



New Limitations on Marketing Foodstuffs to Children in 2016

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SOUTH AFRICAN food and non-alcoholic beverage industry will soon be faced with another regulatory hot potato namely, draft legislation (R429/2014) restricting the marketing of unhealthy foodstuffs to children to curb obesity and obesity-related diseases.

South African Department of Health (DoH) has a point to this objective. GlaxoSmithKline named South Africa “the third-fattest nation in the world” whilst the South African Medical Research Council found six out of ten South Africans to be overweight or obese - twice that compared to the rest of the world.

Additionally, the SA National Health and Nutrition Examination Survey found the overweight and obesity prevalence amongst young South African children to be 35 percent higher than the global occurrence: more than ten percent of South African children struggle with weight problems before reaching high school.

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So, while other countries have decided to slow the growth of obesity, DoH has committed the country to a ten percent *reduction* in obesity rates. However, doing this poses some hurdles for the foodstuff industry.

The draft regulation defines “unhealthy” as any foodstuff high in energy, fat, saturated fat, sugar, or salt, as well as a foodstuff which is nutrient poor or that contains added fluoride, caffeine, fructose, aluminum, or non-nutritive sweeteners.

Under this regime, unhealthy foodstuffs may not be offered for sale or marketed to children at all. This will impact promotions that encourage excess consumption or “supersizing”. There will be limits on the location of advertising and restrictions to the positioning of places where children are likely to gather such as crèches, schools, and sports events.

On television, a watershed ban is proposed banning unhealthy foodstuffs from being advertised between 6 am until 9 pm daily. Radio, print, and social media are also impacted. Unhealthy foodstuffs may not be coupled with positive family values or be endorsed by celebrities, cartoons, and gifts.

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Industry has been advised to *“make healthy sexy”* or face consequences such as *“sin tax”*. However, DoH indicated that they would rather avoid using tax to moderate behaviour and challenged the industry to find innovative ways to make healthier foodstuffs more attractive, accessible and affordable. It should be noted though that National Treasury recently announced that sugar taxation will be introduced on sugar-sweetened beverages in April 2017.

Regardless of the sugar tax announcement however, DoH maintains its encouragement of smaller portions of unhealthy foods, providing kilojoule information in fast food restaurants and limiting unhealthy products displayed in pay-point aisles and vending machines.

Some practical suggestions for the industry:

Advertising:

- Sign up to the Advertising Standards Authority “Marketing to Children Code”.
- Obtain pre-publication approval for marketing materials from the Association of Communication and Advertising.

Labelling:

- Save costs with smaller, concise, self-designed, digitally printed labels.
- Avoid health or nutritional claims which involve expensive mandatory laboratory analysis.

Product reformulation:

- Remove unnecessary salts, fats and sugars.
- Avoid adding fructose, aluminum, fluoride, non-nutritive sweeteners or caffeine.
- Offer more unprocessed products.

Legal:

- Build good relationships with regulators and inspectors, and know the regulatory landscape to prevent negative comeback and reputational damage.

Business operations:

- Reach out to suppliers with regulatory guidance.
- Consult with dietitians when possible.
- Street vendors can engage with government via representative bodies such as Informal Trade Management Board (ITMB), the Self Employed Women’s Union (SEWU), and the Gauteng Hawkers Association (GHA).

Catering establishments and schools:

- Serve fresh products, healthy combos and do not upsize portions.
- Redo menus to highlight healthy choices.
- Remove condiments from tables.

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<http://www.bbrief.co.za/resources/articles/marketing-food-to-children>

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