



International Association of
Consumer Food Organizations
(IACFO)

Association Internationale des
Organisations de Consommateurs
De Produits Alimentaires

Asociación Internacional de
Organizaciones de Alimentos
para el Consumidor

Internationaler Verband der
Nahrungsmittel Organisationen
fuer Verbraucher

Associazione Internazionale delle
Organizzazioni degli Alimentari
per il Consumatore

食品國際消費者機構

**COMMENTS OF THE
INTERNATIONAL ASSOCIATION OF CONSUMER FOOD ORGANIZATIONS
(IACFO)**

**CONCERNING THE DISCUSSION PAPER ON ADVERTISING
PREPARED BY THE GOVERNMENT OF CANADA
(CX/FL 06/34/10)**

CODEX FOOD LABELLING COMMITTEE 3rth SESSION

May 1-5, 2006

A. Introduction

The International Association of Consumer Food Organizations (IACFO) urges the Codex Committee on Food Labelling (CCFL) to acknowledge that issues relating to food advertising come within its mandate and to energetically pursue the development of advertising standards, guidelines, and recommendations.

B. CCFL has the authority to work on food advertising

The government of Canada has provided a very informative discussion paper analyzing the CCFL's authority to work on food advertising issues. According to the paper, a 1984 report by the FAO/WHO joint legal counsel left no doubt that advertising, is "ancillary to the protection of health of consumers and to promoting the observance of fair practices in the food trade," and thus falls within the mandate of the Codex Alimentarius Commission and is properly delegated to the CCFL.

Consistent with that view, the Commission formally considered the subject of food advertising in at least five sessions and directed the CCFL to work on the subject on at least three occasions. Also, since its inception, the Commission has approved five official general standards that include provisions referring to advertising or marketing practices, three of which were elaborated primarily by CCFL. Furthermore, the CCFL has explicitly considered the subject of advertising in at least nine of the previous 32 sessions of the Committee.

IACFO Coordinating Office: 1875 Connecticut Avenue, N.W., Suite 300, Washington, DC 20009 USA ■ Phone: 1.202.332.9110.337 ■ Fax: 1.202.265.4954 ■

Members: Center for Science in the Public Interest (CSPI), Washington, DC and Ottawa, Canada ■ The Japan Offspring Fund, Tokyo, Japan ■

■ The Food Commission, London, UK ■ Center for Social Responsibility, Singapore ■ Union for the Protection of Consumers' Rights, Armenia ■

■ Lingue pour la Défense du Consommateur au Bénin ■ Pro Teste, Brazil ■ Voluntary Organization in Interest of Consumer Education (VOICE), New Delhi, India ■

■ Consumers Association of Penang, Penang, Malaysia ■ Consumer Education Trust (CONSENT), Kampala, Uganda ■

■ International Baby Food Action Network (IBFAN), Cambridge, UK ■ Zambia Consumers Association, Kitwe, Zambia ■

C. CCFL should address food advertising issues to complete its work on *Guidelines for Use of Nutrition and Health Claims*

The present controversy has arisen in conjunction with CCFL's work on *Guidelines for the Use of Nutrition and Health Claims*. In order for national authorities to responsibly oversee the use of nutrition and health claims, they must consistently regulate such claims in both labelling and advertising. Rules governing label claims can be completely undermined by lax or non-existent rules that apply to claims in advertising. Codex's *Guidelines for the Use of Nutrition and Health Claims* must reflect this reality.

For the purposes of elaborating the *Guidelines for the Use of Nutrition and Health Claims*, the prohibition on, for example, unsubstantiated health claims should apply equally to labels and advertisements. Achieving this result requires that advertising claims be covered by the *Guidelines*. In other situations, there may be a need to review the *Guidelines* to determine whether any additional work is necessary for applying them to advertisements. For instance, it may not be practicable to require that a 15 second radio advertisement making a nutrient content claim disclose the amounts of all other nutrients listed on the nutrition label.

D. CCFL should work on food advertising issues to help implement the WHO's Global Strategy on Diet, Physical Activity, and Health

The relevance of CCFL's ability to work on food advertising, however, extends beyond the current controversy involving the regulation of nutrition and health claims. The World Health Organization's (WHO) Global Strategy on Diet, Physical Activity, and Health recommends that the enormous toll of diet-related disease be addressed, in part, by setting standards for food advertising, particularly advertising directed at children. The relevant provision, section 46(3) states:

Food advertising affects food choices and influences dietary habits. Food and beverage advertisements should not exploit children's inexperience or credulity. Messages that encourage unhealthy dietary practices or physical inactivity should be discouraged, and positive, healthy messages encouraged. Governments should work with consumer groups and the private sector (including advertising) to develop appropriate multisectoral approaches to deal with the marketing of food to children, and to deal with such issues as sponsorship, promotion and advertising.¹

The Global Strategy is informed, in part, by *Report of the Joint WHO/FAO Expert Consultation on Diet, Nutrition, and the Prevention of Chronic Diseases*.² That report states:

During the past decade, rapid expansion in a number of relevant scientific

1 WHO Global Strategy on Diet, Physical Activity and Health, Fifty-Seventh World Health Assembly WHA57.17, Agenda item 12.6, May 22, 2004 at p. 13.

2 WHO *Technical Report 916*, April 2003 at pp.1-2.

fields...has helped to clarify the role of diet in preventing and controlling morbidity and premature mortality resulting from noncommunicable diseases (NCDs)...The Consultation provided an opportune moment for FAO and WHO to draw on the latest scientific evidence available and to update recommendations for action to governments, international agencies and concerned partners in the public and private sectors. The overall aim of these recommendations is to implement more effective and sustainable policies and strategies to deal with the increasing public health challenges related to diet and health.

Section 4 of the World Health Assembly Resolution (WHA57.17) endorsing the Global Strategy specifically calls on Codex to help advance its objectives. Furthermore, Section 46(4) of the Global Strategy specifically refers to the past work of the CCFL. As a subsidiary body of the WHO, both the Codex Alimentarius Commission and the CCFL are obligated to heed these calls and help facilitate the policy goals of the World Health Assembly and the WHO.

CCFL should specifically respond to this request for action by asking the Executive Committee and the Commission to approve new work on setting standards for advertising directed at children. Such standards should permit bans on children's advertising, where national authorities have determined that such steps further the public's health and/or prevent unfair trade practices. In regions where advertising to children is permitted, Codex standards should delineate which foods can be responsibly promoted to children. Such standards should delineate nutrition criteria that can be applied by national authorities in setting limits on food advertising to children.

In addition, for countries that permit advertising, CCFL should develop a Code of Good Nutrition Practices for the Promotion of Foods to Children. The Code could include standards for the use of entertainment, sports, or media celebrities to promote foods to children, for the promotion of foods in schools, and for specific promotional activities such as the free distribution to children of foods of low nutritional value. Such work by CCFL is essential to responding to the WHO's call for action.

E. Conclusion

In sum, CCFL has had a long history of working on advertising issues and should continue to do so. Such efforts are essential to completing its work on *Guidelines for the Use of Nutrition and Health Claims* and for commencing new work consistent with the call to action in the WHO's Global Strategy on Diet, Physical Activity and Health.