

From a toothless EU Pledge to the effective EU-wide regulation of food marketing: Giving the EU the means of its ambitions

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EU Strategy on the Rights of the Child

“A healthy diet, together with regular physical activity, is vital to children’s full physical and mental development. [...] During the past 30 to 40 years, the increased availability and affordability of ultra-processed, unhealthy foods, led to escalating overweight and obesity. One in three children in the EU aged 6-9 is overweight or obese. This can increase the risk of diabetes, cancer, cardiovascular diseases or premature deaths.”

Key Actions by the European Commission:

- “develop best practices and a voluntary code of conduct to reduce online marketing to children of products high in sugar, fat and salt within the Joint Action on Implementation of Validated Best Practices in Nutrition.”



Food marketing and children's rights



A CHILD RIGHTS-BASED APPROACH TO FOOD
MARKETING: A GUIDE FOR POLICY MAKERS

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Note also the child's right to be free from exploitation:

Tatlow-Golden and Garde, 'Digital food marketing to children: Exploitation, surveillance and rights violations', *Global Food Security* 27 (2020) 100423

Anand Grover, UN Special Rapporteur on the Right to Health, June 2014

“Owing to the **inherent problems associated with self-regulation and public-private partnerships**, there is a need for States to adopt laws that prevent companies from using insidious marketing strategies. The responsibility to protect the enjoyment of the right to health warrants State intervention in situations when third parties, such as food companies, use their position to influence dietary habits by directly or indirectly encouraging unhealthy diets, which negatively affect people’s health. Therefore, **States have a positive duty to regulate unhealthy food advertising and the promotion strategies of food companies**. Under the right to health, States are **especially** required to protect **vulnerable groups such as children** from violations of their right to health.”

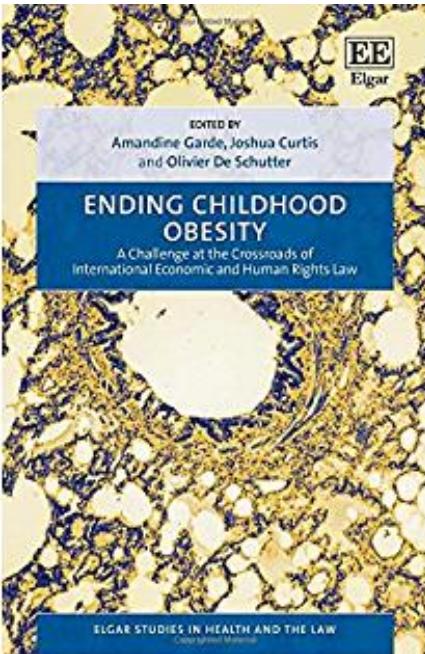


Key elements of an EU Food Marketing Directive

1. **End of all forms of cross-border marketing for unhealthy food**
2. Protect **all children** (i.e. up to 18 years of age)
3. Use the **WHO EURO nutrient Profile model** to categorise food
4. End the marketing of unhealthy food between 6am and 11pm on **broadcast media**
5. End the marketing of unhealthy food on **digital media**
6. End the use of **marketing techniques appealing to children** for the promotion of unhealthy food (including the use of equity brand characters on **food packaging**)
7. End the **sponsorship** by food brands of sports and cultural events, unless brands can prove that such sponsorship is not associated with unhealthy food



Food marketing is a concern that must be at the heart of EU internal market policy



Article 3 UNCRC

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

Similarly, see Article 24 EU Charter