finance a national coordinating mechanism or focal points for delivery of national nutrition strategies, plans and programmes; and
   c. institute regular monitoring and reporting mechanisms.

3. In setting and implementing their policies to protect and promote healthy diets, Parties shall act to protect these policies from undue commercial and other vested interests of the food and beverage industries.

Part IV Measures relating to the promotion and protection of healthy diets

Article 9 Ensuring responsible food and beverage advertising, promotion and sponsorship

The Parties recognise that restricting advertising, promotion and sponsorship of unhealthy food and beverage products will help to reduce consumption and that promotion of healthier options will help to increase their consumption. Parties also recognise the particular need to protect children and to protect all members of the public from misleading claims made about health promoting attributes of a food and beverage product.
1. Each Party shall undertake appropriate legislative, executive, administrative and/or other measures to restrict the advertising, promotion and sponsorship of unhealthy food and beverage products.
   a. These measures shall include, subject to the legal environment and technical means available to that Party, restrictions related to cross-border advertising, promotion and sponsorship originating from its territory.
   b. They shall also include restrictions and control of which health and nutrition claims are permitted for use, and on which food and beverage products they are permitted.
   c. These measures shall restrict the use of direct or indirect incentives (including gifts, vouchers, and other incentives) that encourage the purchase of unhealthy food and beverages relative to healthier options;
   d. They shall also restrict promotional practices at retail and/or point of choice, including in-store positioning and signage that encourage purchase of unhealthy foods relative to healthier options.

Article 10 Controls on advertising, promotion and sponsorship to children

1. As a minimum, and in accordance with its constitution or constitutional principles, Parties shall ensure that the legislation outlined in Article 9 (1) shall:
   a. restrict advertising, promotion and sponsorship in order to protect children from exposure to the promotion of unhealthy food and beverage products and shall not advertise, promote or permit sponsorship by any means that are false, misleading or deceptive or likely to create an erroneous impression about the product characteristics or health effects. This shall be in accordance with the WHO’s Set of Recommendations on the Marketing of Foods and Non-alcoholic Beverages to Children, including mechanisms for monitoring
   b. require, if not comprehensive ban is in place, the disclosure to relevant governmental authorities of expenditures by the food and beverage industry on forms of advertising, promotion and sponsorship of unhealthy food and beverages. Those authorities may decide to make those figures available, subject to national law, to the public and to the Parties, and
   c. prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles, restrict, sponsorship of international events, activities and/or participants, therein, by companies and brands associated with unhealthy foods and beverages.

2. Parties are encouraged to implement measures beyond the obligations set out in paragraph 1.

3. Parties shall agree to cooperate in a move towards the development of an international code of marketing of foods and beverages designed to protect the population from exposure to the promotion of unhealthy foods and beverages defined according to the government-approved nutrient profile models.

4. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.
5. Parties which have a ban on certain forms of food and beverage advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border food and beverage advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.

6. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for comprehensive regulation of cross-border advertising, promotion and sponsorship.