



IMPACT ASSESSMENT STUDY OF LAW N° 30/2019, OF APRIL 23rd, WHICH INTRODUCED RESTRICTIONS ON FOOD ADVERTISING AIMED AT CHILDREN UNDER 16 YEARS OF AGE

REPORT OF THE WORKING GROUP CREATED BY DISPATCH n° 12980/2023, OF DECEMBER 19th

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2024

TECHNICAL SHEET

Impact assessment study of Law n° 30/2019, of April 23rd, which introduced restrictions on food advertising aimed at children under 16 years of age – Report of the working group created by Dispatch n° 12980/2023, of December 19th

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Acronyms

AHRESP	Hotel, Restaurant and Similar Association
AMD	Portuguese Association of Direct, Relational and Interactive Marketing
APAN	Portuguese Advertisers Association
APAP	Portuguese Association of Advertising, Communication and Marketing Agencies
APCOI	Portuguese Association Against Childhood Obesity
APED	Portuguese Association of Distribution Companies
APN	Portuguese Association of Nutritionists
ASAE	Food and Economic Safety Authority
COSI	Childhood Obesity Surveillance Initiative
DECOProteste	Portuguese Association for Consumer Protection
DGAV	Directorate-General of Food and Veterinary Affairs
DGC	Directorate-General for the Consumer
DGE	Directorate-General for Education
DGS	Directorate-General of Health
EFSA	European Food Safety Authority
ERS	Health Regulatory Authority
FCNAUP	Faculty of Nutrition and Food Sciences of the University of Porto
FIPA	Federation of Portuguese Agri-Food Industries
HBSC	Health Behaviour in School-aged Children
INSA	National Institute of Health Dr. Ricardo Jorge
ISPUP	Institute of Public Health of the University of Porto
LTSAP	On-Demand Television and Audiovisual Services Act
WHO	World Health Organization
PNPAS	National Program for the Promotion of Healthy Eating
SPLS	Portuguese Society for Health Literacy
SPP	Portuguese Society of Paediatrics
EU	European Union
UNICEF	United Nations Children's Fund

PRELIMINARY NOTE: In order to accelerate the preparation of this Report and facilitate reading, the authors of this document have chosen not to use neutral language, and whenever they refer to someone in the masculine gender, the intention is implicit to include all people, regardless of gender.

Executive Summary

Introduction

Children are currently widely exposed to unhealthy food marketing and scientific evidence shows that this exposure influences preferences, choices and consumption of less healthy foods, negatively influencing their diet, nutritional and health status. Children are particularly vulnerable to the effects of exposure to marketing as they have a lower capacity to identify the commercial intention of a content, a lower capacity for critical analysing persuasive marketing strategies and lower self-regulation mechanisms for food consumption when exposed to food-related consumption stimuli. For these reasons, the WHO recommends the definition and implementation of legislation that restricts children's exposure to food marketing as one of the “best-buys” for the prevention and control of chronic diseases.

It was in this context that Law n° 30/2019, of April 23rd, was approved in Portugal, which introduced restrictions on advertising aimed at children under 16 years of age of food products and beverages containing high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content.

After 5 years since the implementation of Law n° 30/2019, of April 23rd, and considering what is defined in article 4 of the aforementioned law, which mentions that the law must be subject to successive and periodic impact assessment, every five years, it is necessary to carry out the first impact assessment of this healthy eating promotion measure.

For this purpose, Dispatch n° 12980/2023, of December 19th, was published, which created a Working Group to carry out the impact assessment of Law n° 30/2019, of April 23rd.

The Working Group was coordinated by the Directorate-General of Health (DGS) and includes representatives from the Directorate-General for

the Consumer (DGC), Directorate-General for Education (DGE) and Directorate-General of Food and Veterinary (DGAV).

Methodological Considerations

To prepare this report, different evaluation indicators were considered for the three dimensions defined in Law n° 30/2019, of April 23rd, which determine the monitoring of the changes of children's food consumption patterns, commercial food communication aimed at children, and their general health status.

Additionally, as defined in Law n° 30/2019, of April 23rd, representatives of the economic sectors in the agri-food, communication, advertising, and marketing areas, as well as representatives of other public entities and institutions of the academia, scientific and professional societies on public health and nutrition were also invited to collaborate in this process.

The indicators related to food consumption patterns and general health status of children considered in this analysis came from the Childhood Obesity Surveillance Initiative (COSI) Portugal and Health Behaviour in School-aged Children (HBSC) and information related to commercial food communication aimed at children included in this report results from the inspection and enforcement actions of the DGC and the Portuguese Regulatory Authority for the Media (ERC), as well as the food marketing monitoring studies carried out by the DGS over the last 4 years.

The consultation process with representatives of economic operators was carried out through semi-structured interviews and an online questionnaire was conducted to academia, scientific and professional societies on public health and nutrition.

Results

The results of the inspection and enforcement actions carried out by the DGC show a compliance percentage of 96% in the set of analysed content.

Despite this, data from monitoring studies carried out by DGS show that around 20% of television advertisements for food and beverages and the content present on the websites of the analysed brands have content appealing to children and that more than 65% of the advertisements/content analysed in a television context and online had a nutritional profile that did not meet the criteria defined by the DGS.

Furthermore, the results of the DGC's inspection and enforcement actions suggest a greater concern within the digital environment, as around 80% of the infractions detected against Law n° 30/2019, of April 23rd, were regarding online content.

The monitoring data on food advertising in the different media included in the monitoring studies and inspection and enforcement actions confirm that the most advertised food products categories or in which the most infractions were detected by the DGC, essentially correspond to categories whose products mostly have an inadequate nutritional profile (cakes and pastries, appetizers/snacks, juices, ice creams, chocolates, convenience or ready-to-eat meals), not meeting the nutrient profile criteria defined by the DGS, through Dispatch n° 7450-A/ 2019, of August 21st.

Regarding the nutritional profile of foods, there seem to be positive data to highlight. Between 2019 and 2022 there was an increase in the percentage of food products that meet the nutrient profile criteria defined by the DGS, particularly for the categories of food products for which nutritional value is recognized (solid and liquid yogurts, breakfast cereals and flavoured milks). These data may suggest that Law n° 30/2019, of April 23rd, and Dispatch n° 7450-A/2019, of August 21st appear to be playing an important role in encouraging the reformulation of food products, promoting, in particular, the reduction of salt and sugar content in foods.

Regarding the results of the consultation process with representatives of economic operators in the food, communication, and advertising sectors, in general, there was a very consensual perception regarding the assessed questions and the evaluated areas. Economic operators recognize the relevance of intervening at an environmental level, promoting the definition and implementation of a set of actions on the environments where consumers are located. However, they consider that adherence to self- and co-regulation mechanisms by companies already guarantees responsible commercial communication. In the opposite direction, ERC, DECOProteste and around 88% of academic entities, scientific and professional societies in the field of public health and nutrition argue that it is the legislative measures that best protect the population.

With regard to adherence and implementation of the law by companies and its associated partners, representatives of the sectors report that it was complete, since the majority of companies chose to eliminate commercial communication aimed at minors.

Regarding aspects to improve in this law to make it more effective, the need to review the age limit to which restrictions apply was mentioned. Stakeholders in the agri-food and communication, advertising and marketing sectors argue that the law imposes restrictions on a universe of audiences for which there is no measurement, making assessment/monitoring difficult. On the other hand, ERC and DECOProteste argue that there must be a consistent approach between the age limit of Law n° 30/2019, of April 23rd, and the rest of the Advertising Code, which applies to minors, i.e. up to 18 years old.

Data relating to DGC's inspection and enforcement actions and the interviewed entities suggest that the mechanisms that guarantee the effective application of the Law must be reinforced, through the allocation of the necessary resources for inspection and enforcement actions, to ensure a more comprehensive, robust, and regular inspection plan. The difficulty of monitoring digital

marketing, one of the areas where there is significant non-compliance, requires the need to improve and develop new monitoring tools.

Conclusions

The results of the inspection and enforcement actions carried out by the DGC show good compliance with the provisions of Law n° 30/2019, of April 23rd. However, the results presented in this report also show that advertising for foods with an inadequate nutritional profile is still widely used. The identification of advertisements/content that present elements that appeal to children was frequent, as well as advertising for foods that have an inadequate nutritional profile.

These data also suggest that despite most of the restrictions set out in the law being complied with, investment is being made in areas, channels and strategies that are not yet regulated or less monitored. Of particular note are sponsorship, the use of age verification systems to access websites content, the “claim” that the content is not aimed at children under 16, but rather content aimed at a different audience and brand marketing.

It is also concluded that inspection and enforcement mechanisms and their resources must be strengthened to ensure better protection of children from exposure to the marketing of foods that have an inadequate nutritional profile.

Final recommendations

The Working Group presents the following recommendations:

- Maintain in place the current legal mechanisms that aim to reduce children's exposure to the marketing of foods with an inadequate nutritional profile;
- Implement complementary measures that promote a lower exposure of children to unhealthy food marketing, namely measures that promote the regulation of other marketing strategies not covered by Law n° 30/2019, of April 23rd, thus

promoting closer alignment of Portuguese legislation and the WHO recommendations;

- Improve the Portuguese legal framework in order to regulate the marketing strategies of digital content creators (“influencers”);
- Change the age limit defined by Law n° 30/2019, of April 23rd, to 18 years old, allowing greater alignment with the remaining restrictions for minors provided in the Advertising Code and following WHO recommendations;
- Ensure the existence of adequate resources for mechanisms to monitor and enforce legislation that restricts children's exposure to the marketing of foods with an inadequate nutritional profile;
- Define a formal and regular monitoring system for Law n° 30/2019, of April 23rd, which includes a set of objective indicators that can be monitored regularly and taken into account for the Law's evaluation processes every 5 years;
- Define more agile mechanisms for monitoring food advertising in the areas surrounding schools and playgrounds, namely through the definition of a reporting system for communication campaigns available on electronic billboards in these areas, in articulation with the municipalities;
- Ensure a regular national food survey, every 5 years, as well as access to other food consumption indicators, namely data on volumes of food sales, in order to provide data of good quality to assess the impact of this and other public health measures;
- Invest in research and development projects to develop technological solutions that can be capable of more effectively monitoring digital marketing;
- Promote awareness and training actions that help society, in particular parents, families, teachers and educators, to be more aware of the health risks of children's exposure to food marketing, as well as actions that promote critical and media literacy of children and adolescents;
- Maintain the dialogue and engagement of different stakeholders in monitoring the Law and its improvement within a logic of social responsibility,

that is, the integration of good practices for promoting and protecting children's health in their daily operations and in interaction with all interested parts.

1. Introduction

Promoting healthy eating is one of the priorities of health policies in Portugal, in line with the national epidemiological context and the guidelines of the World Health Organization (WHO) and the European Commission.

Inadequate nutrition is one of the main modifiable risk factors for chronic diseases, loss of quality of life and premature mortality in Portugal, and malnutrition in all its forms (inadequate nutrition, overweight and obesity, and malnutrition) is the main risk factor for the burden of disease in our country. Among the different forms of malnutrition, overweight and obesity are one of the most serious public health problems, given their high prevalence, their significant impact on other chronic diseases, quality of life, functional capacity, high costs for health services and society as a whole, because the measures required for their prevention are complex and sometimes difficult to implement, and also because of the low success rate associated with their treatment.

Obesity affects more than 20% of the Portuguese adult population (around 2 million people), with overweight exceeding 50% [1]. Childhood obesity is also reaching high proportions, with 31.9% of children aged 6 to 8 having overweight in 2022 and 13.5% living with obesity [2].

Although obesity is a disease with multifactorial aetiology, the obesogenic environment in which people currently live, study, work and shop is increasingly promoting inadequate nutrition. Less healthy foods have become more convenient, in some cases cheaper than healthier food options, are heavily promoted through marketing strategies and are widely and easily available.

In this context, Law n° 30/2019, of April 23rd was approved in Portugal, introducing restrictions on advertising aimed at children under 16 years of age of food products and beverages containing high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content, following the recommendations of the WHO and the European Commission for the prevention and control of chronic diseases, namely for the promotion of healthy eating and the prevention and control of obesity.

Five years after the implementation of Law n° 30/2019, of April 23rd, and taking into account the provisions of Article 4 of this law, which states that the law must be subject to a successive periodic impact assessment every five years, it is important to carry out the first impact assessment of this healthy eating promotion measure.

To this end, Dispatch n° 12980/2023, of December 19th, was published, which created a Working Group to carry out the impact assessment of Law n° 30/2019, of April 23rd, in accordance with article 4 of the aforementioned law.

The Working Group included representatives from the Directorate-General of Health (DGS), Directorate-General for the Consumer (DGC), Directorate-General for Education (DGE) and Directorate-General of Food and Veterinary Affairs (DGAV), with the mission of compiling relevant indicators regarding the food consumption patterns of minors under 16 years of age, the characterization of the food communication addressed to them and their general state of health, and the consideration of the implementation of changes considered appropriate to promote improvements in the health and eating habits of minors.

The Working Group consulted representatives of the economic sectors, namely the agri-food, communication, advertising and marketing sectors. The process of consulting these entities included the analysis of written contributions and conducting telematic interviews. In this context, the entities consulted by this Working Group were the following: Portuguese Association of Advertisers (APAN), Portuguese Association of Advertising, Communication and Marketing Agencies (APAP), Portuguese Association of Direct, Relational and Interactive Marketing (AMD), Advertising Self-Regulation, Federation of Portuguese Agri-Food Industries (FIPA), Portuguese Association of Distribution Companies (APED) and the Hotel, Restaurant and Similar Association (AHRESP). The Regulatory Authority for Social Communication (ERC) and the Portuguese Association for Consumer Protection (DECOPROTeste) were also included in this process. Other entities representing civil society and academia were also heard, through a questionnaire designed to obtain information on aspects related to Law n° 30/2019, of April 23rd.

Additionally, the Working Group also had the collaboration of the WHO Office for the European Region (Annex 1) and the Food and Economic Safety Authority (ASAE) (Annex 4) to prepare this report.

This report therefore presents, in its first chapters, a review of the most recent evidence regarding food advertising aimed at children in different locations, media and commercial communication channels and a description of the legal framework established in Portugal regarding restrictions on food advertising aimed at children under 16 years of age.

The following three chapters describe the results of the enforcement and inspection actions carried out by the DGC and the ERC, as entities with competences in the areas of advertising and media, and the results of the food marketing monitoring studies carried out by the DGS over the last 5 years. To complement this analysis, contributions from associations representing economic operators in the agri-food sector, communication, advertising and marketing and other entities, namely the ERC and DECOPROTeste, as well as from civil society and academic entities, were included. The aim was to analyse and critically reflect on all the results, based on the WHO guidelines and recommendations, the existing scientific evidence, as well as the most recent international good practices in the area of food advertising aimed at children and its regulation.

The tenth chapter compares the restrictions on food advertising aimed at children provided for in Law n° 30/2019, of April 23rd in light of the WHO recommendations for the implementation of measures aimed at reducing children's exposure to food marketing.

The last chapter presents conclusions related to this impact assessment study of Law n° 30/2019, of April 23rd, as well as some final recommendations.

2. Methodological considerations

This chapter presents some methodological considerations regarding the assumptions for assessing the impact of Law n° 30/2019, of April 23rd, as well as for preparing this report.

In order to prepare this report, different assessment indicators were taken into account for the three dimensions defined in Law n° 30/2019, of April 23rd, which determine the monitoring of the evolution of children's food consumption patterns, commercial food communication aimed at children, and their general health status. To this end, the main information sources for each of indicator to be analysed were identified (Figure 1).



Figure 1 – Information sources by evaluation indicator.

COSI, Childhood Obesity Surveillance Initiative; DGC, Directorate-general for the Consumer; DGS, Directorate-General of Health; ERC, Regulatory Authority for Social Communication; HBSC, Health Behaviour in School-aged Children; INSA, National Institute of Health Dr. Ricardo Jorge.

Additionally, in accordance with Law n° 30/2019, of April 23rd, representatives of the agri-food, communication and advertising sectors, as well as representatives of other public entities and academia and scientific and professional societies in the area of public health and nutrition, as well as other entities considered relevant, were also invited to collaborate in this process. The contributions of the consulted entities were collected through hearings with semi-structured interviews with representatives of the agri-food, communication and advertising sectors, and through the application of an online questionnaire to the remaining entities.

An information sharing request was also circulated among the Member States of the European Union (EU) through the focal points of the European Food Safety Authority (EFSA), requesting information on the existence of impact assessment studies of measures in the area of regulation of food advertising aimed at children and on the specific indicators that were used for this impact assessment (page 1 of Annex 4).

The results presented in this report are the result of a mixed methodology (qualitative and quantitative methods). Figure 2 describes the different procedures for collecting and organizing information considered for each phase of the study.

Critical analysis and reflection were also carried out taking into account the results in the three assessed dimensions, based on WHO guidelines and recommendations, existing scientific evidence, as well as the most recent international good practices in terms of food advertising aimed at children and its regulation.

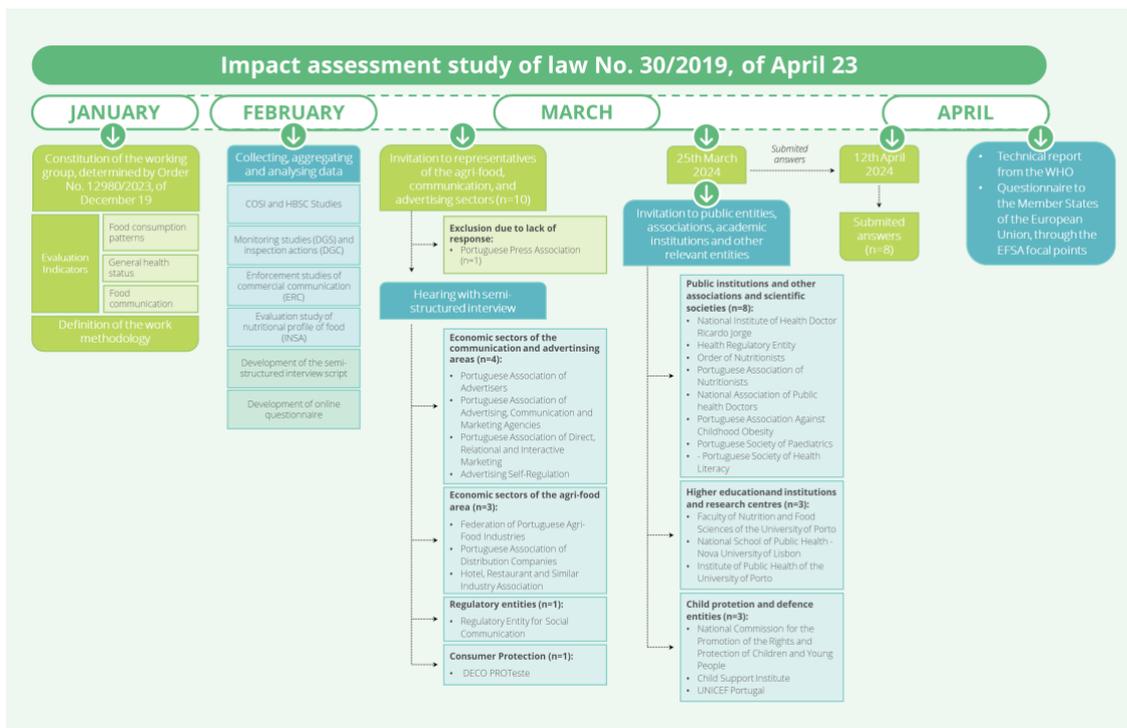


Figure 2 – Timeline of the impact assessment evaluation of Law n° 30/2019, of April 23rd.

2.1. Data collection

2.1.1 Indicators related to food consumption patterns, food communication and general health status

For the data collection on food consumption patterns and general health status indicators, some studies were identified using pre-defined selection criteria: 1) representativeness of the study sample; 2) data collection period, including a collection moment before and after the implementation of Law n° 30/2019, of April 23rd; and 3) type of variables collected, namely data on the nutritional status and food and beverage consumption of Portuguese children (Table 1). Thus, this report integrates results from the Childhood Obesity Surveillance Initiative (COSI) Portugal study (COSI Portugal 2018/2019 and COSI Portugal 2021/2022) and the Health Behaviour in School-aged Children (HBSC) study (HBSC 2017/2018 and HBSC 2021/2022).

COSI Portugal is an European system for monitoring the nutritional status of school-age children (aged 6 to 8 years), integrated into the COSI for Europe study (COSI/WHO Europe). This surveillance system produces comparable data across European countries, it allows monitoring childhood overweight and obesity every 2-3 years and is currently the largest European WHO study. The study design follows the standardized methodological protocol of the COSI/WHO Europe study [3], based on the descriptive epidemiology model, with repeated cross-sectional samples of children enrolled in primary education in Portugal. In the COSI study, the anthropometric assessment is performed objectively by trained examiners and the remaining data is obtained through three questionnaires developed by the WHO (School, Family, Child).

The HBSC/WHO is also a WHO study that aims to characterize the health and well-being of adolescents and their behaviours in the different contexts in which they are involved. The HBSC/WHO uses a standardized international protocol [4-6] and is carried out every 4 years in 51 countries, including Portugal. The participants constitute a representative, random and regionally stratified sample of students in the 6th,

8th and 10th grades, which seek to represent Portuguese youth aged 11, 13 and 15. Data collection is carried out through an online questionnaire.

Table 1- Description of the data collected within the scope of the COSI study and the HBSC study considered for the present analysis.

	COSI Study	HBSC Study
Data collection period	2018/2019 (5ª round) 2021/2022 (6ª round)	2017/2018 2021/2022
Population	Children	Adolescents
Age	6 to 8 years	11, 13 and 15 years
Food Consumption		
Fruit and vegetables (including vegetables soup)	X	X
Meat, fish and eggs	X	
Milk	X	
Flavoured milk	X	
Cheese and yoghurts or dairy desserts and other dairy products (puddings, <i>petit-suisse</i> cheese, greek yogurt)	X	
Breakfast cereals	X	
Pulses	X	
Sugar sweetened beverages (soft drinks, , non-carbonated sugary beverages, fruit juices and nectars)	X	X
100% Fruit juices (packaged)	X	
Savoury snacks (packaged chips, puff pastries, popcorn or savoury snacks)	X	
Sweet snacks (cookies/sweet biscuits, cakes, donuts)	X	X
Meals purchased online	X	
Water	X	X
Health/Nutritional status		
Stature	X	X
Weight	X	X
Body mass index	X	X
Cardiometabolic health indicators		
Advertising and marketing on school grounds	X	

COSI, Childhood Obesity Surveillance Initiative; HBSC, Health Behaviour in School-aged Children.

The data collected as part of monitoring studies carried out by the National Programme for the Promotion of Healthy Eating (PNPAS) of the DGS and the results of enforcement and inspection actions implemented by the DGC and the Regulatory Entity for Social Communication (ERC) over the last 5 years were also considered for the analysis of commercial communication aimed at children.

2.1.2. Consultation with representatives' associations of the economic sectors of the agri-food sector, communication, advertising and marketing and other entities

For the consultation with the representatives' associations of the economic sectors, namely the agri-food, communication, advertising and marketing sectors, a semi-structured interview was conducted with each entity. A script was developed with a set of questions related to the relevance, actions and implementation

challenges, internal and/or external monitoring mechanisms of Law n° 30/2019, of April 23rd, as well as other aspects and measures to be adopted to make this law more effective (Table 2). The script was shared in advance with the economic operators to facilitate the collection of opinions, information and results from their respective members. This information can be consulted in Annex 2.

Table 2 – Domains under analysis defined for the semi-structured interviews with entities from the communication and advertising, agri-food and consumer protection sectors.

Domains under analysis
Relevance
Relevant actions/procedures adopted
Implementation challenges
Internal/external monitoring mechanisms
Results
Sharing of relevant data
Improvement aspects
Other measures and actions

The interviews took place online during the month of March and were recorded, after authorization from all stakeholders. Seven representatives of economic operators from the agri-food and communication and advertising sectors were interviewed and the interviews lasted an average of 25 minutes and 31 seconds. The ERC and DECO PROTeste were interviewed, following the same methodology (Table 3).

Table 3 – General characteristics of the hearings held with entities in the communication and advertising, agri-food, consumer protection and Regulatory Entity for Social Communication sectors (n=9)

Entities of the communication and advertising, agri-food and consumer protection sectors (n=9)	Date of the hearing	Duration of the hearing	
Economic sectors of the communication and advertising areas	Portuguese Association of Advertisers (APAN)	06/03/2024	61 min 33 sec*
	Portuguese Association of Advertising, Communication and Marketing Agencies (APAP)	19/03/2024	24 min 29 sec
	Portuguese Association of Direct, Relational and Interactive Marketing (AMD)	05/03/2024	24 min 17 sec
	Advertising Self-Regulation	20/03/2024	27 min 16 sec
Economic sectors of the agri-food area	Federation of Portuguese Agri-Food Industries (FIPA)	06/03/2024	61 min 33 sec*
	Portuguese Association of Distribution Companies (APED)	06/03/2024	13 min 50 sec
	Hotel, Restaurant and Similar Industry Association (AHRESP)	06/03/2024	11 min 40 sec
Regulatory entities	Regulatory Entity for Social Communication (ERC)	05/03/2024	29 min 10 sec
Consumer Protection	DECO PROTeste	06/03/2024	11 min 55 sec

*At the request of the Portuguese Association of Advertisers (APAN) and the Federation of Portuguese Agri-Food Industries (FIPA), the hearing was held jointly.

2.1.3. Consultation with other entities from civil society, academia and scientific and professional societies in the area of public health and nutrition

Fourteen entities from civil society, academia and scientific and professional societies in the area of public health and nutrition were invited to collaborate in the impact assessment study of Law n° 30/2019, of April 23rd (Table 4), by completing the online questionnaire (including some open questions), prepared on the Microsoft Forms® platform and sent via email to the representatives of the selected entities. The

questionnaire was available for completion between March 25 and April 17, 2024. The questionnaire can be found in Annex 3.

Table 4 – Civil society and academia entities invited to collaborate through the online questionnaire on Law n° 30/2019, of April 23rd.

Public entities and academic institutions and scientific and professional societies in the area of public health and nutrition and other relevant entities (n=14)	
Public institutions and other scientific and professional associations and societies	National Institute of Health Dr. Ricardo Jorge (INSA)
	Health Regulatory Entity (ERS)
	Order of Nutritionists
	Portuguese Association of Nutritionists (APN)
	National Association of Public health Doctors
	Portuguese Association Against Childhood Obesity (APCOI)
	Portuguese Society of Paediatrics (SPP)
Higher education institutions and research centres	Portuguese Society of Health Literacy (SPLS)
	Faculty of Nutrition and Food Sciences of the University of Porto (FCNAUP)
	National School of Public Health - Nova University of Lisbon
Child protection and defence entities	Institute of Public Health of the University of Porto (ISPUP)
	National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPJ)
	Child Support Institute
	UNICEF Portugal

2.1.4. Questionnaire to the Member States of the European Union, through the focal points of the European Food Safety Authority (EFSA)

Finally, with the collaboration of ASAE, an information sharing request was made to the 27 EU Member States, through EFSA focal points, requesting information on the existence of impact assessment studies of measures in the area of regulation of food advertising aimed at children and on the specific indicators that were used for this impact assessment. The information collection period ran from 26 March to 17 April 2024.

In total, responses were received from 16 Member States, namely Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Slovenia, Slovakia, Spain, France, Greece, Ireland, Lithuania, Poland, Romania, Sweden and the Netherlands. The questions for the Member States can be found in Annex 4.

2.2. Data analysis

Data analysis was carried out using descriptive statistics methods, as well as content analysis of interviews conducted with different stakeholders.

3. Food advertising to children: literature review

Marketing of high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content foods is an integral part of the obesogenic environment in which children live, the latter having been defined as the “sum of influences, opportunities or living conditions that promote obesity in individuals or populations” [7] and recognized as having a negative impact on children's diets and as a likely cause for the development of childhood obesity [8].

According to the WHO, marketing refers to any form of communication or commercial message that is intended or has the effect of increasing the recognition, appeal and/or consumption of a given product or service, encompassing everything that has the purpose of advertising or promoting a product or service [9]. Advertising is a tool used by marketing to promote the sale of products or services [10], and, according to the Advertising Code, advertising is defined as “any form of communication made within the scope of a commercial, industrial, artisanal or liberal activity, with the aim of promoting the supply of goods or services, including rights and obligations”, as well as any form of communication that aims to promote ideas, principles, initiatives or institutions [11]. Thus, food marketing includes, but is not limited to, food advertising, covering a wide range of techniques used to add value to a product and persuade consumers to purchase it, such as sponsorship, product placement, product design and packaging and point-of-sale [9, 12].

Evidence from systematic reviews on the extent, nature and effects of food marketing concludes that children are widely exposed to advertising and other forms of marketing in various media [13, 14] and that this exposure affects food preferences, choices and consumption of unhealthy foods [15-17]. The majority of advertisements are still for foods that are high in energy, salt, sugar and/or fat, with the categories of sugary breakfast cereals, soft drinks, cakes and pastries, savoury snacks and fast food being the most promoted [10, 15]. Furthermore, evidence shows that there are four times more advertisements for foods that should not be allowed to be marketed than for foods that meet the WHO's nutritional profile criteria [18]. In addition, food marketing is also recognized as a practice that infringes children's rights, including the rights to health, to adequate food and nutrition, to privacy, as well as the right to be free from exploitation, undermining compliance with the Convention on the Rights of the Child [19].

In 2010, the World Health Assembly unanimously adopted the WHO Set of Recommendations on the Marketing of Food and Non-Alcoholic Beverages to Children [9], encouraging Member States to adopt restrictive measures to reduce the impact of inappropriate food marketing to children. These recommendations were later reinforced by the Global Action Plan for the Prevention and Control of Noncommunicable Diseases 2013-2020 [20], the World Health Organization (WHO) Commission on Ending Childhood Obesity [21], the WHO-UNICEF-Lancet Commission [22], and the EU Action Plan on Childhood Obesity 2014-2020 [23].

Several recent strategic and legal documents from the European Commission related to the prevention and control of chronic non-communicable diseases, the protection of children's rights and sustainable food systems, such as the Healthier Together initiative [24], the Europe's Beating Cancer Plan [25], the EU Strategy on the Rights of the Child and the European Child Guarantee [26] and the Farm2Fork Strategy [27] also reinforce and prioritize the need for action to protect children from unhealthy food marketing. The EU Audiovisual Media Services Directive coordinates the laws, regulations and administrative provisions of the Member States related to media and audiovisual services to children at the European level. The 2018 amendment to the Directive applies rules only to television broadcasting and on-demand services (e.g. Netflix®, Amazon Video® and others) and encourages the use of co-regulatory and self-regulatory regimes to reduce children's exposure to the marketing of foods high in energy, salt, sugar and/or fat [28].

Figure 3 [29] illustrates the cascade of effects through which exposure to food marketing is likely to influence children's nutritional status and their likelihood of developing chronic non-communicable diseases associated with inadequate nutrition [30], while also highlights the commercial drivers of food marketing.

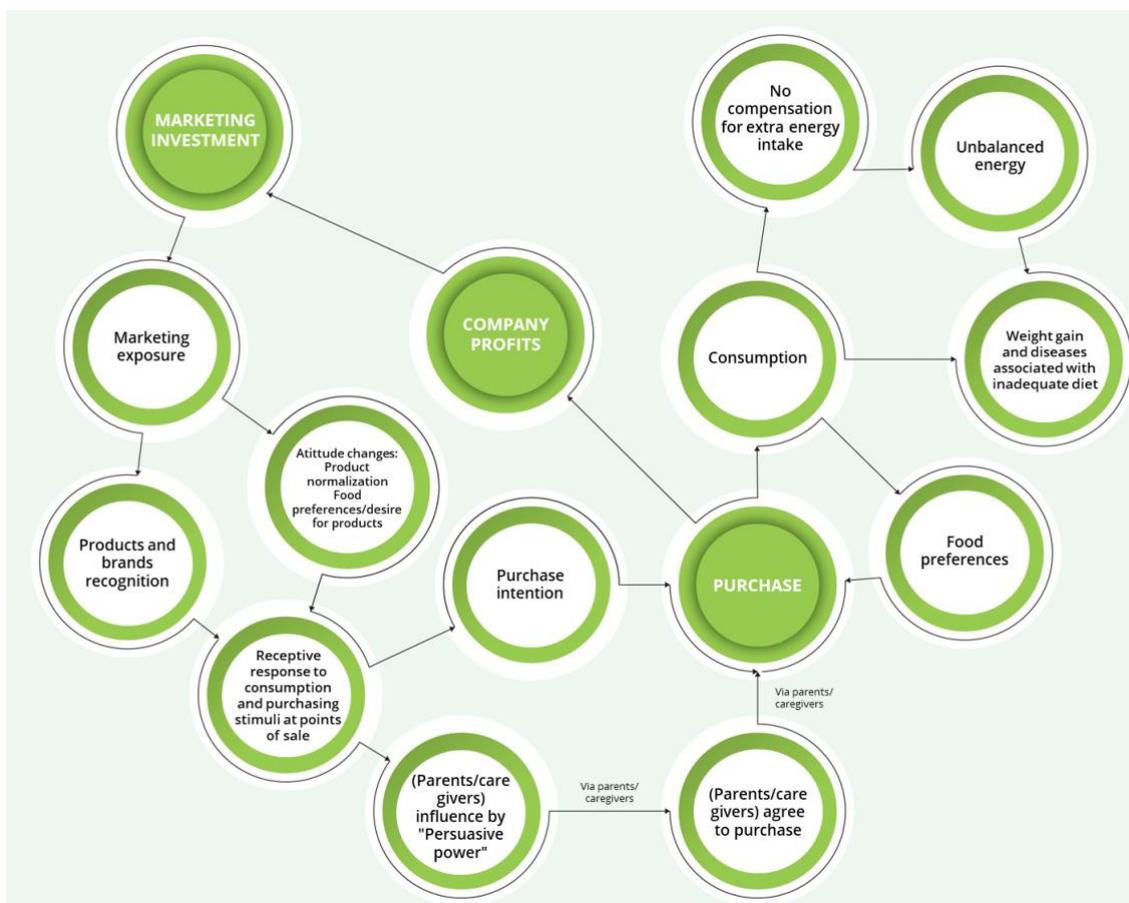


Figure 3 – Cascade of food marketing effects.

Source: "Policies to protect children from the harmful impact food marketing: WHO guideline, 2023".

3.1 Children's exposure to food marketing

Scientific evidence shows that European children are exposed to a large volume of advertisements and advertising of foods that are considered unhealthy, through different media, from the most traditional to the most innovative.

3.1.1 In a television context

Despite the constant growing investment in digital media, television continues to be one of the first media through which children are exposed to food advertising [31]. Results from a recent study by DG Santé show that European children (aged between 4 and 17) are exposed to at least 1,715 advertisements of unhealthy foods on television every year [32]. In addition, a WHO review concludes that food marketing on television is more frequent during the times when children watch more television, during school holidays and/or in programmes aimed at children [14].

3.1.2 In a digital context

With the evolution of digital technologies, new and more persuasive food marketing strategies are emerging, complementing and amplifying the effects of more traditional forms of marketing. While an advertising message takes between 4 and 7 exposures to potentially change a behaviour, the digital media can amplify this effect by a factor of four [33]. It is also estimated, according to data also from DG Santé and published in 2021, that European children are exposed to around 9,542 advertisements of food products a year on the internet [32].

In the digital environment, there are also marketing strategies that use entertainment and the active involvement of children, such as advergames - interactive games created by brands. This is a particularly concerning strategy since they achieve their goal of promoting products and, even if children realize that they are being targeted by advertising and that the aim is to persuade, playing establishes positive associations with the brand [19, 34]. In a study that evaluated around 130 food company websites, it was found that 48% had a designated area for children, featuring a variety of marketing techniques, including advergames [19].

3.1.3 In schools and areas around schools

In addition to the aforementioned channels, it is also known that children are the target of marketing strategies in schools and/or the areas around them, despite WHO recommendations to "restrict marketing in places where children gather" [9]. Food marketing in schools is a significant concern given the confidence of parents and children that the actions and interventions carried out in these institutions are directed towards the best interests of children [19]. Results from a systematic review published in 2022 show that, on average, there are 3.6 food advertisements in the 500m around the school and that around 1/4 of all advertising around schools is food-related, 63% of which concerns to unhealthy food [35].

3.1.4 In sporting activities

Sponsorship of major sporting and cultural activities is also a form of marketing that attracts a young audience. This form of marketing seems to be more prevalent in far-reaching sporting activities. The Fédération Internationale de Football Association (FIFA), for example, in relation to the World Cup, described that companies sponsoring its games can count on the most effective international marketing platform, reaching millions of people in more than 200 countries around the world [19, 36]. One study showed that 68% of children between the ages of 10 and 14 remember an average of two sponsors associated with their sports teams [37].

3.1.5 On product packaging

The design and packaging of products and the content available at points of sale are also strategies used to attract and promote products to children. A recent systematic review concluded that the use of characters/celebrities in products promotes the creation of an emotional connection between the child and the product/brand [19, 38].

3.2 Impact of children's exposure to food marketing

Marketing of unhealthy products increases the desire and normalisation of their consumption and, when aimed at children, boosts brand loyalty, thus ensuring the continued purchase of products [18]. Food is promoted through creative and persuasive strategies, such as the use of film and sports celebrities, promotions, gifts, colourful visual images designed to appeal children, animation, cartoons, humour, fun and fantasy, and various other persuasive techniques [14].

Evidence has consistently shown that exposure to the marketing of ultra-processed and energy-dense foods affects children's food preferences, purchasing behaviour and consumption patterns [15-17]. It also contributes to metabolic risk factors associated with inadequate nutrition. Results from a systematic review with meta-analysis of randomised clinical trials show that in children exposed to unhealthy food advertising, food consumption increases significantly during or shortly after exposure to advertisements and there is a greater risk of choosing advertised foods or beverages [17]. Consistent with the previous results, Boyand et al. suggest that exposure to food advertising increases the consumption of these foods in children [16].

Moreover, children who have overweight or obesity are more susceptible to unhealthy food marketing compared to normal-weight children, and scientific evidence shows that exposure to food advertising significantly increases children's energy intake and that this increase is greater in children who have obesity [39]. A systematic review showed that exposure to 4.4 minutes of food advertising increases a child's food consumption by an average of 60.0 kcal, adding an additional 45.6 kcal (57%) in children with overweight or obesity. The authors also describe that playing an advergame for 5 minutes can increase energy consumption by an average of 53.4 kcal [40].

3.3 Children and adolescents as vulnerable groups to food marketing

Children and adolescents are a population group that is particularly susceptible to the effects of food marketing, as they are less able to understand the commercial intention associated with advertising, its persuasive nature and its aims to capture their attention and influence their behaviour [19, 41]. Besides being more vulnerable to marketing strategies, children and adolescents are also the preferred target of marketers due to the influence they exert on family buying behaviour, the influence of their own buying behaviour when they already have the autonomy to make their own food choices and their ability to influence future consumers, since the choices and preferences established in childhood have a great potential to conditionate future choices in adulthood [10, 19].

However, although children become more aware of the selling intention of advertising as they grow up, children are still influenced by marketing [42, 43], with some studies showing that adolescents are particularly likely to respond to reward incentives associated with the environment, including marketing [44]. Evidence also shows that adolescents have greater exposure to and interaction with food marketing content shared on social networks (through likes and shares) and are more likely to remember and recognise unhealthy foods and brands [45, 46]. Since they have more autonomy and purchasing power, adolescents are overexposed to food marketing and are less protected by existing restrictions [34, 47]. In this context, restrictions on the marketing of foods and beverages high in calories, salt, sugar and/or fat should be extended to protect adolescents up to the age of 18, as recommended by the WHO Guideline Policies to protect children from the harmful impact of food marketing [29].

3.4 Social inequalities and exposure to food marketing

Several studies have also shown that children from lower socio-economic backgrounds are more exposed to food marketing than children from higher socio-economic backgrounds [48-50] and they are more susceptible to these messages [51]. In a study carried out in Australia, schools located in lower socio-economic areas were found to have more food advertisements and a significantly higher proportion of unhealthy food advertisements within a 250m radius [48]. In another study focusing on Sydney's metropolitan railway network, the highest proportion of unhealthy food advertisements occurs in areas with the lowest socioeconomic status [49].

As a result, policies that protect children from the negative impact of food marketing have the capacity to reduce social inequalities [29], especially if the restrictions on food marketing are regulatory measures rather than self- or co-regulatory measures [50].

Evidence also shows that marketers are aware that certain population groups may be more susceptible to advertising messages and they collect data to profile and target particularly vulnerable groups [52].

3.5 Effectiveness and contextual factors of policies to restrict food marketing

Despite the robust scientific evidence on the negative impact that food marketing has on children's health, there are still few studies showing the effectiveness of implementing measures aimed at restricting food marketing. However, the results of a recent systematic review from 2021 show that policies to restrict food marketing can result in fewer purchases of unhealthy foods by or for children and unintended consequences that are favourable to Public Health (described as a significant reduction in advertising investment of unhealthy foods in television context) [29, 53]. The systematic review also shows that:

- a) reductions in children's **exposure** to food marketing were most frequently found in legislative policies, policies that restrict food marketing to children over the age of 12 and policies that use a nutrient profile model to determine the foods to be restricted, established by the government and;
- b) reductions in the **power** of food marketing to which children are exposed were more frequently found in legislative policies and policies restricting food marketing to children over the age of 12.

The lack of evidence on the impact of policies to reduce children's exposure to food marketing does not necessarily reflect the ineffectiveness of these measures, but rather the lack of impact assessment studies and/or the difficulty of carrying out studies with an appropriate design that assess the long-term impact. The vast majority of the available scientific evidence on the effectiveness of policies to restrict marketing focuses on short-term outcomes (such as food preferences, choices and consumption), rather than long-term outcomes (such as tooth decay and erosion, body weight, body mass index and non-communicable diseases associated with poor diet).

Also, regarding the effectiveness of measures aimed at reducing children's exposure to food marketing, it is essential to emphasise that no measure implemented individually will have the potential to promote a reduction in the prevalence of childhood obesity, as well as diet-related non-communicable diseases. On the contrary, food marketing restriction policies are intended to contribute to these health outcomes as part of an integrated strategy that includes a comprehensive set of measures [29]. The Nutrition Guidance Expert Advisory Group (NUGAG) Subgroup on Policy Action emphasises that changes in outcomes such as body weight/body mass index/obesity and diet-related non-communicable diseases occur gradually and that there are methodological challenges in disassociating food marketing restriction policies from the complex set of factors that contribute to these health outcomes. Therefore, using these variables as

outcomes of the impact of measures aimed at reducing children's exposure to food marketing is not appropriate.

The effective implementation of measures aimed at reducing children's exposure to food marketing does not only depend on the existence of scientific evidence to support their effectiveness. There are a number of other factors that can be facilitators or barriers to their implementation, namely the associated implementation costs and resources, their acceptability to the different stakeholders and their feasibility.

Regarding the associated implementation costs and resources, scientific evidence suggests that measures to regulate children's exposure to food marketing will be cost-effective in the long term (usually after 50 years). Evidence shows that the costs associated with implementing restrictions on food marketing are small compared to the costs for citizens and governments associated with inadequate nutrition and the associated diseases [54]. Regarding the acceptability of this measure, studies show that it varies considerably depending on the different stakeholders. They are generally well accepted by governments and political decision-makers. They are also widely supported by the general population but are generally opposed by economic operators in the sectors involved, who present voluntary and self-regulatory measures as an alternative. Finally, the existence of measures to regulate children's exposure to food marketing in various countries shows that their implementation is feasible, being facilitated by factors related to the existence of political leadership, supporting scientific evidence, intersectoral collaboration, support from civil society, the existence of adequate monitoring mechanisms and sanctions. In Portugal, 74.3% of respondents agree with measures that limit unhealthy food advertising aimed at children [55]. On the other hand, there are also barriers to its implementation, such as the complexity of the legislative process and the lack of financial and human resources, particularly for monitoring, enforcement and inspection actions [56].

3.6 WHO and UNICEF recommendations to reduce children's exposure to food marketing

WHO and UNICEF present a set of clear, evidence-based recommendations (systematic reviews) for the implementation of measures to protect children of all ages from unhealthy food marketing.

WHO recommends the implementation of public policies to restrict the marketing of unhealthy foods to which children are exposed, and these policies should [9, 19, 57]:

- Be mandatory;
- Protect children of all ages (up to 18);
- Use a nutrient profile model based on scientific evidence and defined by the government, to identify the foods and beverages to which restrictions should be applied;
- Be sufficiently comprehensive in terms of channels (traditional media (TV and radio), publications, cinemas, billboards, digital, food packaging and points of sale), venues and marketing strategies targeted by the restrictions, so as to minimise the risk of marketing migration to other formats;
- Be applied to places usually frequented by children (e.g. educational establishments, playgrounds, sports clubs);
- Restrict both children's exposure to unhealthy food marketing and the power of marketing, particularly persuasive marketing techniques;
- Contemplate a monitoring mechanism to ensure compliance with the measures, including the definition of significant sanctions to be applied in cases of non-compliance;
- Define a system for evaluating the impact and effectiveness of the policies implemented, using clearly defined indicators.

4. Portuguese legal framework on food advertising aimed at children

In 2019, [Law n° 30/2019](#), of April 23rd was approved, which introduced restrictions on advertising, aimed at under 16, of food products and beverages with high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content, introducing the 14th amendment to the Advertising Code, approved by [Decree-Law n° 330/90](#) of October 23rd.

The advertising of food products and beverages containing high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content is now prohibited in the following spaces and places: "a) in pre-school, primary and secondary education establishments; b) in public playgrounds open to the public; c) within a radius of 100 metres from the accesses to the places referred to in the previous paragraphs, with the exception of advertising elements displayed in commercial establishments, namely by placing brands on terrace furniture or on signs integrated into the establishment; d) in sports, cultural and recreational activities organised by the entities referred to in point a) (Article 20^o.-A of Law n° 30/2019, of April 23rd).

Advertising of these foods and beverages is also prohibited "a) in television programme services, on-demand audiovisual communication services and radio in the 30 minutes before and after children's programmes, and television programmes with a minimum audience of 25% under the age of 16, as well as in the insertion of advertising in the respective interruptions; b) in advertising in cinemas for films with an age rating for children under 16; c) in publications aimed at children under 16; and d) on the internet, through websites or social networks, as well as in mobile applications aimed at devices that use the internet, when their content is aimed at children under 16 (Article 20^o.-A of Law n° 30/2019, of April 23rd).

In addition to the provisions of Law n° 30/2019, of April 23rd, number 8 of Article 41^o.-A on "Product placement and production aid" of the Law on Television and On-Demand Audiovisual Services (LTSAP) states that "The presentation, during the broadcasting of children's programmes, of any type of commercial message likely to harm the integral, physical, mental or emotional development of children and adolescents, namely those relating to food and beverages provided in Article 20^o.-A of the Advertising Code, shall not be permitted". However, Article 41 on "Sponsorship" of the LTSAP does not make the same kind of reference to the restrictions provided under Article 2^o.-A of the Advertising Code [58].

Law n° 30/2019, of April 23rd, also states that "advertising of food products and beverages that contain a high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content must be clear and objective and not relate the consumption of the product to potential health benefits, in particular refraining from: a) encouraging excessive consumption; b) undervalue non-consumers; c) creating a sense of urgency or pressing need in the consumption of the advertised product; d) conveying the idea of ease in its acquisition, minimising its costs; e) conveying the idea of benefits in its exclusive or exaggerated consumption, compromising the value of a varied and balanced diet and a healthy lifestyle; f) associating the consumption of the product with the acquisition of status, social success, special skills, popularity, success or intelligence; g) using in advertisements figures, drawings, personalities and mascots, among others, that are related to programmes aimed at children" (Article 20^o.-A of Law n° 30/2019, of April 23rd).

The classification of food products and beverages that contain high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content and are subject to restrictions are defined according to [Dispatch n° 7450-A/2019](#), of August 21st, issued by the DGS, which sets out the values to be taken into account for the classification of food products. In brief, the [Portuguese nutrient profile model](#) was developed based on the WHO's nutrient profile model – WHO Regional Office for Europe Nutrient Profile Model (2015) – to which some changes were introduced with the aim of aligning the limits for some nutrients in some food categories with the values defined by European Union legislation and reflecting the

commitments reinforced in Portugal within the scope of the reformulation of food products, as well as an analysis of the nutritional composition of foods available on the Portuguese market.

As the public authority for consumer protection, the Directorate-General of Consumer, a body of the Ministry of Economy, is responsible for ensuring compliance with Law n° 30/2019, of April 23rd, instructing administrative offence proceedings in the area of advertising and deciding on the sanctions to be applied.

The law also states that the impact assessment must be carried out periodically every five years, with regard to the food consumption patterns of minors under 16 years of age, the characterization of the commercial food communication aimed at them and their general health status, and the consideration of the implementation of changes considered appropriate to promote improvements in the health and eating habits of minors.

Figure 4 describes the restrictions on advertising of food and beverages provided in Law n° 30/2019, of April 23rd.

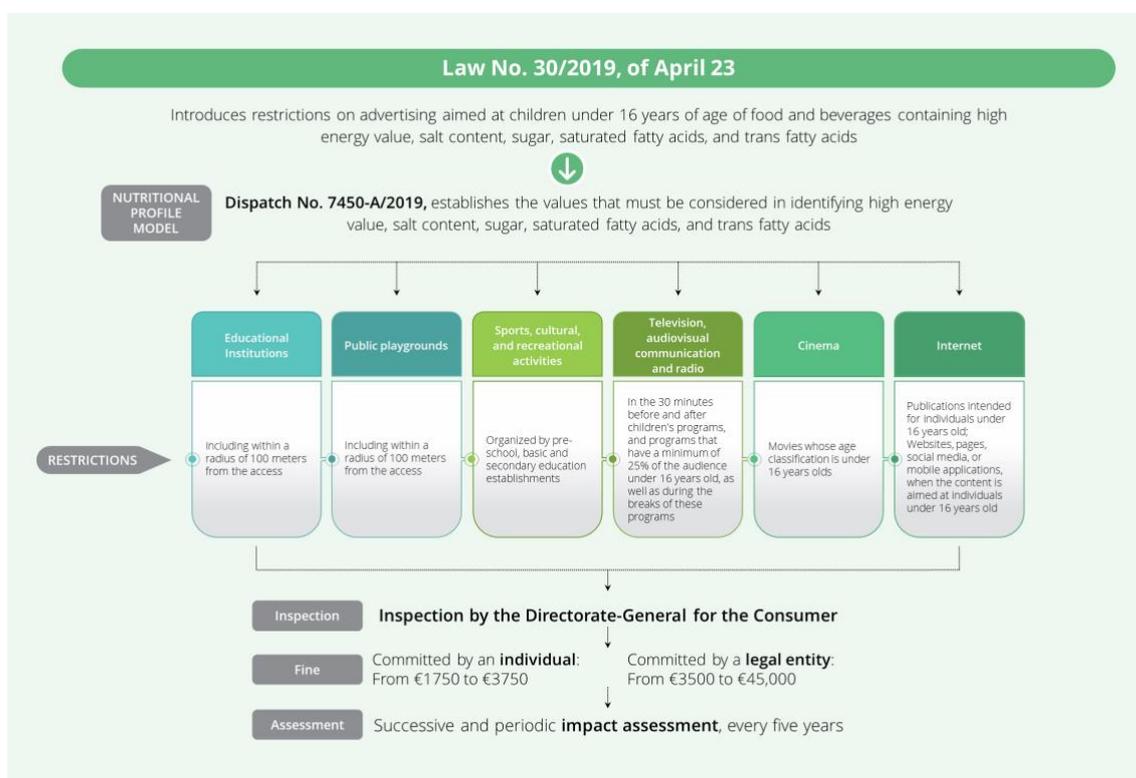


Figure 4 – Portuguese legal framework on food advertising aimed at children– Law n° 30/2019, of April 23rd.

5. Law n° 30/2019, of April 23rd – Impact on food consumption patterns

The following chapters present the main results of the evolution of children's food consumption patterns assessed in the COSI Portugal study (2019-2022) and the HBSC study (2019-2022).

5.1 Evolution of children's food consumption patterns

According to data from the latest round of COSI Portugal, more than 80% of children consumed fresh fruit and vegetables at least 4 times a week, which represents an increase of 1.6 p.p. in the consumption of these food categories. Regarding the consumption of sugary drinks, there were no significant differences between 2019 and 2022, with both an increase of 1.2 p.p. in the percentage of children who reported never consuming these drinks and an increase of 2.1 p.p. in the percentage of children who consumed these drinks on a daily basis (Figure 5).

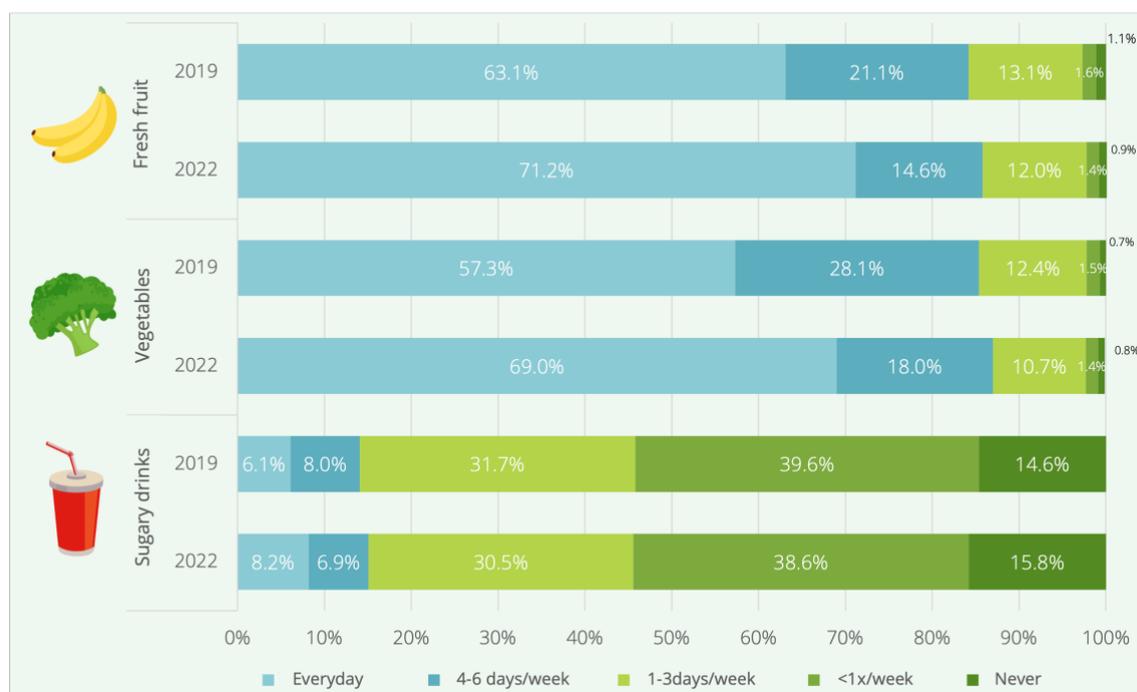


Figure 5 – Children's consumption habits from 6 to 8 years, in Portugal | 2019–2022.

Source: Childhood Obesity Surveillance Initiative Portugal, 2022.

Daily consumption of savoury snacks, sweet snacks and breakfast cereals in 2022 was 1.2%, 9.1% and 23.7% respectively. These data show an increase in the consumption of foods from the three categories compared to 2019 (Figure 6).

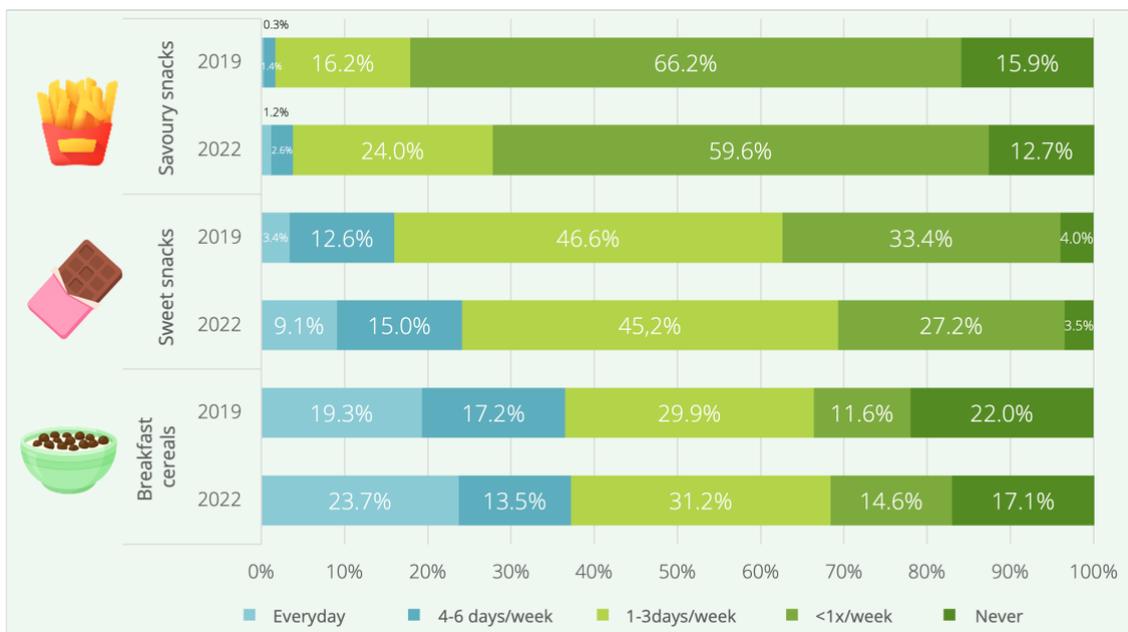


Figure 6 - Children's consumption habits from 6 to 8 years, in Portugal | 2019–2022.

Source: Childhood Obesity Surveillance Initiative Portugal, 2022.

In 2022, adolescents maintained their fruit consumption and reported higher vegetable consumption (84.5% vs. 82.2%), compared to 2018. Also noteworthy was the decrease in the proportion of adolescents who reported consuming soft drinks at least once a week (43.9% vs. 60.4%), suggesting an overall reduction in the consumption of these beverages. There was also a 0.6 p.p. reduction in adolescents' daily consumption of chocolates and sweets (Figure 7).

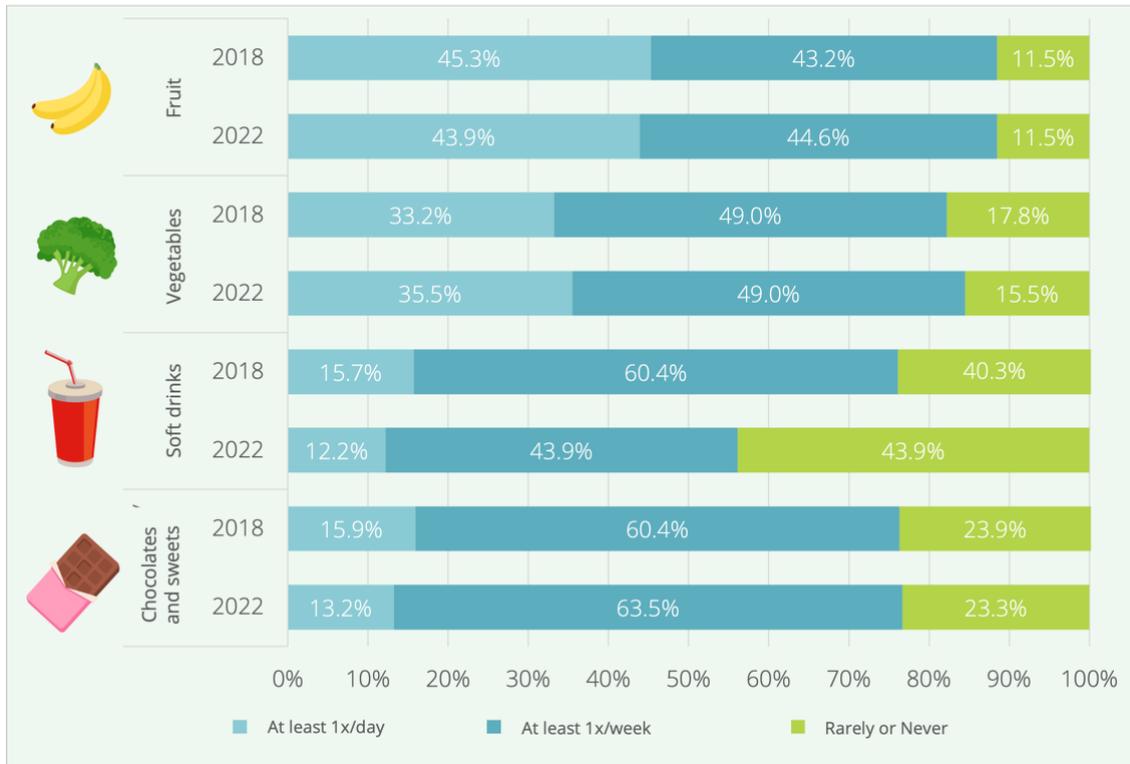


Figure 7 – Adolescent’s consumption habits (11, 13 and 15 years), in Portugal | 2018–2022.

Source: Health Behaviour in School-Aged Children, 2022.

5.2 Evolution of the nutritional profile of food and beverages available on the Portuguese market

Between 2019 and 2022, INSA carried out two studies to assess the nutritional profile of some food categories and compared them with the corresponding limit values defined in the nutrient profile model established by the DGS, through Dispatch n° 7450-A/2019, of August 21st [59, 60].

As described in the methodology of the studies, data was collected in 2019 and 2022 from the packaging labels/nutritional information of products in the different food categories, available on the websites of national food retail distributors, not exclusively considering products aimed at children under 16. Trans fatty acid values were not considered in this analysis because they are not required to be declared in the nutritional declaration of food products.

There was an increase in the number of products in the solid and liquid yoghurts category (32.7% vs. 42.4%), breakfast cereals (14.7% vs. 22.6%) and flavoured milks (3.2% vs. 10%), which now meet the criteria of the nutrient profile model defined through Dispatch n° 7450-A/2019, of August 21st and can therefore be advertised to children under 16 (Figure 8).

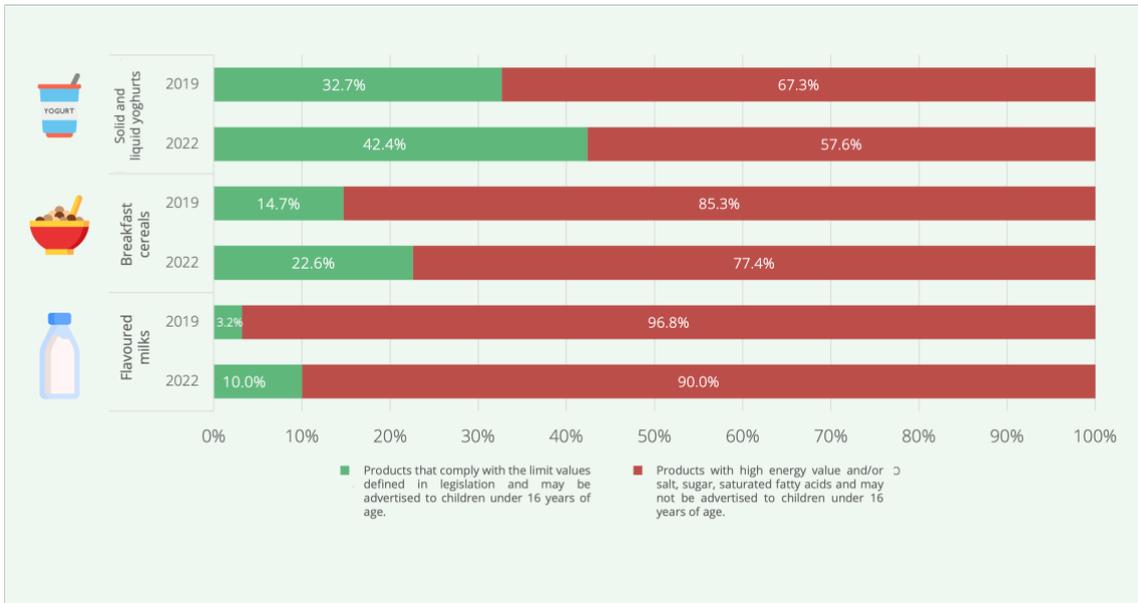


Figure 8 – Products that may or may not be advertised to children under 16 by category (flavoured milks, breakfast cereals, solid and liquid yoghurts) | 2019 – 2022.

Source: INSA 2019-2023.

6. Law n° 30/2019, of April 23rd – Impact on commercial food communication aimed at children

The following chapters describe the main results of the inspection and monitoring activities of the commercial food communication aimed at children and adolescents, carried out between 2019 and 2023.

In the context of Law n° 30/2019, of April 23rd, which introduces restrictions on food advertising aimed at children under 16, the DGC launched enforcement actions on advertising of foods with a high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content in different media channels - magazines (2019), television (2020) and digital media (2021 to 2023) (Figure 9).

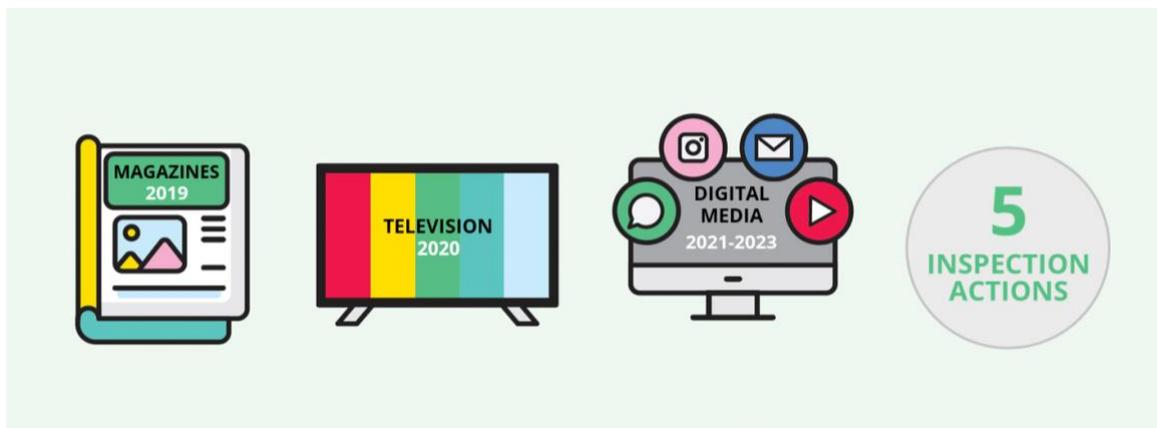


Figure 9 - Enforcement and inspection actions carried out by the Directorate-General for Consumer Affairs in different media channels between 2019 and 2023.

In parallel, the DGS's PNPAS has been monitoring compliance with Law n° 30/2019, of April 23rd since 2020. In this way, Portugal has gathered a vast amount of data in a short space of time, enabling quality support for decision-making in this area (Figure 10).

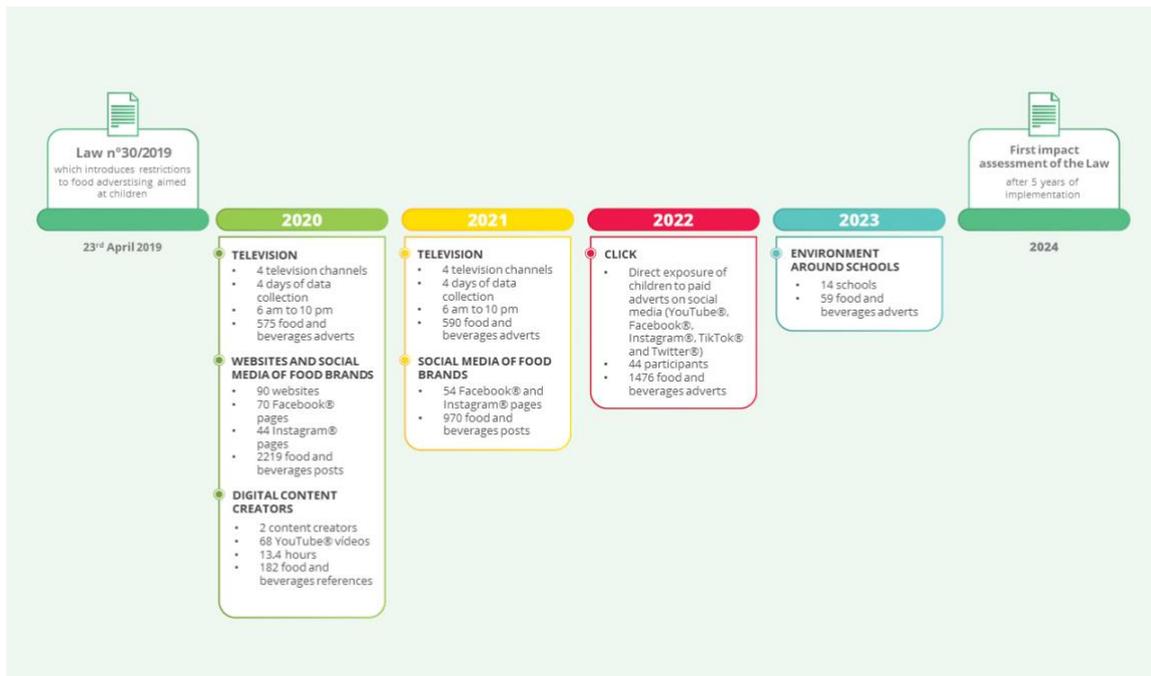


Figure 10 –Initiatives developed by the Directorate-General for Health to monitor Law n° 30/2019, of April 23rd.

6.1 Results of the enforcement and inspection actions on food advertising aimed at children and adolescents between 2019 and 2023

Between 2019 and 2023, the DGC carried out five inspections to analyse food advertising to children under 16. A total of 258 messages disseminated by 34 economic operators in the various communication contexts (magazines, television and digital media) were analysed.

Of the covered economic operators, there was a compliance rate of 68%. Regarding the universe of advertising messages analysed, there was a compliance rate of 94% (Figure 11).

Regarding the main infractions detected, we would highlight the failure to comply with paragraphs c) and d) of no. 3 of article 20-A, and paragraph h) of no. 4 of article 20-A of the Advertising Code (Decree-Law nº 330/90 of October 23rd, in its current wording [61]) relating to:

Article 20-A; Nº 3 (c) and (d):

3 - Advertising of food products and beverages with a high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content is also prohibited:

c) In publications aimed at children under 16;

d) On the internet, through websites or in social media, as well as in mobile applications intended for devices that use the internet, when their content is aimed at children under -16.

Article 20 -A; Nº4 (h)

4 - Advertising of food products and beverages high in energy, salt, sugar, saturated fatty acids and processed fatty acids shall be clear and objective and shall not relate the consumption of the product to potential health benefits, refraining, in particular, from:

h) Communicating characteristics of foods and beverages high in energy, salt, sugar, saturated fatty acids and processed fatty acids as beneficial to health, omitting the harmful effects of such high levels.

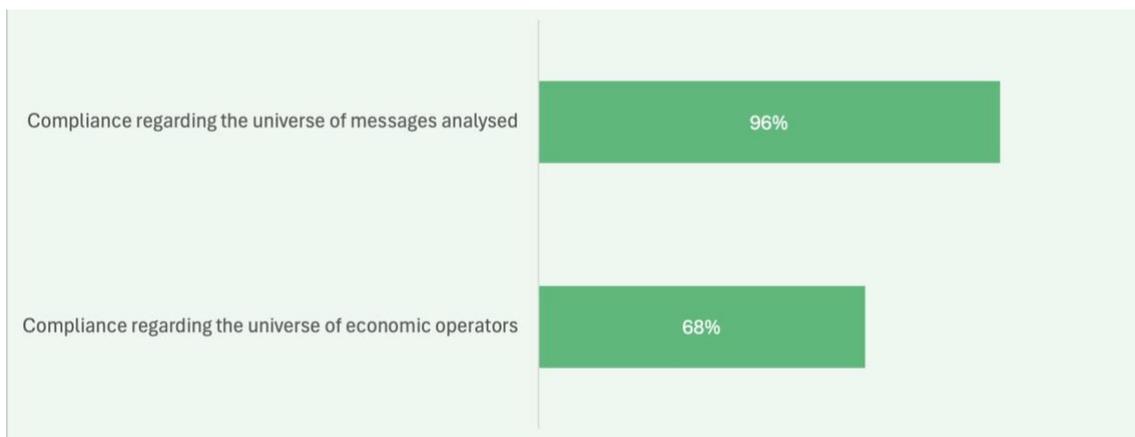


Figure 11 - Analysis of the enforcement and inspection actions carried out by the Directorate-General for the Consumer during the period of implementation of Law nº 30/2019, of April 23rd.

The majority of infractions detected were in the online segment: 81% of infractions in the online segment (websites and social media); 9.5% of infractions - in the magazine segment and 9.5% of infractions - in the television segment.

During the period of implementation of this law, 11 administrative offence proceedings were filed, 7 of which resulted in convictions for a total fine of 50 500€ (Figure 12).



Figure 12 - Results of the inspection actions carried out by the Directorate-General for the Consumer during the period of implementation of Law nº 30/2019, of April 23rd.

The advertised food categories in which infractions were identified are shown in Figure 13, with the category of cakes, biscuits and other pastries and the category of pre-prepared, convenience and ready-to-eat meals (28.0% and 23.0% respectively) standing out as the categories in which the highest number of infractions were identified.

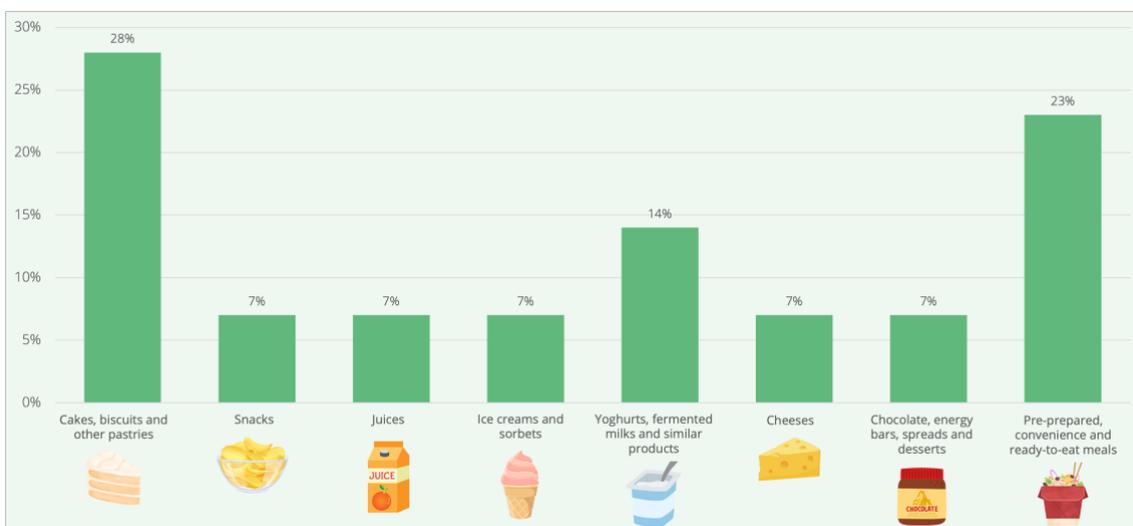


Figure 13 - Food categories in which infractions have been detected by the Directorate-General for the Consumer.

6.2 Results of the study analysing commercial communication in television services aimed at young audiences in 2023

The ERC, as the competent body responsible for analysing the commercial messages contained in the LTSAP, such as product placement and production aids, carried out an analysis of the commercial communication present in television services aimed at young audiences in the final months of 2023 [41].

Content made available by on-demand audiovisual services under the jurisdiction of the Portuguese state was analysed, including RTP Play, TVI Player and Opto, as well as recordings provided to the ERC by linear service operators with children's/youth content (RTP, SIC, TVI and Dreamia). The period for collecting the information was the last trimester of 2023.

During the analysis period, various marketing techniques and content aimed at children and adolescents were identified within programmes and in their breaks (Figure 14), with 11 infractions of Law n° 30/2019, of April 23rd and Law no. 27/2007 of 30 July identified in traditional media (TV) and streaming platforms. It should be noted that the product placements observed in the broadcasts of episodes of the national production series 'Uma Aventura' (SIC, 2000-2007) were not considered infractions of Law n° 30/2019, of April 23rd, as they referred to broadcasts prior to the legal restrictions.

We also identified 41 advertisements for children's menus from two fast-food chains in which the brands and toys that accompany the menus are promoted, without a specific food product being identified (brand marketing). This strategy of adapting to existing legislation seems to continue to allow children to be exposed to food marketing. In addition, situations were identified that could indicate a violation of the Advertising Code regarding food and beverages advertising aimed at children, as well as other commercial communications that are more difficult to recognise given the legal constraints, particularly regarding sponsorship.

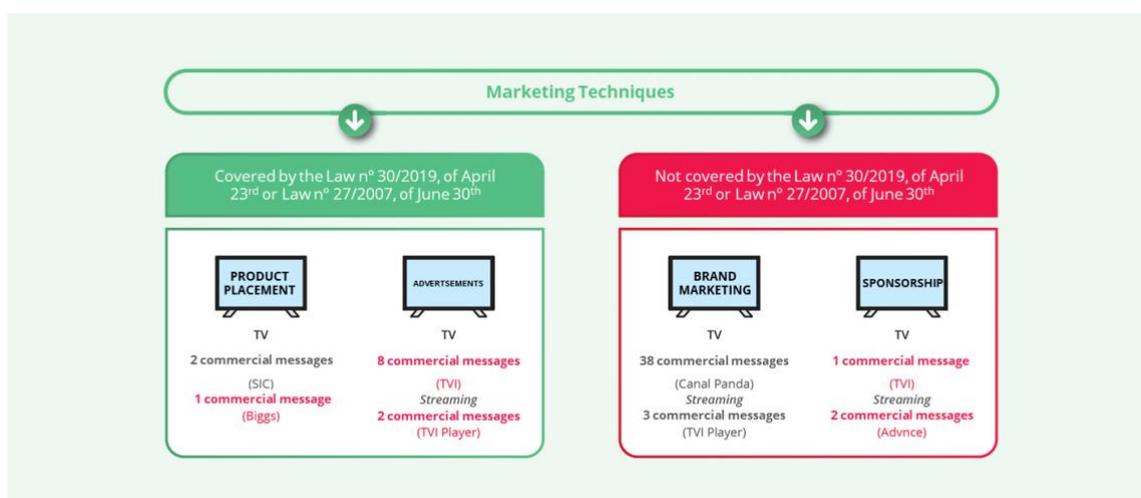


Figure 14 - Number of commercial messages within programmes and in their breaks related to food and beverages identified in audiovisual services in Portugal. Infractions of Law n° 30/2019, of April 23rd are identified in red (n=11).

6.3 Results of actions to monitor food advertising aimed at children and adolescents in 2020

6.3.1 On television

In 2020, to analyse food advertising on television, all Portuguese generalist and free channels (RTP1, RTP2, SIC and TVI) and children's cable/fibre channels aimed at children were analysed. The data collection period ran from March to May 2020 and 5555 advertisements were analysed. For each TV channel, all advertisements were collected from 2 weekdays and 2 weekend days, between 6am and 10pm (32 days analysed).

Of all the advertisements analysed, 10.4% promoted food and beverages, with this percentage varying depending on the TV channel. There were no food advertisements on children's channels (Figure 15)

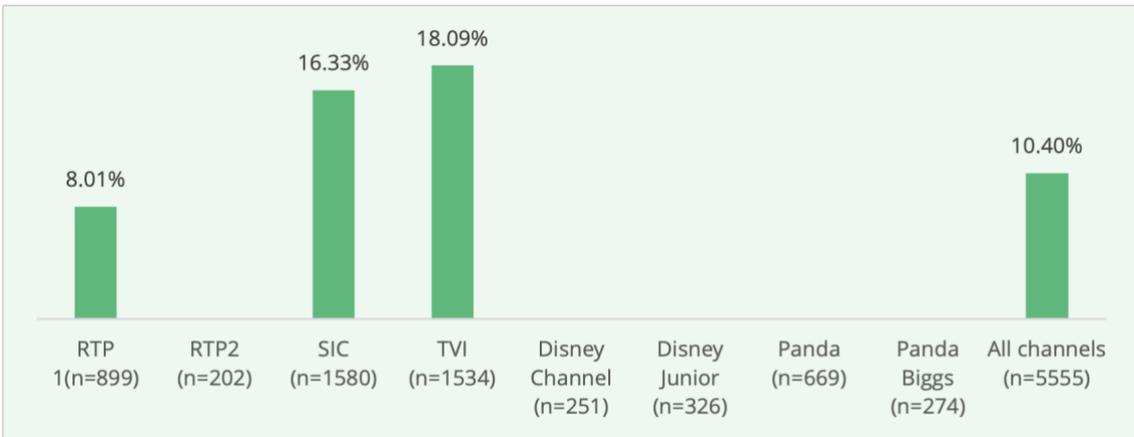


Figure 15 - Percentage of total food and beverages advertisements, in total and by TV channel, 2020.

The highest percentage of food and beverages advertisements did not meet the nutrient profile defined by the DGS (65.6%) (Figure 16). The percentage of food and beverages advertisements that did not meet the nutrient profile defined by the DGS, according to the different television channels, is shown in Figure 17.

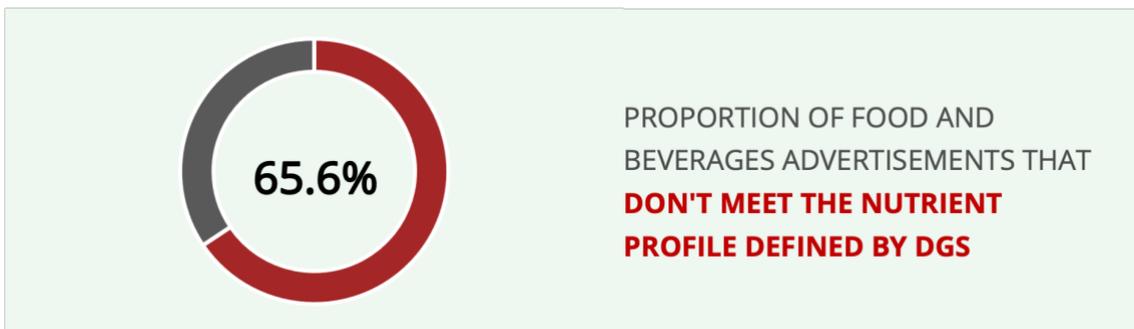


Figure 16 - Percentage of television advertisements that do not meet the nutrient profile defined by the DGS, 2020 (n=575)

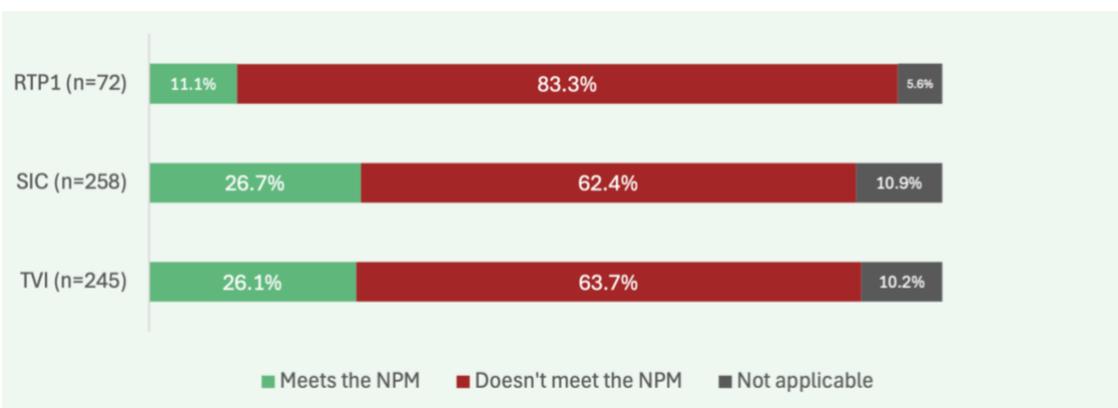


Figure 17 - Percentage of food and beverages advertisements, by television channel, according to compliance with the nutrient profile defined by the DGS, 2020 (n=575).

The most advertised foods, in general, belonged to the category of chocolates and other confectionery products, others (coffees, teas...), soft drinks and cakes, biscuits and other pastries (Figure 18).

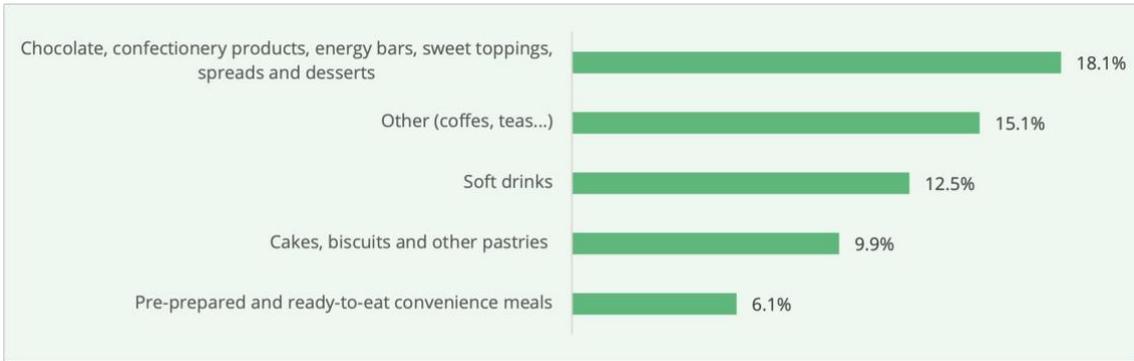


Figure 18 - Percentage of food and beverages advertisements, by food category; 2020 (n=575).

Of the total number of food advertisements analysed, by analysing their content, it was possible to see that 18.6% of the food advertisements had content that could potentially appeal to children (Figure 19).



Figure 19 - Percentage of food and beverages advertisements on television with content appealing to children; 2020.

The most advertised food categories in advertisements with content appealing to children are shown in Figure 20, where the chocolates and other confectionery category and the cakes, biscuits and other pastries category stand out (38.3% and 32.7% respectively).

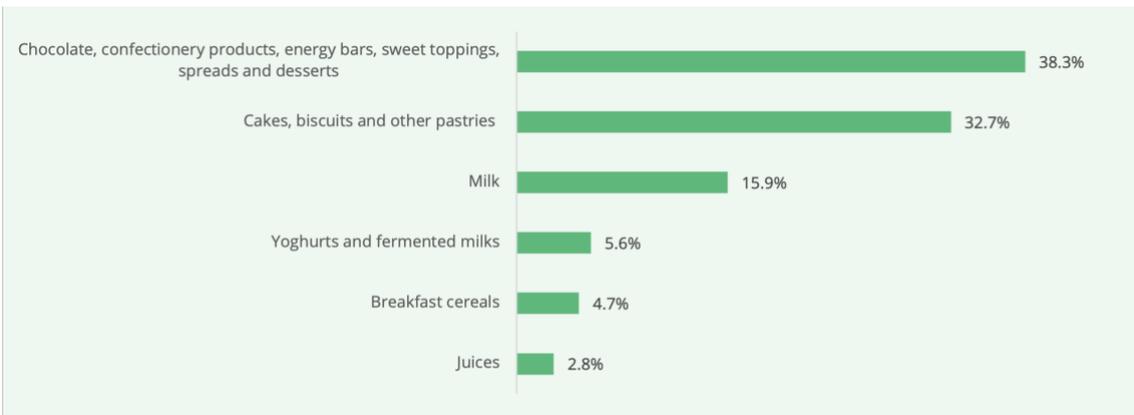


Figure 20 - Percentage of food and beverages advertisements on television with content appealing to children, by food category, 2020 (n=107).

Regarding the classification of the food products and beverages promoted in these advertisements with content appealing to children, it was found that around 93.5% did not meet the nutrient profile defined by the DGS (Figure 21).



Figure 21 - Percentage of food and beverages advertisements on television with content appealing to children that does not meet the nutrient profile defined by the DGS, 2020 (n=107).

The highest percentage of food advertisements appeared on weekdays (61.7%) and during the timeslots of 1pm-2pm and 9pm-10pm (Figure 22). Food and beverages advertisements with content appealing to children were more frequent during the timeslots of 1pm-2pm and 8pm-9pm (Figure 23).

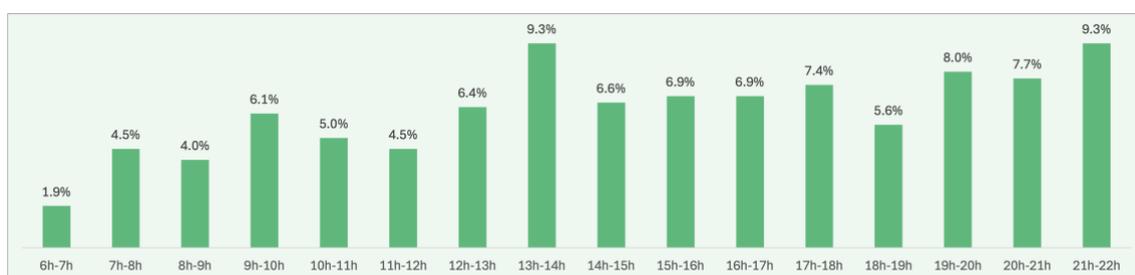


Figure 22 - Percentage of food and beverages advertisements on television that do not meet the nutrient profile, per hour, 2020.

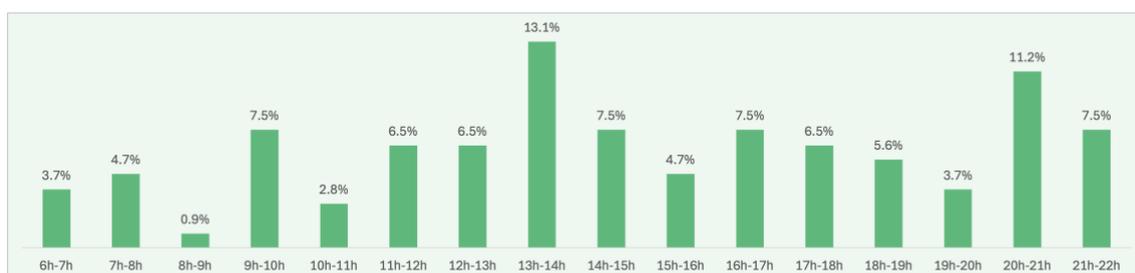


Figure 23 - Percentage of food and beverages advertisements on television with content appealing to children, by hour, 2020 (n=107).

6.3.2 In digital context – websites

Regarding the digital context, we analysed food brands and sub-brands of foods and beverages that commercialise the food categories that are most frequently advertised to children, usually chocolates and confectionery, cakes, other pastries and biscuits, snacks, yoghurts, cheeses, breakfast cereals, ice creams and sorbets, juices, soft drinks, energy and isotonic drinks, milks and vegetable beverages. A total of 90 Portuguese websites were analysed. The profiles of the same brands on social media (Facebook® and Instagram®) were also analysed, totalling 70 Facebook® pages and 40 Instagram® pages.

Considering the analysed websites, 21.1% had content appealing to children, 17.8% were aimed at ‘families’ and 16.7% had content appealing to adolescents, with 36.8% of the websites with content appealing to children requiring age verification (<16 years) (Figure 24).

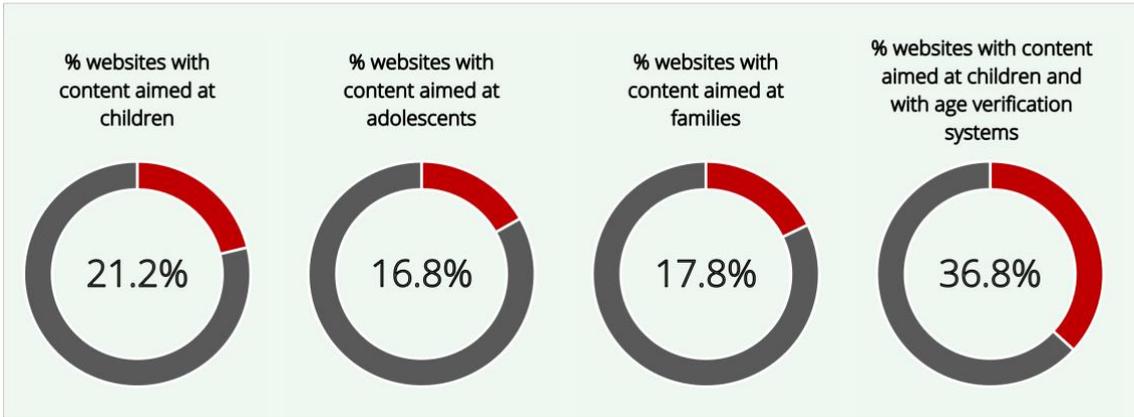


Figure 24 - Percentage of websites with content appealing to children, aimed at 'families' and with content appealing to adolescents, 2020 (n=70).

6.3.3 In digital context – social media (Facebook® e Instagram®)

Analysing the persuasive techniques aimed at children, adolescents and families, it was found that 67.1% of the brands analysed on Facebook® and 72.7% of the brands analysed on Instagram® had persuasive techniques aimed at children (Figure 25). The food categories where there was a higher proportion of these types of techniques were: chocolates and other confectionery products, cakes, biscuits and other pastries, juices and soft drinks, on both social networks (Figure 26).

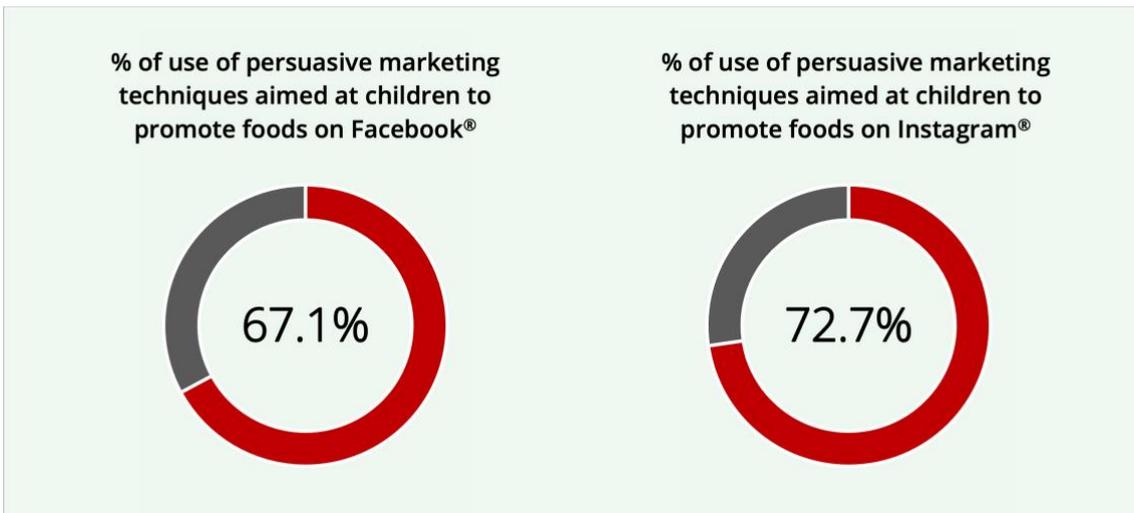


Figure 25 - Percentage of use of persuasive marketing techniques aimed at children in a digital context (Facebook® and Instagram®) to promote food and beverages products, 2020.

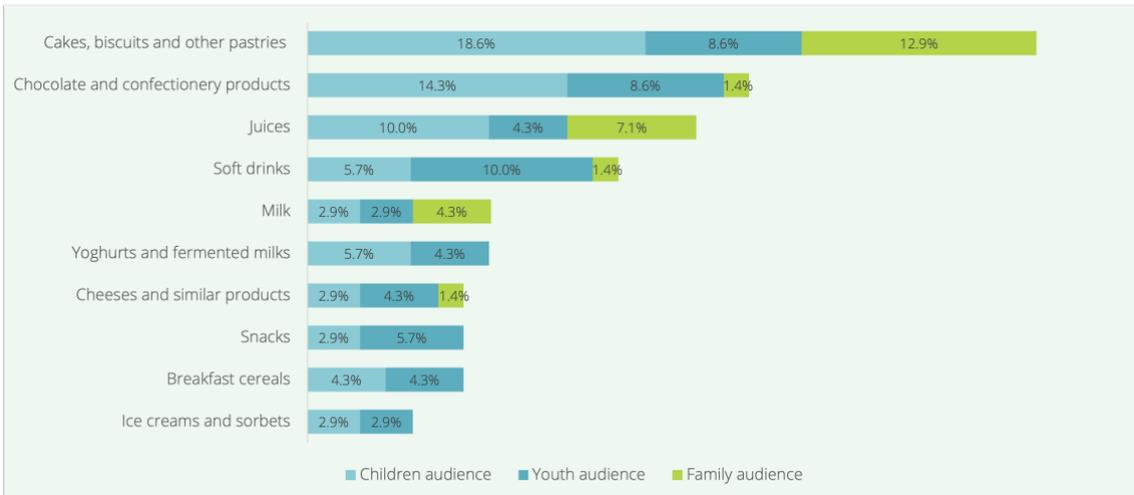


Figure 26 - Percentage of use of persuasive marketing techniques, according to food category and target audience on Instagram®, 2020.

6.3.4 In digital context – social media (Youtube®)

In the digital context, videos published between July 2019 and July 2020 on the channels of two digital content creators popular with Portuguese children and adolescents were also analysed. A total of 68 videos from the YouTube® platform were analysed (equivalent to 13.5 hours in total), and 182 references to foods and beverages were identified. This analysis is part of the Landscape of campaigns stage of the World Health Organisation's CLCK tool, and its analysis protocol was followed.

Majority of references to food and beverages in the videos analysed were to foods that did not meet the DGS nutrient profile criteria (Figure 27). However, it should be noted that most of the references in the videos did not have an advertising purpose.



Figure 27 - Percentage of references to food and beverages in a digital context (YouTube®) that did not meet the criteria of the DGS nutrient profile, 2020.

The food categories most present in these videos were pre-prepared and convenience meals, cakes and biscuits, as well as snacks (Figure 28).



Figure 28 - Categories of food products most commonly included in references to food and beverages in the YouTube® videos analysed, 2020.

6.4 Results of actions to monitor food advertising aimed at children and adolescents in 2021

6.4.1 On television

In 2021, food advertising aimed at children on television was once again monitored. For this analysis, all Portuguese generalist and free-to-air channels (RTP1, RTP2, SIC and TVI) were analysed again, and all advertisements from 2 weekdays and 2 weekend days, between 6am and 10pm, were collected during the month of November 2021, and 5272 advertisements were identified. Channels aimed at children were excluded from the analysis as no food and beverages advertisements were identified in the previous study.

The results of this study were published in an international journal in August 2023 ([PMID: 37686832](https://pubmed.ncbi.nlm.nih.gov/37686832/)).

Considering the total number of advertisements analysed, 11.2% promoted foods and beverages, with this percentage varying depending on the television channel, as described in Figure 29.

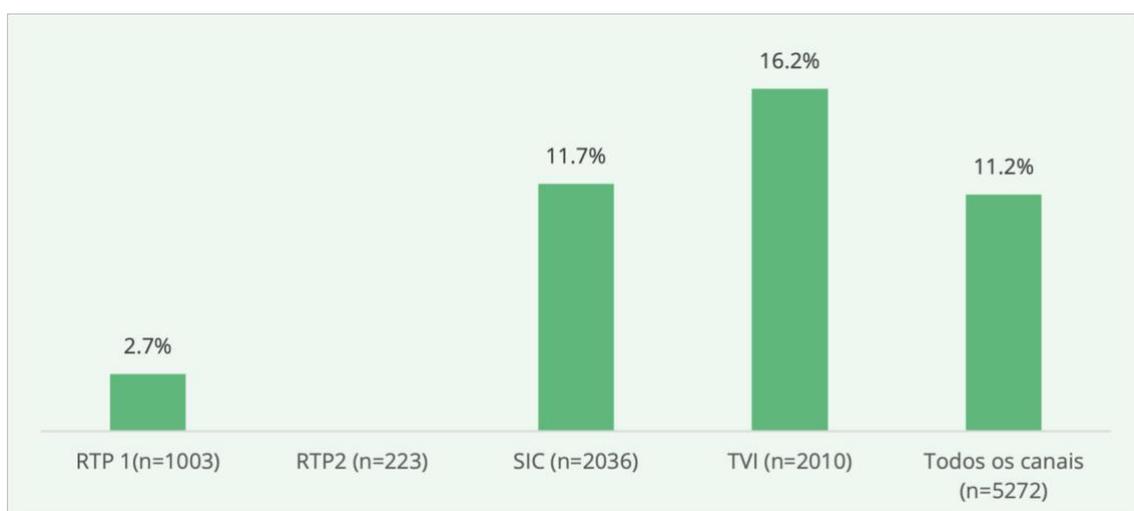


Figure 29 - Percentage of total food and beverages advertisements, in total and by TV channel, 2021.

Around 78% of the advertisements did not meet the nutrient profile defined by the DGS (Figure 30). The percentage of food and beverages advertisements that did not meet with the nutrient profile defined by the DGS, according to the different television channels, is shown in Figure 31.

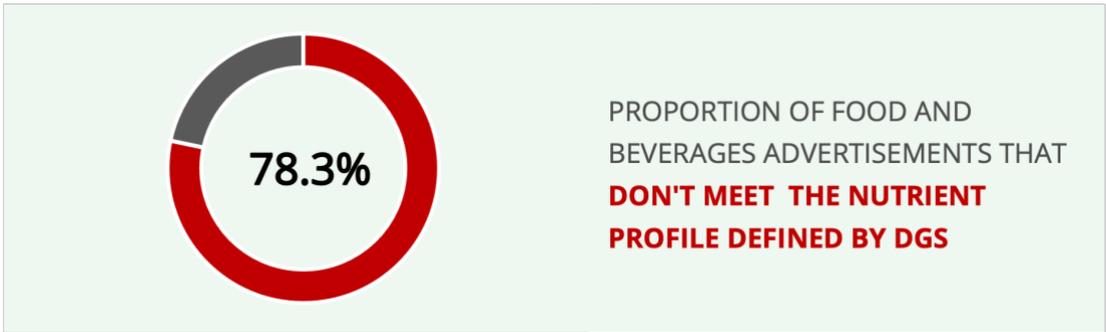


Figure 30 - Percentage of television advertisements that do not meet the nutrient profile defined by the DGS, 2021.

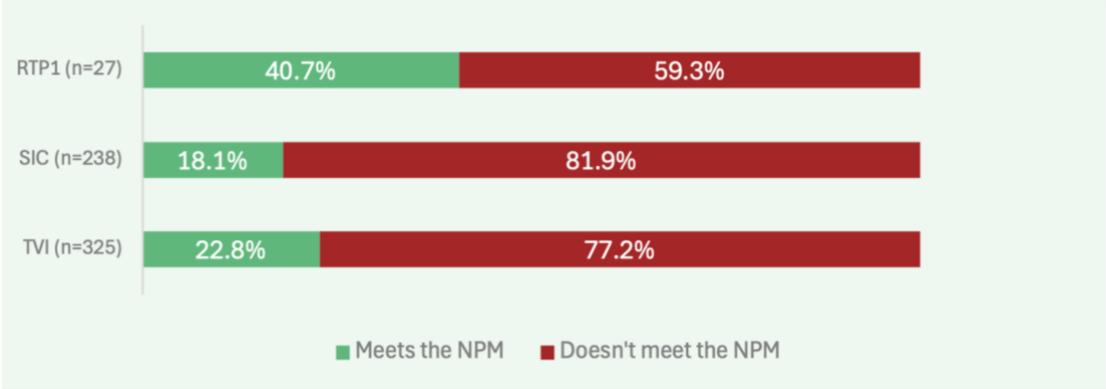


Figure 31 - Percentage of food and beverages advertisements, by television channel, according to compliance with the nutrient profile defined by the DGS, 2021.

Overall, the majority of food advertised belonged to the category of pre-prepared and convenience meals and chocolates and confectionery (25.9% and 23.6% respectively) - Figure 32).

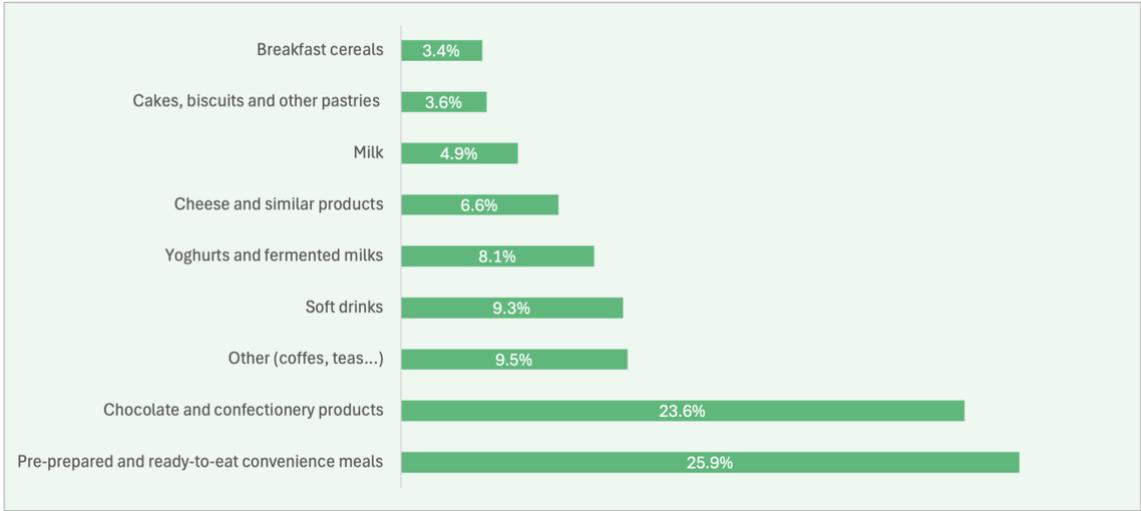


Figure 32 - Percentage of total food and beverages advertisements on television, by food category, 2021 (n=590).

Of all the analysed food advertisements, 22.2% had content that appealed to children (Figure 33). Furthermore, 44.6% of the food advertisements were aimed at families and 25.9% at adults. With regard to the foods advertised in advertisements with child-friendly content, chocolates and confectionery and soft drinks were the most advertised (42% and 26.7% respectively) (Figure 34). None of the food products in advertisements appealing to children met the nutrient profile criteria defined by the DGS.

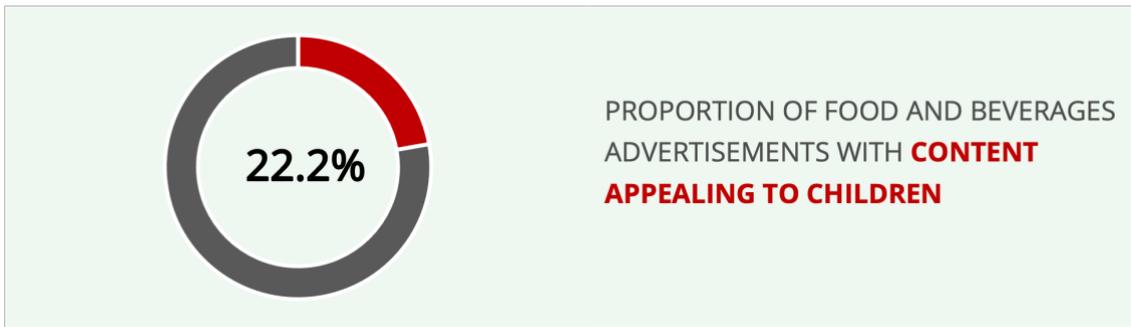


Figure 33 - Percentage of food and beverages advertisements on television with content that appeals to children, 2021.

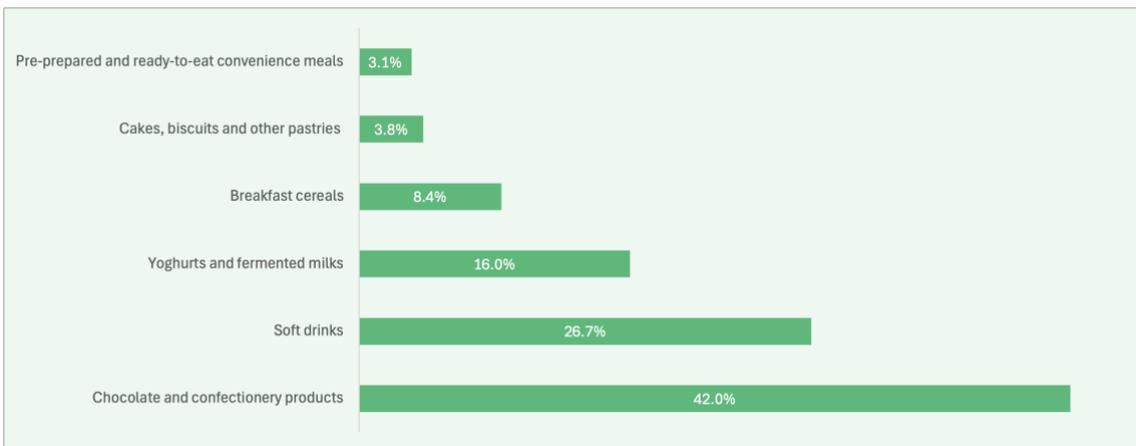


Figure 34 - Percentage of food and beverages advertisements on television with content appealing to children, by food category, 2021 (n=131).

The highest percentage of food advertisements was in the 2pm - 3pm and 7pm - 8pm timeslots, while food and beverages advertisements with content appealing to children were more frequent in the 8am - 9am and 9am - 10am timeslots (Figure 35 and 36).



Figure 35 - Percentage of total food and beverages advertisements on television, by hour, 2021 (n=590).

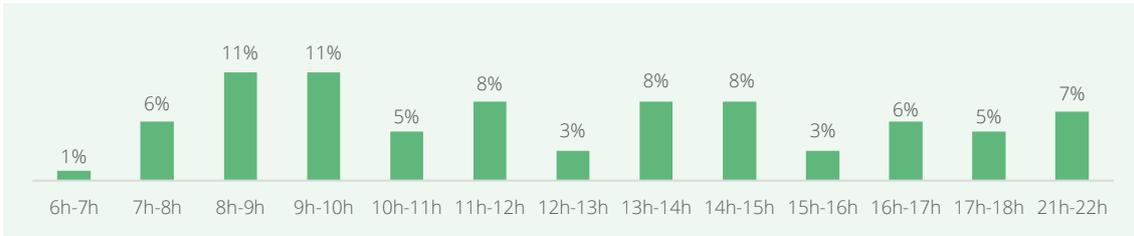


Figure 36 - Percentage of food and beverages advertisements on television with content appealing to children, by hour, 2021 (n=131).

This study also assessed persuasive marketing techniques, which are described in Figures 37 and 38. The largest percentage of food advertisements fell into the 'Other' category (30.5%) as the primary persuasive technique, which mostly refers to food adverts focused on sustainability and environmental protection issues. With regard to advertisements with content appealing to children, the majority used the categories 'unique' and 'humour' as their primary persuasive techniques (26.7% and 24.4% respectively).

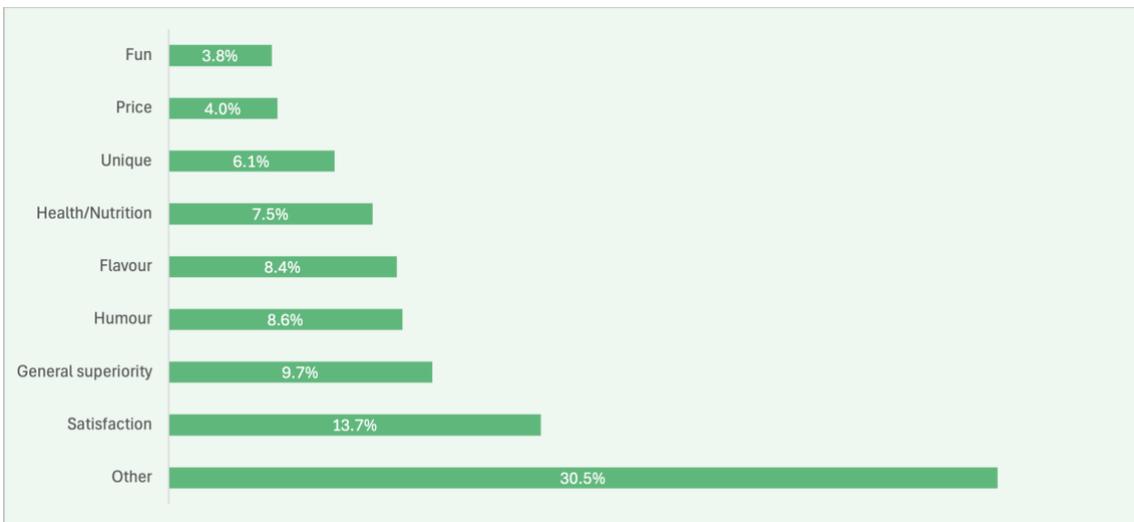


Figure 37 - Percentage of primary persuasive techniques in food and beverages advertisements on television, 2021(n=590)

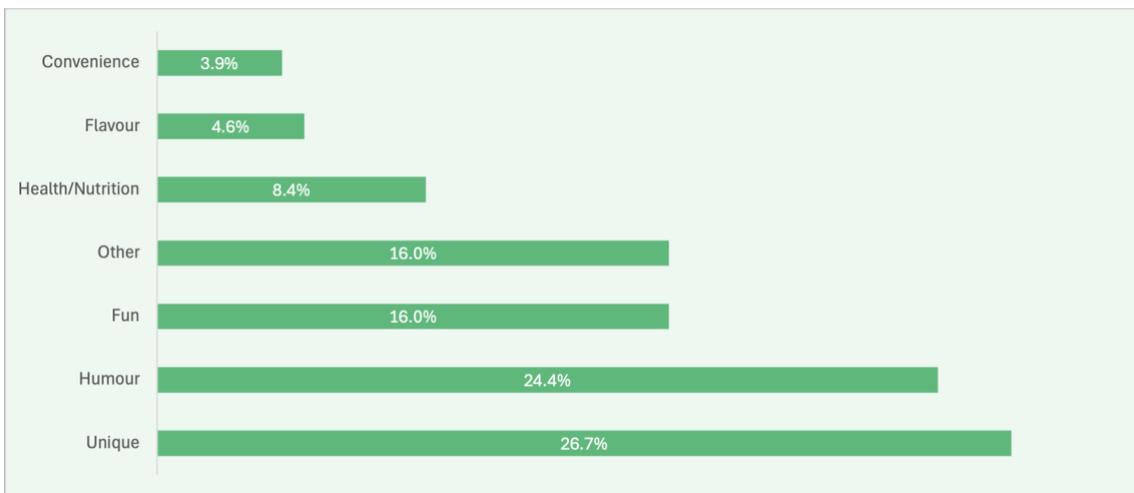


Figure 38 - Percentage of primary persuasive techniques in food and beverages advertisements on television with content appealing to children, 2021 (n=131).

Secondary persuasive techniques were also assessed, which are described in Table 5, for all the food advertisements and for the food advertisements with content appealing to children.

Table 5 – Secondary persuasive techniques used in all food and beverages advertisements and in food and beverages advertisements with content appealing to children, on television, 2021.

Secondary persuasive techniques	All food and beverages advertisements (n=590)	Food and beverages advertisements with content appealing to children (n=131)	p-value
Dynamic audiovisual components, n (%)			
Absent	384 (65.1%)	75 (57.3%)	0.033
Present	206 (34.9%)	56 (42.7%)	
Brand characters, n (%)			
Absent	537 (91%)	98 (74.8%)	<0,001
Present	53 (9.0%)	29 (25.2%)	
Children, n (%)			
Absent	536 (90.8%)	94 (71.8%)	<0.001
Present	54 (9.2%)	37 (28.2%)	
Cartoon characters, n (%)			
Absent	590 (100%)	131 (100%)	---
Celebrities, n (%)			
Absent	566 (95.9%)	131 (100%)	-
Entertainment celebrities	15 (2.5%)	---	
Sports celebrities	9 (1.5%)	---	
Website address, n (%)			
Absent	498 (84.4%)	114 (87.0%)	0.349
Present	92 (15.6%)	17 (13.0%)	
Links to social media, n (%)			
Absent	574 (97.3%)	131 (100%)	-
Present	16 (2.7%)	---	
Brand logos, n (%)			
Absent	64 (10.8%)	4 (3.1%)	0.001
Present	526 (89.2%)	127 (96.9%)	
Product Image, n (%)			
Absent	4 (0.7%)	---	-
Present	586 (99.3%)	131 (100%)	
Premium offers, n (%)			
Absent	519 (88.0%)	95 (72.5%)	<0.001
Present	71 (12.0%)	36 (27.5%)	
Nutritional claims and other mentions, n (%)			
None	561 (95.1%)	131 (100%)	-
Other	8 (1.4%)	---	
Sugar free	7 (1.2%)	---	
No added sugar	10 (1.7%)	---	
Low in calories/light	3 (0.5%)	---	
Wholegrain	1 (0.2%)	---	

Data are presented as absolute and relative frequencies. Chi-squared test to assess differences in proportion between groups. Statistically significant differences when p-value < 0.05.

6.4.2 In digital context –social media (Facebook® e Instagram®)

Between 15 January and 18 March 2021, the content shared on the Facebook® and Instagram® social media of 54 food brands was analysed, selected because they included products from the food categories usually most advertised to young age groups (children and adolescents). A total of 970 posts were analysed, of which 287 were related to the brand itself (and not to a specific food product), so the nutrient profile analysis was carried out for a total of 680 posts (Figure 39).

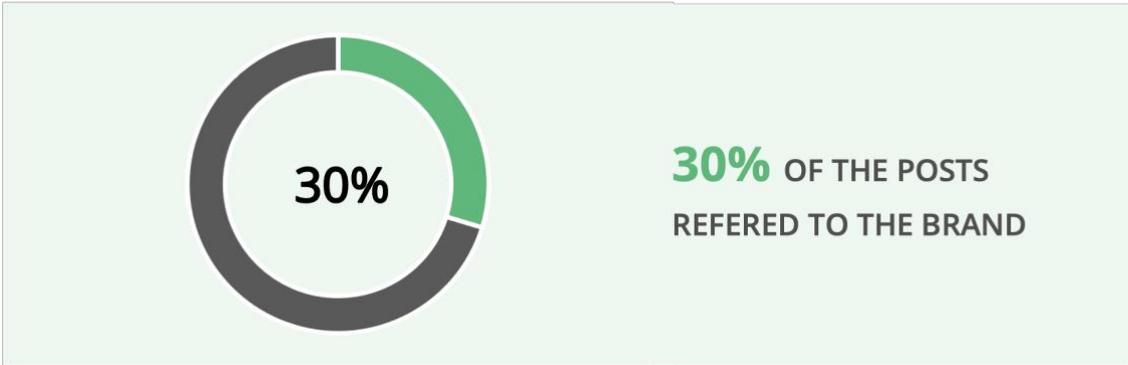


Figure 39 - Percentage of posts referring to the brand and not a specific product, in a digital context (Facebook® and Instagram®), 2021.

The most advertised foods belong to the categories of chocolates and confectionery, cakes and pastries and juices (Figure 40). Considering the 680 publications analysed, the vast majority of advertised products do not meet the criteria defined by the DGS nutrient profile (Figure 41).

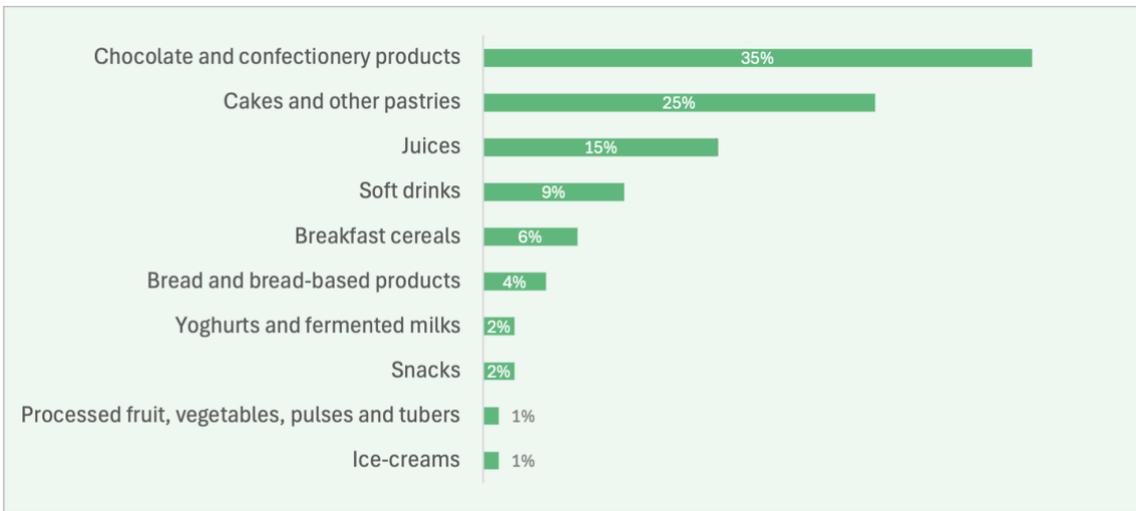


Figure 40- Categories of food products advertised in the analysed posts, in a digital context (Facebook® and Instagram®), 2021.



Figure 41 - Percentage of food and beverages posts in a digital context (Facebook® and Instagram®) that do not meet the nutrient profile defined by the DGS, 2021.

Most of the publications analysed were not aimed at a specific target audience (Figure 42). However, although most of the publications are aimed at all ages, they can also be considered appealing to the younger age groups (58.7%). In addition, it should be noted that publications aimed at 'parents', 'family' and

'all ages' have content that indirectly also targets younger groups. Of these publications with content that also appeals to younger age groups, 93% do not meet the nutrient criteria of the DGS profile.

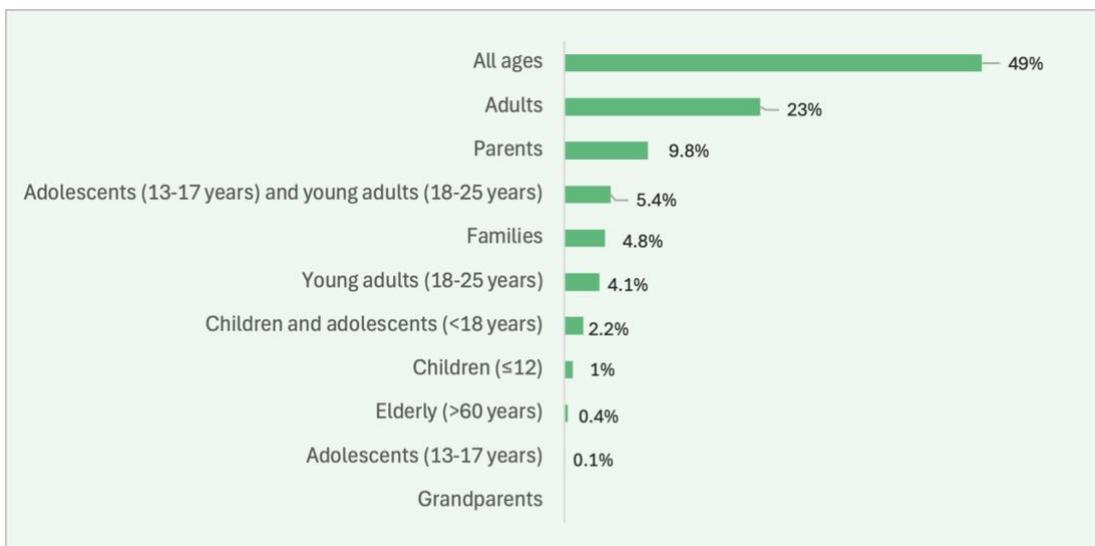


Figure 42 - Target audience of the publications analysed, in a digital context (Facebook® and Instagram®), 2021.

6.5 Results of actions to monitor food advertising aimed at children and adolescents in 2022

6.5.1 In digital context –social media

In 2022, an analysis of children's direct exposure to paid digital advertisements on social media (YouTube®, Facebook®, Instagram®, TikTok®, Twitter®) was carried out, following the protocol developed for the Investigate Exposure step of the WHO CLICK Monitoring Framework.

Data was collected between 28 February 2022 and 20 January 2023 using the Reality Meter app, which was installed on the children's devices (70%), or the parents' devices when the children did not have a mobile phone (30%), and collected data on the title of the advertisement, description of its content, advertiser, date and time of exposure, as well as the platform through which exposure to the advertisement occurred. Considering the 44 children who participated, aged between 3 and 16, 55% were boys and 45% were girls, and were connected to the app for an average of 64.7 ± 42.3 days. The results of this study were published in May 2023 ([ISBN: 978-972-675-340-7](#)).

A total of 18,569 advertisements were identified, of which 1,476 were food and beverages advertisement (8%). The different types of food and beverages advertisement are described in Figure 43, with the highest percentage of advertisement for independent brands in the food industry and advertisement for meal delivery apps (37% and 24% respectively).

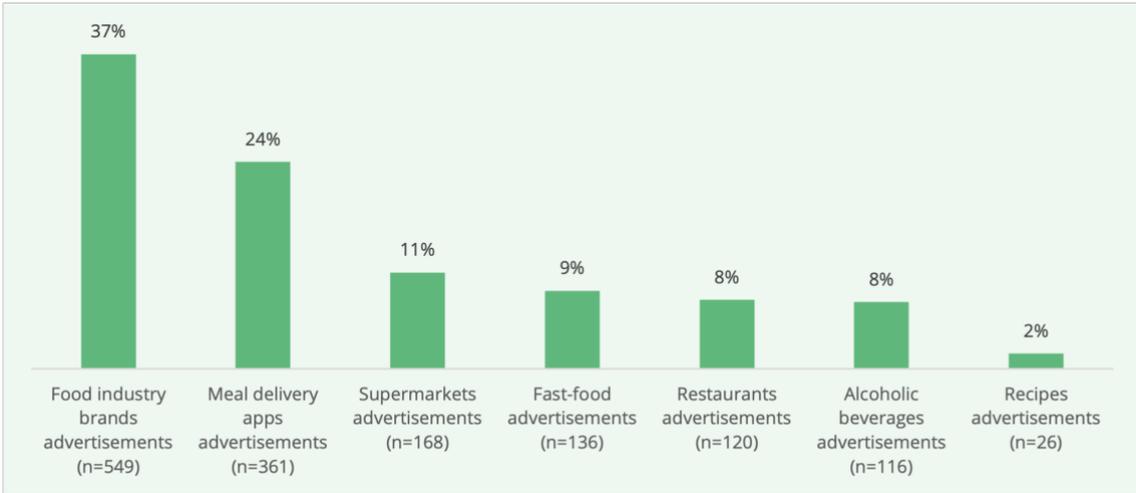


Figure 43 - Types of food and beverages advertisements in a digital context, 2022 (n=1476).

The most advertised brands are described in Figure 44. Instagram® was the social media where the most advertisements for food and beverages were detected (56%) (Figure 45).

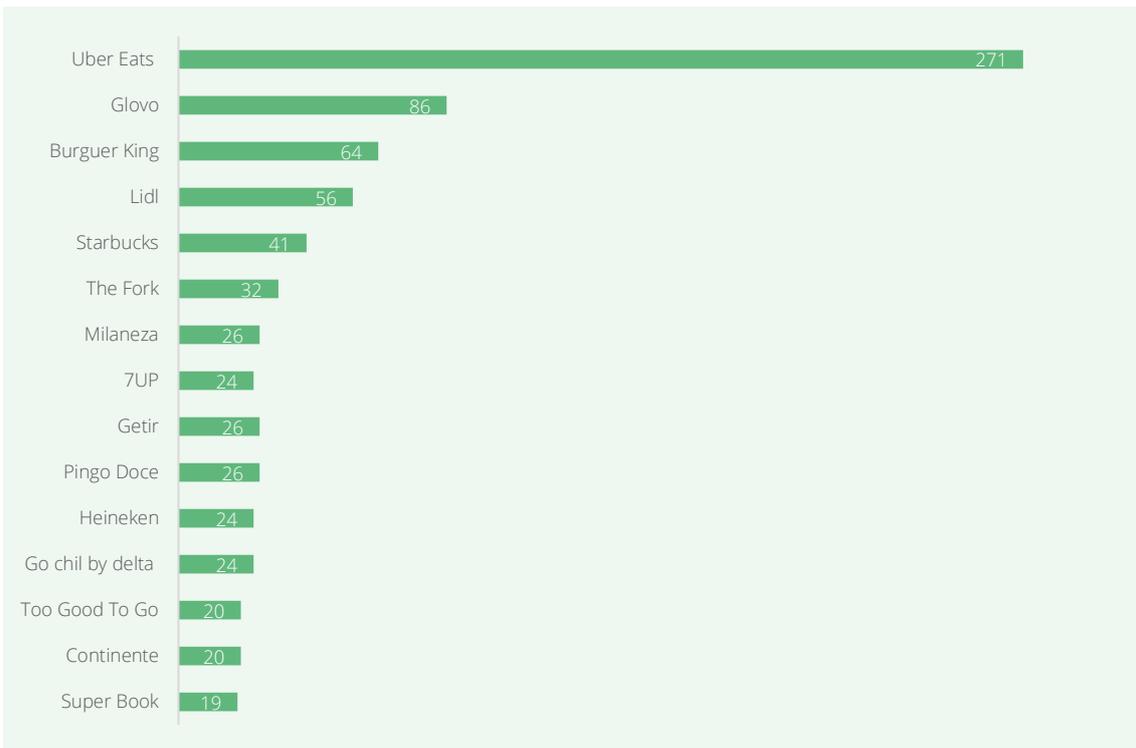


Figure 44 - Most advertised brands in a digital context, 2022 (n=1476).

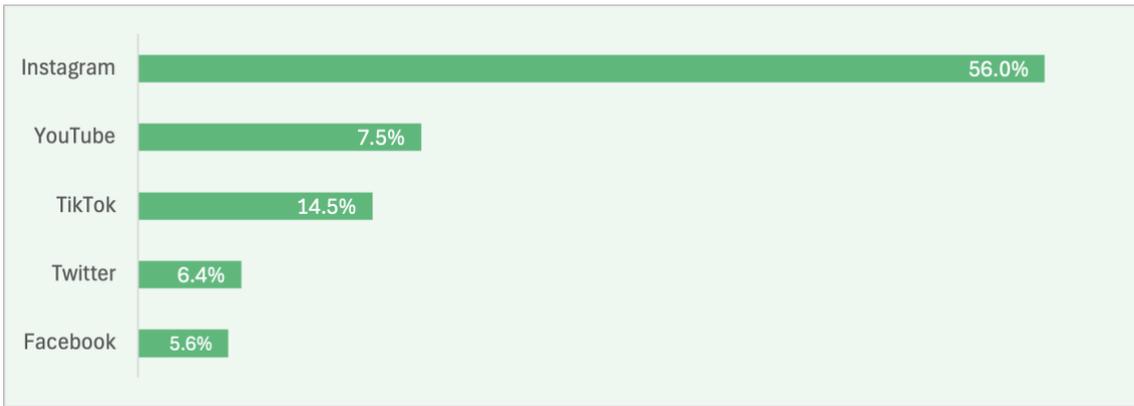


Figure 45 - Proportion of food and beverages advertisements by social media platform, 2022 (n=1476).

For the following analyses, only advertisements falling into the categories of 'independent food brand advertisements (n=549) and 'fast-food advertisements (n=136) were considered. The most advertised food categories were soft drinks and pre-prepared, convenience and ready-to-eat meals (29.9% and 19.3% respectively) (Figure 46). The most advertised brands are described in Figure 47. It was found that 81% of food and beverages advertisements did not meet the nutrient profile defined by the DGS (Figure 48).

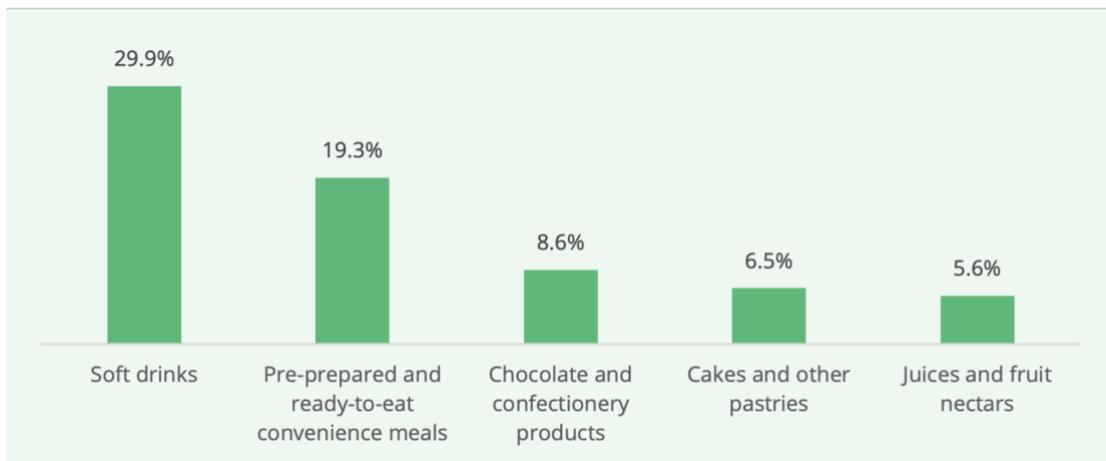


Figure 46 - Most advertised food categories in a digital context, 2022 (n=642).

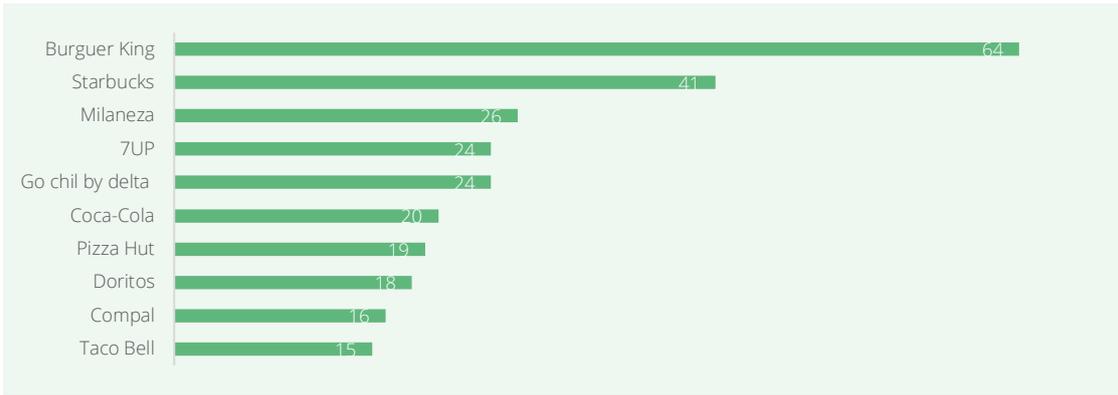


Figure 47 - Most advertised food brands in a digital context, 2022 (n=642).

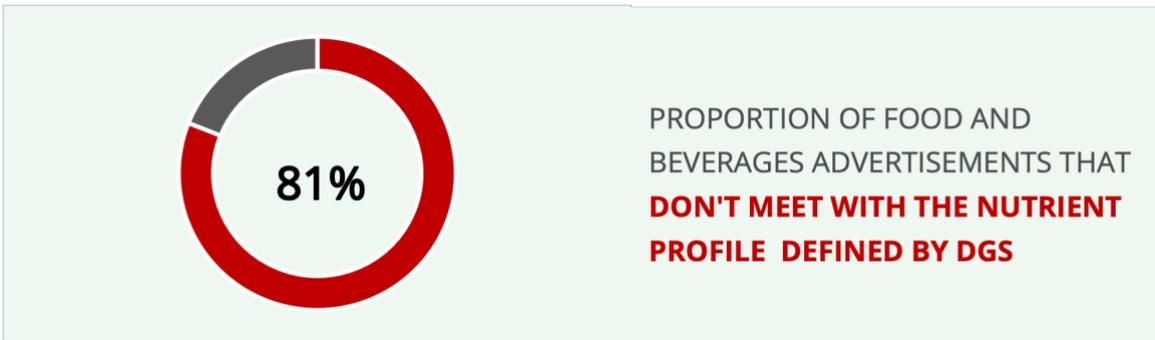


Figure 48 - Percentage of food and beverages advertisements in a digital context that did not meet the nutrient profile defined by the DGS, 2022.

It was also found that children were exposed to 6 ± 10.6 food and beverages advertisements per week, and 2.2 ± 4.2 food and beverages advertisements that did not meet the nutrient profile defined by the DGS per week. Table 6 shows the average exposure of children to food and beverages advertisements (n=1476) and food advertisements that did not meet the nutrient profile criteria (n=520) per week, according to gender, age and perception of income. Participants with exposure to 20 or fewer advertisements overall were excluded from this analysis, so the sample size was 29 participants. Overall, female children, children aged between 13 and 16 and children from families with reasonable or difficult/very difficult financial well-being were more exposed to both food and beverages advertisements and advertisements for foods that did not meet the nutrient profile criteria.

Table 6 - Mean of digital food and beverages advertisements (n=1476) and non-permitted advertisements (n=520) by gender, age and subjective financial well-being of the household, per week, 2022.

	Nº. of food and beverages advertisements captured per week (n=1476)	Nº. of advertisements for food and beverages that do not meet the nutrient profile criteria captured per week (n=520)
Gender		
Male	3.6 ± 3.4	1.4 ± 1.3
Female	8.7 ± 14.7	3.1 ± 4.9
Age		
3-12 years	3.1 ± 3.6	1.0 ± 1.2
13-16 years	15.2 ± 18.8	6.0 ± 7.5
Subjective financial well-being		
Comfortable or very comfortable	4.7 ± 4.1	1.4 ± 1.7
Reasonable/Difficult or very difficult	6.9 ± 13.2	2.6 ± 5.2

The data is presented as mean \pm standard deviation.

Finally, regarding the advertisements on the YouTube® platform, the average time children spent watching the food and beverages advertisements captured was analysed. It was found that, on average, children spent 9.9 ± 9.5 seconds watching advertisements for foods that did not meet the nutrient profile criteria and 9.3 ± 5.0 seconds watching advertisements for foods with an adequate nutritional profile (Table 7). Only data from the YouTube® platform was considered for this analysis, as the variable was not collected for the other platforms.

Table 7 - Descriptive statistics of the actual time spent watching food and beverages advertisements on YouTube®, 2022 (n=97).

	Mean	Standard deviation	Interval
Food and beverages advertisements			
Inadequate nutrient profile (n=76)	9.9 seconds	9.5	2-70 seconds
Adequate nutrient profile (n=21)	9.3 seconds	5.0	2-21 seconds
Total (n=97)	9.8 seconds	8.7	2-70 seconds

6.5.2 Within the school grounds

As part of the COSI Portugal study, the presence of food and beverages marketing and advertising initiatives on school premises has been monitored. Between 2019 and 2022, there was a decrease in the presence of advertising and marketing of names, brands or logos of food companies within the school grounds (Figure 49).

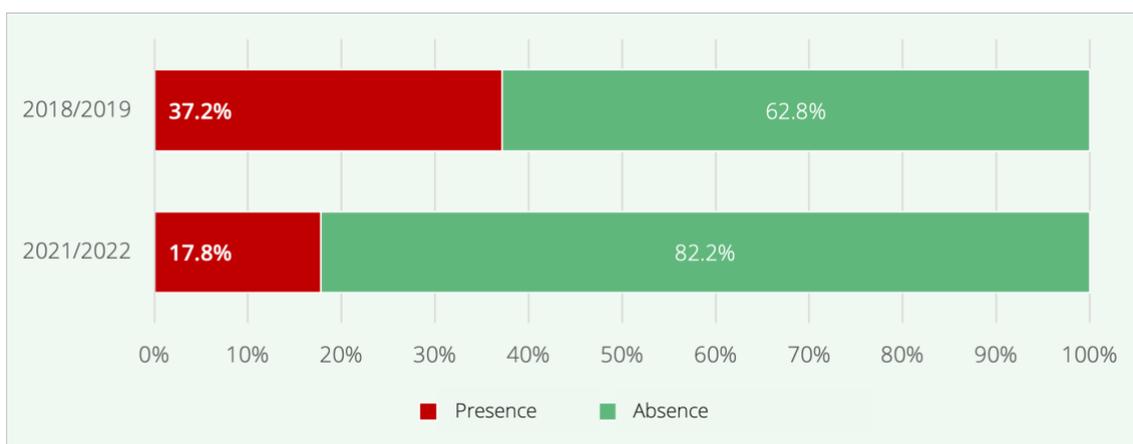


Figure 49 - Percentage of schools advertising food and beverages on school premises | 2019-2022 Source: COSI Portugal 2022.

6.6 Results of actions to monitor food advertising aimed at children and adolescents in 2023

6.6.1 In the environment around schools

In 2023, the potential exposure of children to food advertising around schools was assessed. This study was carried out as part of the EU Joint Action Best-ReMaP in Portugal, Croatia, Belgium, Ireland and Serbia and the research protocol was developed by Dr Magdalena Muc and Prof Dr Mimi Tatlow-Golden (The Open University, UK), as part of the activities of Best-ReMaP Work Package 6, led by PNPAS.

A radius of 500m (distance that children are likely to walk) and 100m (the distance for which restrictions are applied, according to Law nº 30/2019, of April 23rd) was created around each school, using the Map Developers online platform, 6 equal sections were defined, and, in each section, the most obvious and direct route was selected, following main roads wherever possible. The areas were monitored by walking each route in both directions, photographically recording all the advertising elements visible from the street, as well as their geographical location.

Data was collected on 5, 6 and 7 June 2023 in 14 schools in the municipality of Lisbon.

In a 500m radius around the 14 schools analysed, 467 advertisements were identified on bus stops, digital billboards and posters. Of the total number of adverts identified, 13% (n=59) promoted food and/or beverages and 16% (n=77) promoted alcoholic drinks (Figure 50).

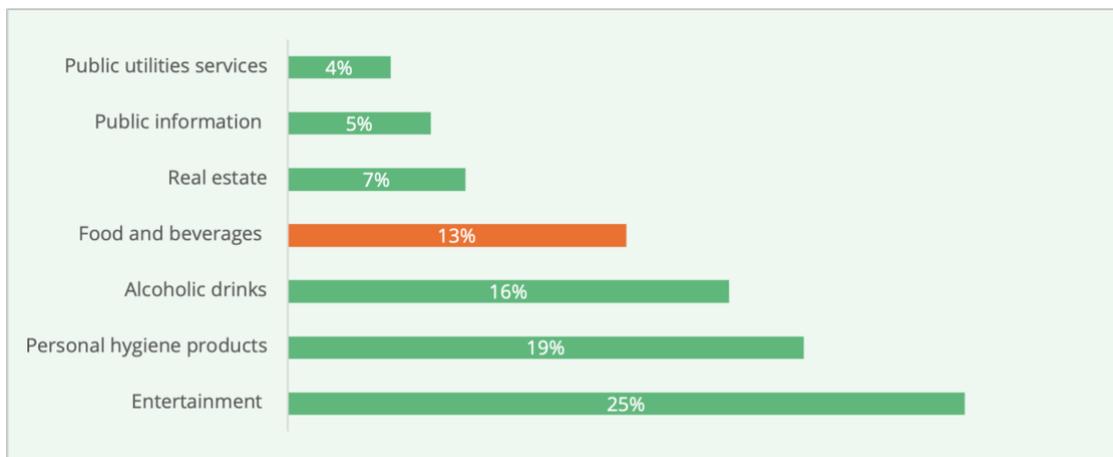


Figure 50 - Categories of the most common advertised products in the environment around schools (n=467).

Considering the food and beverages advertisements, 39% did not meet the nutritional profile defined by the DGS and around 34% only promoted food and/or beverages brands, mostly fast food and food delivery apps (Figure 51). The most advertised foods belonged to the categories of yoghurts and fermented milks, ice creams, pre-prepared and convenience meals and soft drinks. The distribution of the total number of advertisements promoting food and beverages, by food category and according to compliance with the nutritional profile defined by the DGS is shown in Figure 52.

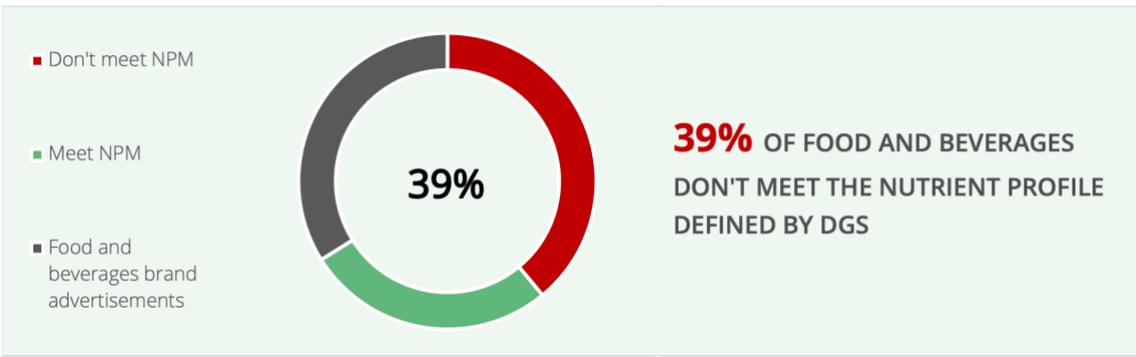


Figure 51 – Percentage of food and beverages advertisements in the environment around schools that do not meet the nutrient profile defined by the DGS.

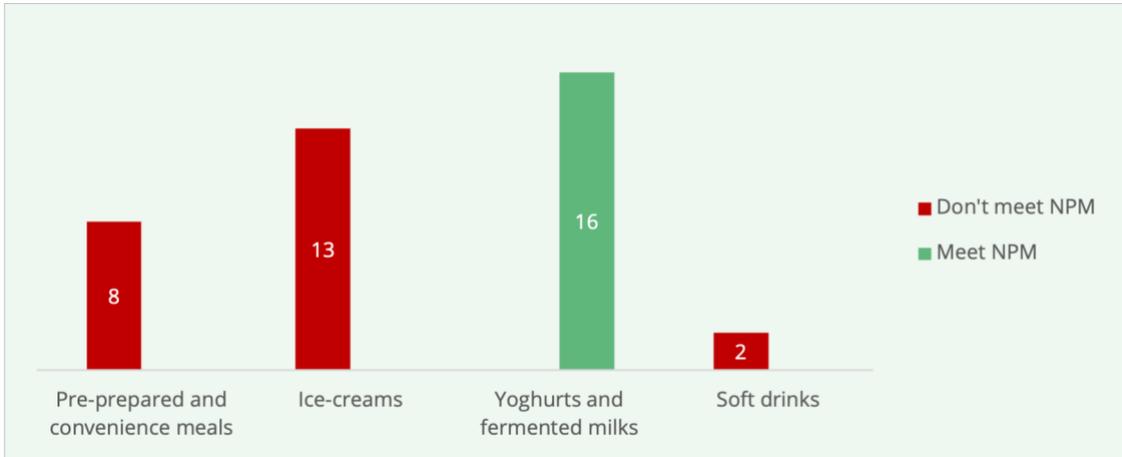


Figure 52 - Percentage of food and beverages advertisements in the environment around schools, per food category, according to the compliance with the nutrient profile defined by the DGS.

Regarding the advertisements for foods that do not meet the nutritional profile defined by the DGS, Table 8 describes the persuasive techniques used. Most of the advertisements use the ‘introduction of a new product’ as the primary persuasive appeal and ‘fun’ as the secondary persuasive appeal. All the advertisements feature the brand logo and the product image.

Table 8 – Persuasive techniques used in food and beverages advertisements in the environment around schools that do not meet the nutrient profile defined by the DGS (n=23).

		n	%
Primary persuasive appeal	Introduction of a new product	19	83%
	Fun	2	9%
	Singularity	2	9%
Secondary persuasive appeal	Fun	13	57%
	Offers choices/options	8	35%
	General superiority	2	9%
Other persuasive techniques	Presence of brand logo	23	57%
	Presence of the product image	23	35%
	Presence of cartoon characters	0	9%

This data is presented in absolute and relative frequency.

On average, children that arrive to the analysed schools within a 500m radius are potentially exposed to 2.64 ± 2.84 advertisements of foods and beverages that do not meet the DGS nutritional profile per week (considering that they walk to and from the school 5 days a week). Potential exposure to advertisements of unhealthy foods and beverages was higher in public schools (average of 3.00 ± 3.06 advertisements /week) than in public schools (average of 1.75 ± 2.36 advertisements /week) and in primary and secondary schools (average of 5.00 ± 4.24 advertisements /week) than in secondary schools (average of 2.44 ± 2.65 advertisements /week) and in primary and secondary schools (average of 1.67 ± 2.89 advertisements /week).

In this monitoring study, only 1 advertisement was identified that did not meet the Law nº 30/2019, of April 23rd as it is forbidden to advertise food products and beverages that do not meet the nutritional profile outlined by the DGS within a radius of 100 metres from the accesses to educational establishments. The remaining advertisements identified, although they do not meet the DGS nutritional profile, are not located within 100 metres of schools.

7. Law n° 30/2019, of April 23rd – Impact on the general health status

This chapter presents data on the monitoring of the evolution of the general health status of Portuguese children, in particular their nutritional status. This analysis includes data from the last three assessment rounds of the COSI Portugal study (2016, 2019 and 2022) and the HBSC study (2014, 2018 and 2022).

According to COSI Portugal data, between 2019 and 2022 there was an increase of 2.2 p.p. (29.7% vs. 31.9%) in the prevalence of overweight (pre-obesity and obesity) and 1.6 p.p. (11.9% vs. 13.5%) in the prevalence of childhood obesity. These results are against the downward trend that Portugal had been showing in recent years (Figure 53). This upward trend in the prevalence of overweight and obesity in children has also been seen in other countries and is hypothesized to partly reflect the impact that the COVID-19 pandemic may have had on children's lifestyles and consequently on their nutritional status.

Conversely, in the HBSC study, between 2018 and 2022, the prevalence of overweight (including obesity) and self-reported obesity decreased by 8.2 p.p. (18.9% vs. 10.7%) and 1 p.p. (3.1% vs. 2.1%), respectively (Figure 54).

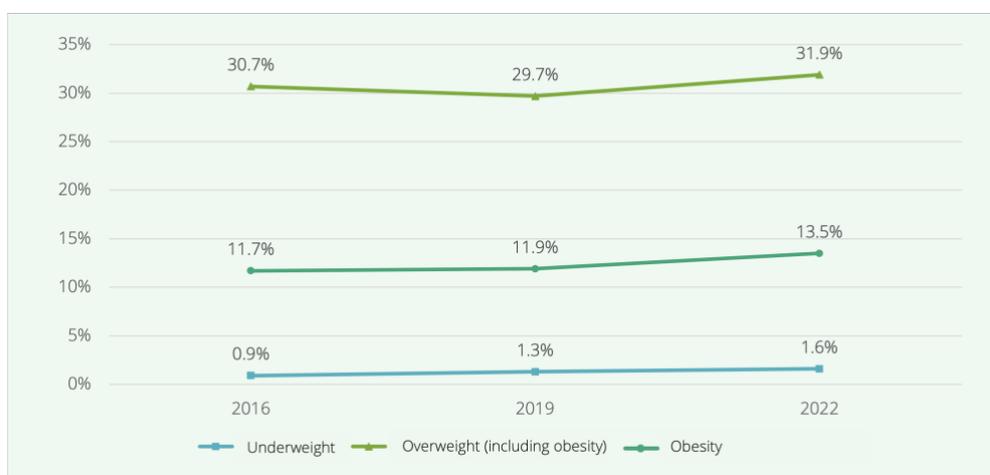


Figure 53- Prevalence of overweight (including obesity) and obesity in children (6-8 years) in Portugal | 2016-2022.

Source: COSI Portugal, 2022.

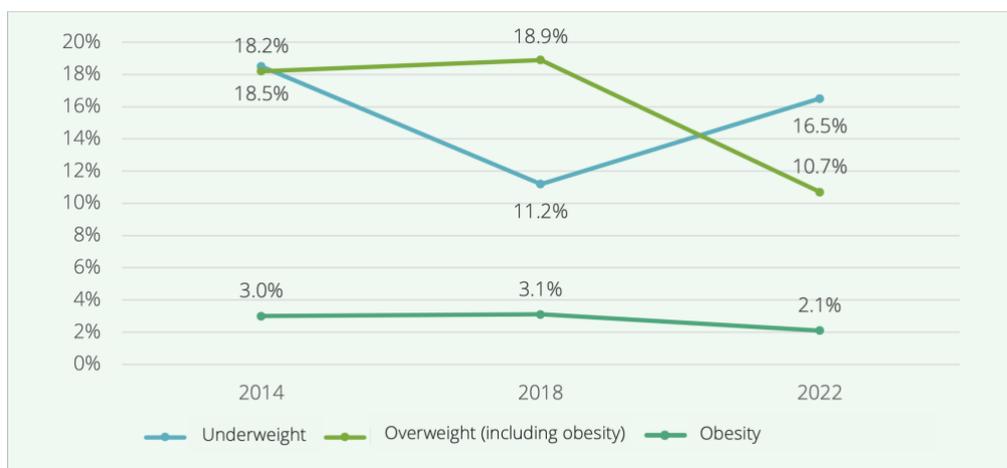


Figure 54 – Prevalence of overweight (including obesity) and obesity in adolescents (11, 13 and 15 years) in Portugal | 2014-2022.

Source: HBSC, 2022.

8. Consultation with associations representing the economic sectors of the agri-food sector, communication, advertising and marketing, and other entities

This chapter describes the opinions and contributions of the representatives of the agri-food, communication and advertising and marketing economic sectors, as well as other entities, namely the ERC and DECOProteste, regarding the implementation of Law n° 30/2019, of April 23rd.

In general, there was a very consensual perception of the questions asked, and the areas assessed (Table 9).

Economic operators recognise the relevance of intervening at environmental level, promoting the definition and implementation of a set of actions on the environments in which consumers are involved. However, they believe that companies' adherence to self- and co-regulation mechanisms already guarantees responsible commercial communication. They also consider that the current legislation is not relevant (Law n° 30/2019, of April 23rd). On the other hand, the ERC and DECOProteste argue that it is the legislative measures that best defend the consumer, reinforcing the need, at least at EU Member States level, for a consensus on food advertising aimed at children, as well as harmonised legislation.

This position goes along with what has been the position of these sectors in relation to regulatory measures, such as the implementation of the Special Tax on Sweetened and Artificially Sweetened Beverages. It is also in line with the position of counterpart organizations in other countries at international level.

Regarding the adherence and implementation of the law by companies and associates, the representatives of the sectors report that it has been complete, since most companies have chosen to eliminate commercial communication aimed at minors. As a result, they report a lack of investment in food advertising aimed at children in the national and local media, in supporting and boosting youth sports initiatives or other cultural activities and those promoting physical activity, as well as a reduction in investment in the development and innovation of food products. The representatives also noted that Law n° 30/2019, of April 23rd has somewhat favoured investment in non-national media. However, none of the associations surveyed provided any data to support this impact.

Regarding aspects to be improved in the current law to make it more effective, the need to review the age limit for which restrictions apply (under 16) was mentioned. Stakeholders in the agri-food sector and in communication, advertising and marketing argue that the law imposes restrictions on a universe of audiences for which there is no measurement, making it difficult to assess/monitor. On the other hand, the ERC and DECOProteste argue that there should be a consensus between the age limit in Law n° 30/2019, of April 23rd and the rest of the Advertising Code, which applies to minors, i.e. up to the age of 18.

Table 9 – Content analysis of semi-structured interviews with associations representing the economic sectors of the agri-food sector, communication, advertising and marketing, and other entities (n=9).

Domains under analysis	Content analysis
Relevance	<ul style="list-style-type: none"> - Stakeholders recognise the importance of measures to improve food environments but consider that the good practices and self- and co-regulation strategies that existed prior to the implementation of this law are sufficient to ensure responsible commercial food communication aimed at children. - All economic operators in the agri-food, communication and advertising sectors consider that Law n° 30/2019, of April 23rd is not relevant. - The ERC and DECOProteste state that legislative measures such as Law n° 30/2019, of April 23rd are relevant and best defend consumers and children's health.
Relevant actions / adopted procedures	<ul style="list-style-type: none"> - Economic operators in the agri-food, communication and advertising sectors report that they have adopted the precautionary principle, opting for the interruption/elimination of advertising activities.
Implementation difficulties	<ul style="list-style-type: none"> - Defining and measuring audience levels, particularly for the 16-year-old age group, as this is not an age range that is included in share analysis in Portugal. - 28.6% (n=2) of economic operators in the agri-food and communication and advertising sectors reported as a difficulty the ambiguity surrounding the interpretation of the legal nature of certain provisions of Law n° 30/2019, of April 23rd, which contributes to the complexity of its effective application. - The ERC reports difficulties in acting on platforms, media and communication channels that are not under the jurisdiction of the Portuguese state. For certain channels, such as Youtube®, the ERC uses co-operation mechanisms with the counterpart entity in the predominant country of origin.
Internal/ external monitoring mechanisms	<ul style="list-style-type: none"> - Some stakeholders (42.9%) report that companies have continued to assess their marketing practices internally, through pre-existing monitoring mechanisms such as the EU Pledge. - Other entities in the agri-food, communication and advertising sectors (57.1%) say that their associates have stopped carrying out regular monitoring actions as a result of the elimination of commercial food communication aimed at children.
Results	<ul style="list-style-type: none"> - As a result of Law n° 30/2019, of April 23rd, economic operators in the agri-food, communication and advertising sectors report there has been a lack of investment in the national and local media in food advertising aimed at children, in supporting and boosting youth sports initiatives, as well as in investment in the development and innovation of food products. - APED refers there has been an effort to adapt the nutritional profile of products, seeking to adjust to the criteria established by Law n° 30/2019, of April 23rd, but stressed the significant challenges, since certain criteria are unattainable due to the intrinsic characteristics of some products.
Relevant data sharing	<ul style="list-style-type: none"> - No economic operator in the agri-food, communication and advertising sector presented measurable data to support the reported results reported, either in terms of the evolution of commercial communication aimed at children or in terms of disinvestment in this area.
Aspects for improvement	<p>Age limit:</p> <ul style="list-style-type: none"> - Stakeholders recommend reviewing the age limit for which advertising restrictions apply, proposing to reduce restrictions to 12 years old, since the law imposes restrictions on a universe of audiences for which there is no measurement, making it difficult to assess/monitor Law n° 30/2019, of April 23rd. - The ERC and DECOProteste also consider it essential to review and amend the age limit of Law n° 30/2019, of April 23rd so that it is in line with the rest of the

Domains under analysis	Content analysis
	<p>Advertising Code, in which this law was included, and which refers to and applies to minors, i.e. up to the age of 18.</p> <p>Nutrient profile model criteria:</p> <ul style="list-style-type: none"> - Some economic operators in the agri-food sector report they didn't agree with the current criteria of the nutrient profile model, because for some categories of food products they were unattainable and because they didn't agree with the rationale that had been defined. They reported that the values should be reviewed and updated in the light of market developments. - APED also suggested including criteria relating to the addition of certain types of ingredients that can have a negative impact on health, namely sweeteners, flavour enhancers or certain types of colourings. <p>Audiovisual commercial communication forms:</p> <ul style="list-style-type: none"> - The ERC has identified that the limitations imposed by the Law on Television and Audiovisual Services on Request are omissive on sponsorship, so in a possible revision of Law n° 30/2019, of April 23rd it will be necessary to amend it, extending the restrictions to all forms of audiovisual commercial communication (product placement, production aid and sponsorship). <p>Redaction of Law n° 30/2019, of April 23rd:</p> <ul style="list-style-type: none"> - The ERC proposes that Law n° 30/2019, of April 23rd more clearly states that there is, and should continue to be, a direct mechanism between the responsible bodies for regulating and supervising advertising (DGC and ERC) and the health authority (DGS), guaranteeing technical support in decision-making in administrative offence proceedings, particularly with regard to analysing the nutritional profile of food products.
Other measures and actions	<ul style="list-style-type: none"> - All the economic operators in the agri-food, communication and advertising sectors mentioned that there should be an incentive to develop food literacy programmes rather than restrictive measures. - The ERC emphasises the need for a consensus on food advertising aimed at children, at least in the EU Member States.

9. Consultation with civil society entities, academia and scientific and professional societies in the field of public health and nutrition

This chapter presents and analyses the data collected in the anonymous online questionnaire to which 14 entities were invited to respond. The response rate was 57% (8 out of 14).

The responses showed that around 87.5% of the entities agree with Law n° 30/2019, of April 23rd (Figure 55).



Figure 55 – Assessment of the agreement with Law n° 30/2019, of April 23rd (n=8).

With regard to the agreement with the criteria of the current nutrient profile model defined by the DGS, 87.5% of respondents agree with it, and 28.6% of these believe that these criteria should be even more ambitious (Figure 56).

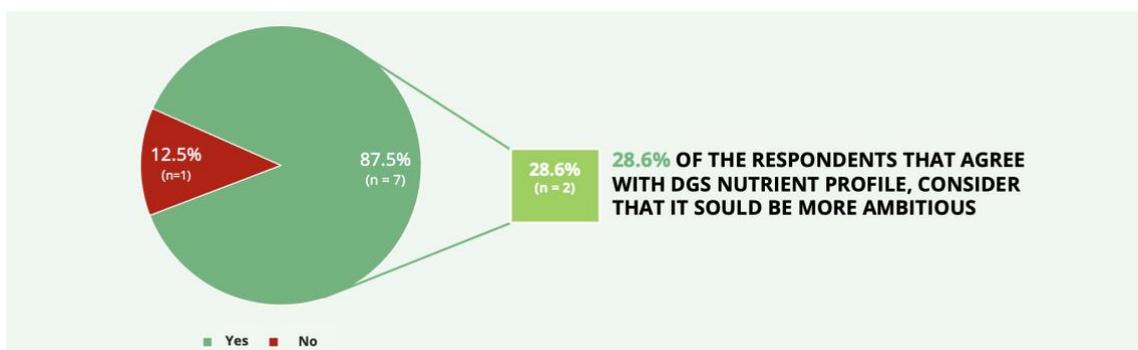


Figure 56 - Assessment of the agreement with the current nutrient profile model defined by the DGS (n=8).

All of the respondents agree that there is a greater danger of children being exposed to unhealthy food advertising in a digital context, the fact that food packaging does not contain characters/drawings/mascots or other elements that appeal to children to consume the product and that children are frequently exposed to unhealthy food advertising. With regard to the state's duty to legislate on this matter and the fact that

children should be protected from advertising of unhealthy foods as well as alcoholic beverages, tobacco and similar products, only 12.5% of respondents disagreed (1 answer), with the rest also agreeing (Figure 57).

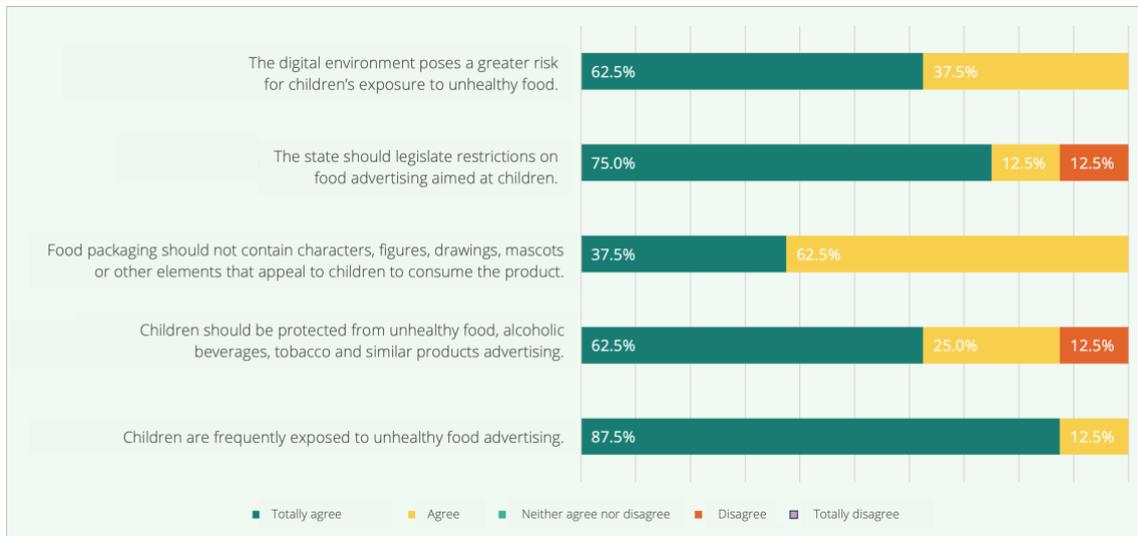


Figure 57 - Questions related to food advertising aimed at children and its regulation (n=8).

The majority of respondents also state they agree with the scope of restrictions on advertising aimed at children on brand marketing, sponsorship, product placement, content produced by celebrities and/or content creators, sports, cultural and recreational activities, places frequented by children (educational establishments, playgrounds), digital media (internet, social networks and streaming platforms) and traditional media (television, radio, cinemas). Around 88% agree that it is important to make these restrictions more restrictive, as it is the case with alcoholic drinks and tobacco (Figure 58).

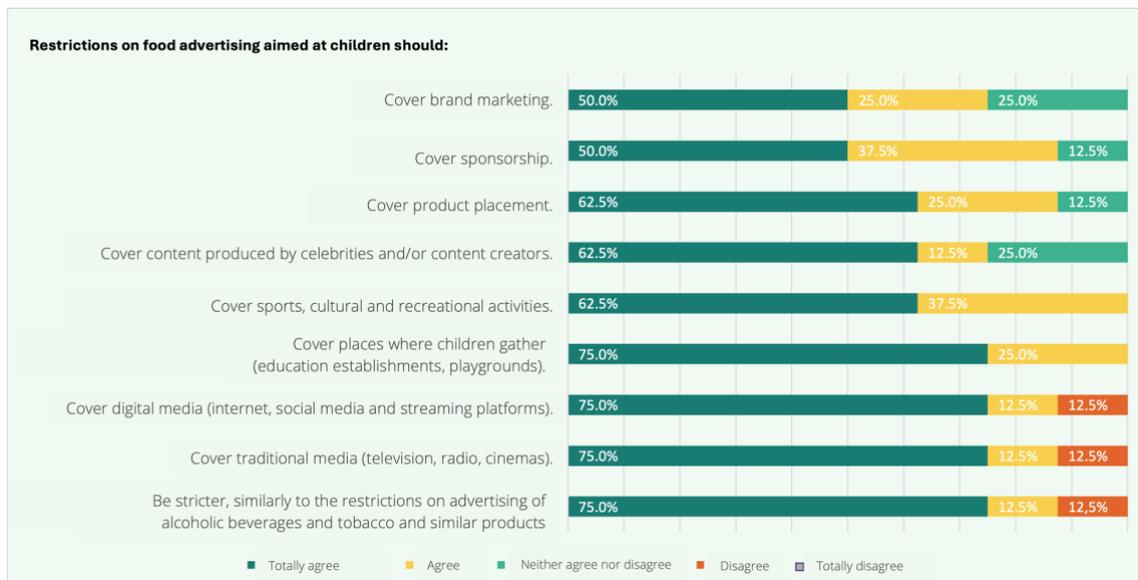


Figure 58 - Questions related to food advertising aimed at children and its regulation (n=8).

The collected replies show that all respondents agree that advertising of unhealthy foods can influence the high prevalence of childhood overweight and obesity, their nutritional status and/or health and their consumption patterns. Around 63% of respondents agree that advertising of unhealthy food can jeopardise children's rights (Figure 59).

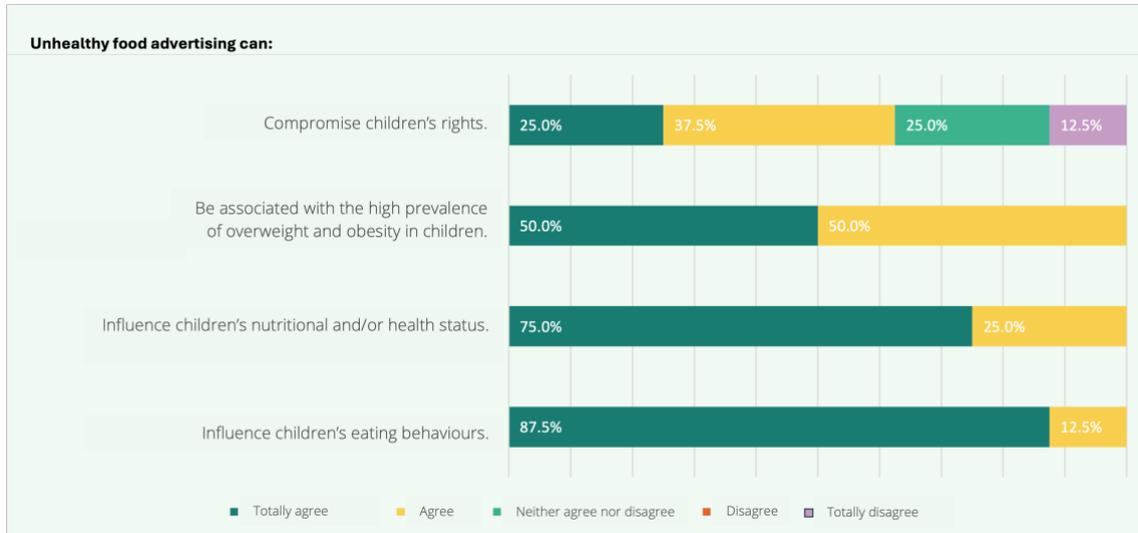


Figure 59 - Questions related to food advertising aimed at children and its regulation (n=8).

In addition, all respondents agree that economic operators in the agri-food sector should not use persuasive techniques that encourage children to eat unhealthy foods. Around 63% of respondents disagree that operators in the communication, advertising and marketing sector have a responsible commercial communication aimed at children and 50% disagree that this same communication by the agri-food sector is also responsible (Figure 60).

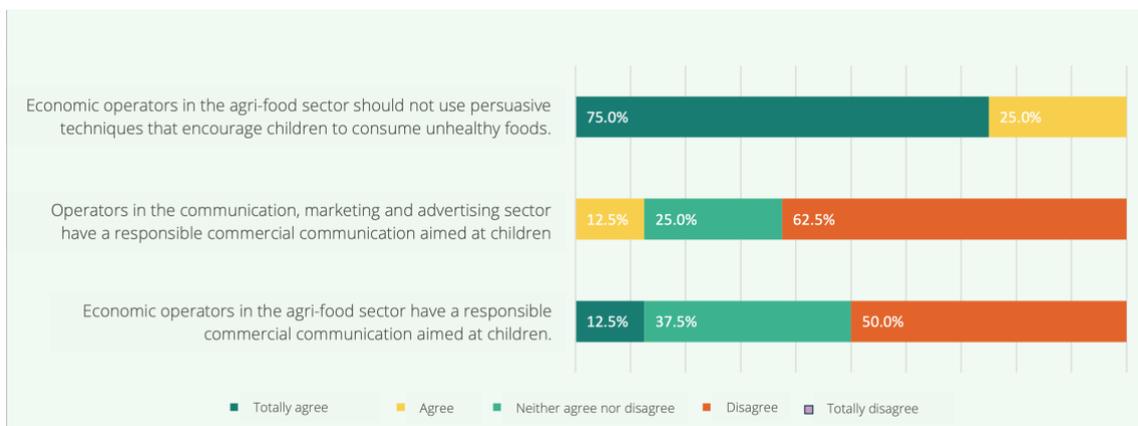


Figure 60 - Questions related to food advertising aimed at children and its regulation (n=8).

With regard to the age limit at which the law should be applied, 50% (4 answers) state 16 years and 37.5% state 18 years. Only 12.5% (1 answer) argue in favour of lowering the age limit for applying the law to 12 years of age (Figure 61).

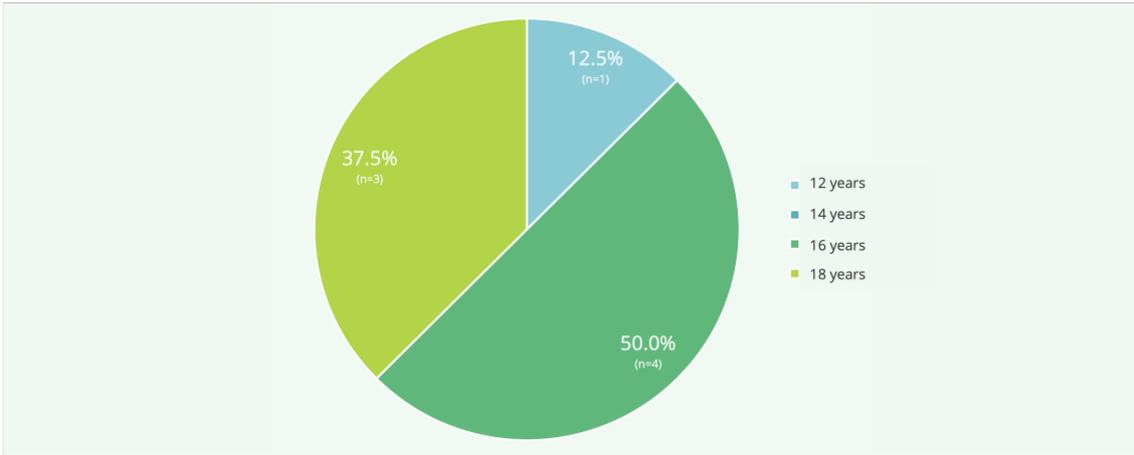


Figure 61 - Evaluation of the age limits for applying the restrictions of Law n° 30/2019, of April 23rd (n=8).

Table 10 shows the positive aspects, negative aspects (weaknesses) and aspects for improvement mentioned by respondents in relation to Law n° 30/2019, of April 23rd. The main points mentioned are related to the mechanisms for monitoring and enforcing Law n° 30/2019, of April 23rd, the promotion and protection of children's rights, the incentive for food reformulation by the industry and the periodic updating of the nutrient profile model defined by the DGS.

Table 10 – Positive aspects, negative aspects (weaknesses) and aspects for improvement in relation to Law n° 30/2019, of April 23rd (n=8).

Positive aspects, negative aspects (weaknesses) and aspects for improvement	
Positive aspects (n=2)	<ul style="list-style-type: none"> - Tool that ensures the protection and promotion of children's rights, including the right to health; - Encouragement for the industry to reformulate certain food products and beverages according to the defined nutritional profile; - Introduction of restrictions on advertising aimed at under-16s for food products and beverages that contain high energy value and/or salt, sugar, saturated fatty acids, and trans fatty acids content.
Negative aspects (weaknesses) (n=4)	<ul style="list-style-type: none"> - Lack of a system for monitoring the Law; - Need for a more effective enforcement mechanism with higher fines associated with infractions; - Exclusion of restrictions associated with communication by celebrities and digital communicators, which can currently have a greater impact than traditional media such as television;
Aspects for improvement (n=3)	<ul style="list-style-type: none"> - Periodic updating of the defined nutritional profile; - Greater effort in terms of feasibility, particularly with regard to monitoring and supervising the compliance of advertising aimed at children under 16 with the provisions of Law n° 30/2019, of April 23rd.

10. Analysis of the responses to the request to share information to the Member States of the European Union

This chapter presents the results of the analysis of the EU Member States' responses to the request for information sharing, made through EFSA's focal points, asking for information on the existence of impact assessment studies of measures in the area of regulation of food advertising aimed at children and on the specific indicators that were used for this impact assessment.

Considering the 16 Member States that answered the request to share information, the majority (44%; n=7) does not have any measures aimed at reducing children's exposure to food advertising, 31% (n=5) have self- or co-regulatory mechanisms and only 13% (n=2) have mandatory measures for regulating food advertising aimed at children (Figure 62).

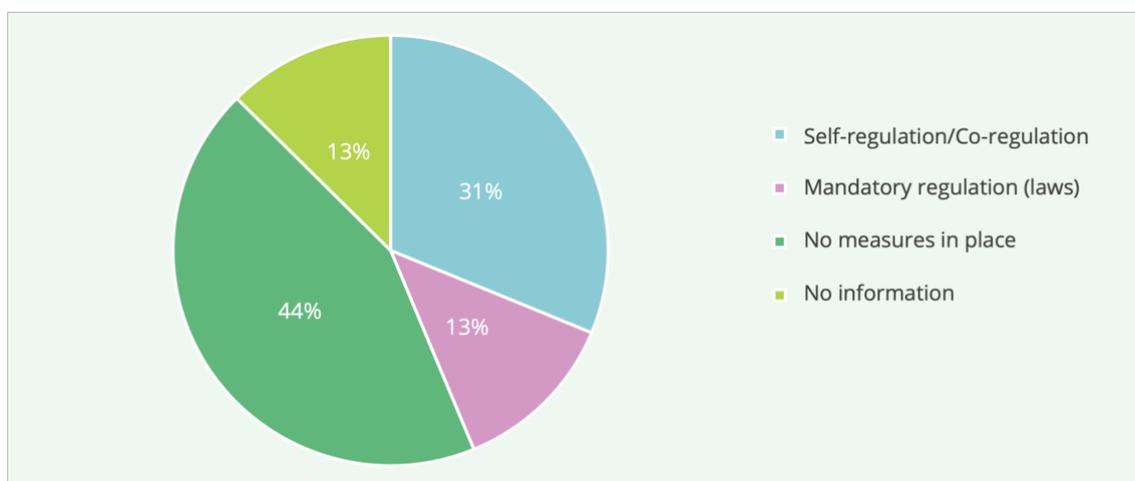


Figure 62 – Type of measures concerning the regulation of food advertising aimed at children (n=16).

Half (n=8) of the Member States mentioned that they had already developed studies to monitor food marketing aimed at children, although studies to assess the impact of the implemented measures have not yet been developed. Spain mentioned have specific indicators related to children's exposure to food marketing in the PAOS Code (*Código de correulación de la publicidad de alimentos y bebidas dirigida a menores, prevención de la obesidad y salud*), namely: 1) Percentage of food and beverages advertising; 2) Percentage of food and beverages advertising aimed at children aged between 4 and 12; 3) Percentage of food and beverages advertising from companies that adhere to the PAOS Code and aimed at children aged between 4 and 12; and 4) Percentage of food and beverages advertising aimed at children aged between 4 and 12 during times when child protection must be ensured. France mentioned that a study to assess the impact of the co-regulation mechanism in place '*La Charte alimentaire 2020 - 2024*' had already been carried out, but the indicators covered also refer to food advertising monitoring studies. One Member State also mentioned that they had developed studies to evaluate food consumption patterns. The Member States' full responses to this request for information can be found in Annex 4.

11. Analysis of Law n° 30/2019, of April 23rd, and the EU Pledge, according to the WHO recommendations and a children’s rights-based approach

In this chapter, the restrictions on food advertising aimed at children provided in Law n° 30/2019, of April 23rd were analysed in the light of WHO recommendations for implementing measures to reduce children’s exposure to food marketing. Thus, a checklist was used that classifies the measures according to various criteria, based on some international recommendations and guidelines [9, 19, 29, 57, 62, 63] developed within the scope of the European Union’s Joint Action Best-ReMaP. This analysis also includes a critical analysis of the EU Pledge, since it is a self-regulatory mechanism defended by economic operators in the agri-food, communication, advertising and marketing sectors.

Table 11 shows the analysis of Law n° 30/2019, of April 23rd and the EU Pledge, according to the checklist.

Table 11 – Analysis of Law n° 30/2019, of April 23rd and the Eu Pledge, according to a checklist that classify the measures according to various criteria based on international recommendations and guidelines, particularly those from the WHO.

Criteria		WHO recommendations	Law n° 30/2019, of April 23 rd	EU Pledge
Type of measure	Mandatory, government-led	✓	✓	
	Co-regulation, government-led			
	Voluntary initiatives, government-led			
	Self-regulation			✓
Age		Children up to 18 years old	Children up to 16 years old	Children up to 13 years old
Scope of restrictions (definition of marketing)		WHO recommends that the restrictions apply to the entire global marketing concept ¹	The restrictions of Law n° 30/2019, of April 23 rd apply to advertising ²	“Marketing communications” means paid advertising or commercial messages intended to sell food and beverage products, including marketing communications using licensed characters, celebrities and product placement in movies “
Means of communication and channels to which	Television	✓	✓	✓
	Radio	✓	✓	✓
	Publications	✓	✓	✓
	Cinema	✓	✓	✓

Criteria		WHO recommendations	Law n° 30/2019, of April 23 rd	EU Pledge
restrictions apply	Outdoors	✓	✓	✓
	Indoors (public transports)			
	Internet (digital marketing)	✓	✓	✓
	Social media and content creators (digital marketing)	✓	✓	✓
	Educational establishments	✓	✓	✓*
	Playgrounds	✓	✓	
	Sports, cultural and recreational activities	✓	✓**	
	Product packaging and points of sale	✓		
Marketing techniques	Sponsorship	✓		
	Product placement	✓	✓	
	Premium offers (of products)	✓		
	Offers (of branded materials)	✓		
	Hobbies	✓	✓	
	Celebrities (e.g.: sports, entertainment, ...)	✓	✓***	
	Brand marketing	✓		
	Brand characters	✓	✓	
	Licensed characters (e.g.: <i>Barbie</i> , <i>Mickey</i> , ...)	✓	✓	✓
	Nutritional and health claims	✓	✓****	
	Engagement prompts [e.g.: strategies that promote interaction (likes, shares, ...)]	✓	✓	
	Advergaming	✓		
Definition of marketing to children	Reduce all exposure, not only marketing aimed at children	Restricts only advertising aimed at children under 16; In television programme services and on-demand audiovisual communication services and on the radio in the 30 minutes before and after children's programmes, and television programmes that have a minimum audience of 25% under 16, as well as the insertion of advertising in	'Advertising aimed primarily at children under 13' means advertising in media where 30% or more of the audience is under 13.	

Criteria	WHO recommendations	Law n° 30/2019, of April 23 rd	EU Pledge
		the respective interruptions;	
Nutrient Profile Model	WHO Regional Office for Europe nutrient profile model: second edition	Portuguese Nutrient Profile Model (Dispatch n° 7450-A/2019, of August 21 st), based on the WHO model	EU Pledge Nutrition White Paper ^{*****}
Monitoring and enforcement of the measure	Enforcement actions to ensure compliance with defined restrictions	✓	✓
	Periodic monitoring of children's general exposure to unhealthy food marketing	✓	✓
	Impact assessment	✓	✓
	Sanctions	✓	✓

¹ Any form of communication or commercial message that is designed to, or has the effect of, increasing the recognition, appeal and/or consumption of a product or service. It includes anything intended to advertise or otherwise promote a product or service.

² Any form of communication made by public or private entities, within the scope of a commercial, industrial, artisanal or liberal activity, with the direct or indirect objective of: a) Promoting, with a view to their commercialization or sale, any goods or services; b) Promote ideas, principles, initiatives or institutions.

* Applicable only in education and teaching establishments of the primary education.

** Applicable only to events organized by education and teaching establishments.

*** Celebrities related to programmes aimed at children.

**** Number 4 of Article 20-A of Law n° 30/2019 of April 23rd states that advertising of food products and beverages with a high energy value, salt, sugar, saturated fatty acid and trans fatty acid content must be clear and objective and not relate the consumption of the product to potential health benefits, in particular refraining from: conveying the idea of benefit in its exclusive or exaggerated consumption, jeopardising the value of a varied and balanced diet and a healthy lifestyle; and communicating characteristics of food products and beverages with a high energy value, salt, sugar, saturated fatty acid and trans fatty acid content as beneficial to health, omitting the harmful effects of said high contents.

***** Developed by the food industry (with more permissive cutoff points than the WHO and DGS nutrient profile model).

As the evidence shows, industry-led voluntary initiatives like the EU Pledge have numerous gaps, from limiting the age range of children to be protected, to the limited means of communication and marketing techniques to which restrictions are applied and cut-off points considerably more permissive for the classification of foods that should not be advertised to children. Furthermore, these types of initiatives may not be effectively applied, monitored and evaluated.

In relation to Law n° 30/2019, of April 23rd, it does not protect all minors and does not cover all marketing techniques (such as sponsorship, offers, brand marketing, product packaging, points of sale, and others), as well as programs with mixed audiences.

12. Conclusions and recommendations

The scientific evidence is consistent on the negative impact that exposure to food marketing can have on children's diet, nutritional status and health, in the extent that exposure to food marketing contributes to greater preference, choice and consumption of less healthy foods. It is also recognised that children's exposure to food marketing infringes the rights set out in the Convention on the Rights of the Child.

Children are more unprotected when exposed to food marketing, as they are less able to identify the commercial intent of content, less able to critically analyse persuasive marketing strategies and have fewer mechanisms for self-regulating food consumption when exposed to consumption stimuli.

The risk and adverse effects of children's exposure to food marketing are particularly worrying in the current context of increased use of the digital environment and its platforms and applications. Digital marketing promotes greater exposure (around 4 to 5 times greater when compared to traditional media) and allows and facilitates the use of more persuasive and personalised marketing strategies. On the other hand, the digital environment is less prone to parental control and regulation, monitoring and inspection mechanisms.

The results presented in this report, particularly those related to enforcement and inspection actions carried out by the DGC, confirm this concern with the digital environment, as around 80% of the infractions detected under Law n° 30/2019 of April 23rd were online.

Furthermore, regarding the results of the enforcement and inspection actions carried out by the DGC, it should be noted that the results presented show good compliance with the provisions of Law n° 30/2019 of April 23rd. In the set of the content analysed, there was a compliance percentage of 96%. This data suggests the effective application of Law n° 30/2019 of April 23rd and the restrictions on food advertising aimed at children under 16 it provides for.

Despite this, data from the monitoring studies carried out by the DGS show that advertising for foods with an inadequate nutritional profile is still widely used. The identification of advertisements/content with elements that appeal to children was frequent (in around 20% of the television advertisements for food and beverages and the content on the websites of the brands analysed), as well as the advertising of food with an inadequate nutritional profile - more than 65% of the advertisements/content analysed on television and online had a nutritional profile that did not meet the criteria defined by the DGS, through Dispatch n° 7450-A/2019 of August 21st. Although some of the advertisements /content identified may be complying with the provisions of Law n° 30/2019 of April 23rd, it is clear that Portuguese children continue to be exposed to advertising and a wide range of stimuli to consume food with an inadequate nutritional profile.

This data suggests that although most of the restrictions foreseen in the law are being complied with, investment is being made in areas, channels and strategies that are still unregulated or less supervised.

These include sponsorship, the use of age verification systems to access website content, the 'claim' that content is not aimed at children under 16, but rather content aimed at a different audience, and brand marketing. This was not analysed in this report, but the same happens for food packaging, which often features a number of elements that appeal to children, such as the use of cartoon characters, mascots, among others, since this is an area that is not regulated.

The Law n° 30/2019 of April 23rd, despite its positive and very important scope in the areas it covers, still doesn't seem to be enough to guarantee that children live, circulate and navigate in environments free of marketing of unhealthy foods, and is therefore not able to protect children from exposure to content and stimuli to consume foods with an inadequate nutritional profile.

The data from the monitoring of food advertising in the different media included in the monitoring and inspection studies confirm that the categories of food products that are most advertised or in which the DGC has detected the most infractions, essentially correspond to categories whose products mostly have an inadequate nutritional profile (cakes and pastries, snacks, juices, ice creams and chocolates, convenience or ready-to-eat meals), which do not meet the nutritional profile criteria defined by the DGS, through Dispatch n° 7450-A/2019 of August 21st.

Regarding the nutritional profile of foods, there seems to be positive data to report. Between 2019 and 2022 there was an increase in the percentage of food products that meet the nutritional profile criteria defined by the DGS, particularly for the categories of food products for which nutritional value is recognised (32.7% in 2019 vs 42.4% in 2022 for solid and liquid yoghurts, 14.7% in 2019 vs 22.6% in 2022 for breakfast cereals and 3.2% in 2019 vs 10% in 2022 for flavoured milks). Without prejudice to the fact that these data may also reflect the impact of other public health measures to promote healthy eating, such as the excise tax on sugary drinks and the agreement to reformulate food products, it should also be considered that Law n° 30/2019 of April 23rd and Dispatch n° 7450-A/2019 of August 21st seem to be playing an important role in encouraging the reformulation of food products, in particular by promoting a reduction in the salt and sugar content of foods.

The adequacy of the nutritional profile criteria defined by Dispatch n° 7450-A/2019 of August 21st to identify the foods to which the restrictions of Law n° 30/2019 of April 23rd are applied were also considered in this analysis. Relatively opposing positions were identified regarding the possible need to review the defined nutritional profile criteria. On one hand, some representatives of economic operators in the food sector believe that the nutritional profile criteria should be more permissive, while some scientific, professional and academic organisations have suggested that the criteria could be even more strict. When comparing the nutritional profile criteria defined by Dispatch n° 7450-A/2019 of August 21st with the criteria defined by the WHO nutrient profile model, the impossibility of considering sweeteners as one of the criteria in the Portuguese model is one of the main critical points to note.

Data on the food consumption and nutritional status of Portuguese children was also analysed. Although the implementation of a law introducing restrictions on food advertising has the ultimate ambition of contributing to the promotion of healthy eating and the prevention and control of childhood obesity, it is

important to note that the direct impact expected from this law is that it can contribute to a healthier eating environment, free from commercial communication of food products with an inadequate nutritional profile, particularly in the media where children spend a large part of their time.

Obesity may not be a suitable indicator for assessing the direct and short-term impact of this and other public health measures to promote nutrition, as the WHO warns in its statement in Annex 1. Obesity is a complex disease, determined by multiple factors and no single measure will be able to change the trajectory of obesity prevalence. In addition, the period analysed in this report included a critical period, COVID-19, which may have had a significant impact on children's lifestyles. Therefore, although this report has considered some indicators related to the evolution of the prevalence of childhood obesity in Portugal and food consumption patterns in children, as suggested by Law nº 30/2019 of April 23rd, these data should not be used as a central indicator to assess the impact of this measure. Furthermore, the existing information and the sources of information used in this report have considerable limitations, which make it difficult to use them for the purposes of evaluating the impact of measures.

Opinions on the legislative strategy to restrict children's exposure to food marketing were divided among the different organisations consulted. As described in the literature and in line with experience in other countries, as well as previous experience in Portugal with the implementation of other public health measures of a regulatory nature, representatives of economic operators in the food, communication, advertising and marketing sectors are unfavourably towards this measure, suggesting that the self-regulation mechanisms that existed prior to the implementation of this law were sufficient to ensure responsible commercial food communication aimed at children. In contrast, around 88% of the scientific, academic and professional bodies surveyed said they agreed with Law nº 30/2019 of April 23rd. Public opinion also seems to be in favour of this measure - around 74% of respondents in a survey of the Portuguese population agree with limiting advertising of unhealthy foods to children. The importance of regulatory measures to reduce children's exposure to food marketing is also recommended by the WHO, as scientific evidence shows that self-regulatory mechanisms are not effective in reducing children's exposure to food marketing. As an example, some countries, such as Norway, are currently defining more restrictive legal mechanisms because it has been shown that co-regulation mechanisms were not being effective.

Representatives of economic operators in the food, communication, advertising and marketing sectors suggested that there had been a lack of investment in the national and local media in food advertising aimed at children, in supporting and boosting youth sports initiatives, as well as in investment in the development and innovation of food products. However, no data has yet been presented to support these findings.

Some conclusions are also presented, reflecting a critical analysis of the restrictions set out in Law nº 30/2019 of April 23rd. The aspects that were most frequently pointed out by the organisations interviewed concern the age limit, some ambiguity underlying the wording of the law, particularly regarding what is meant by 'aimed at children under 16', and strategies not covered by the restrictions foreseen in the law. Some of the ambiguities in the wording of the law have contributed to situations of litigation, namely the ambiguity over what content is directed at children under 16. Compared to the WHO recommendations,

Law n° 30/2019 of April 23rd does not protect all minors and does not cover all marketing techniques (such as sponsorship, offers, brand marketing, product packaging, points of sale, and others), as well as programmes with a mixed audience.

Lastly, the data on the DGC's enforcement and inspection actions and the organisations heard suggest that the mechanisms to guarantee the effective application of the law should be strengthened by allocating the necessary resources for enforcement and inspection actions, to ensure a more robust and regular enforcement and inspection plan. The difficulty of monitoring and enforcing digital marketing, one of the areas where there is significant non-compliance, calls for the need to improve and develop new monitoring tools.

Final recommendations:

Considering the results presented in this report, and taking into account the most recent scientific evidence, the Working Group makes the following recommendations:

- Maintain in place the current legal mechanisms that aim to reduce children's exposure to the marketing of foods with an inadequate nutritional profile;
- Implement complementary measures that promote a lower exposure of children to unhealthy food marketing, namely measures that promote the regulation of other marketing strategies not covered by Law n° 30/2019 of April 23rd, thus promoting a closer alignment of Portuguese legislation and the WHO recommendations;
- Improve the Portuguese legal framework in order to regulate the marketing strategies of digital content creators ('influencers');
- Change the age limit defined by Law n° 30/2019 of April 23rd, allowing greater alignment with the remaining restrictions on minors provided in the Advertising Code and following the WHO recommendations;
- Ensure the existence of adequate resources for mechanisms to monitor and enforce legislation that restricts children's exposure to the marketing of foods with an inadequate nutritional profile;
- Define a formal and regular monitoring system for Law n° 30/2019 of April 23rd, which includes a set of objective indicators that can be monitored regularly and taken into account for the Law's evaluation processes every 5 years;
- Define more agile mechanisms for monitoring food advertising in the areas surrounding schools and playgrounds, namely through the definition of a reporting system for communication campaigns available on electronic billboards in these areas, in articulation with the municipalities;
- Ensure a regular national food survey, every 5 years, as well as access to other food consumption indicators, namely data on the volume of food sales, in order to have quality data to assess the impact of this and other public health measures;
- Invest in research and development projects that can contribute to the development of technological solutions that make it possible to monitor digital marketing more effectively;

- Promote awareness-raising and training actions that help society, particularly parents, families, teachers and educators, to be more conscious and aware of the health risks of children's exposure to food marketing, as well as actions that promote critical and media literacy among children and young people;
- Maintain dialogue and engage different stakeholders in monitoring and improving the Law in a scope of social responsibility, that is, integrating good practices for promoting and defending children's health into their daily operations and in the interaction with all interested parties.

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Glossary

Production aid – audiovisual commercial communication consisting of the inclusion of or reference to a good or service in a free programme (definition included in Number 1 of the 2nd Article of Law n° 27/2007 of July 30th (Law on Television and On-Demand Audiovisual Services)) [58].

Product placement - audiovisual commercial communication consisting of the inclusion of or reference to a good or service, or the respective trademark, in a user-generated programme or video, in exchange for payment or similar consideration (definition included in Number 1 of the 2nd Article of Law n° 27/2007 of July 30th (Law on Television and On-Demand Audiovisual Services)) [58].

Child – it is defined by UNICEF as all human beings under the age of eighteen, unless national law confers early majority [19].

Exposure – it represents the reach and the frequency of a communication, message or marketing strategy. Reach represents the percentage of people in the target group who are exposed to a communication, message or marketing strategy during a specific period and frequency is a measure of the number of times on average a person is exposed to a communication, message or marketing strategy [29].

Marketing – according to WHO, marketing refers to any form of communication or commercial message that is intended to or has the effect of increasing the recognition, appeal and/or consumption of a given product or service, encompassing everything that has the purpose of advertising or promoting a product or service [9].

Nutrient profile model – tool used to categorise foods according to their nutritional composition, with the aim of preventing disease and promoting health. In the context of this report, the nutrient profile model allows to identify the foods that should be the target of food marketing restrictions [29, 64].

Sponsorship – it is defined as a contribution, made by a public or private company or a natural person not involved in the provision of audiovisual media services or video sharing platform providers, nor in the production of audiovisual works, to the financing of audiovisual media services, video sharing platform services, user-generated videos or programmes in order to promote their name, brand, image, activities or products (definition included in Number 1 of the 2nd Article of Law n° 27/2007 of July 30th (Law on Television and On-Demand Audiovisual Services)) [58].

Power – it represents the extent to which a communication, message or marketing strategy has the ability to achieve its communication objectives, with the power of marketing being influenced by the content of the message, in particular the creative strategies used. Strategies that have the potential to increase the power of marketing include the use of graphic and visual design elements such as cartoons, personalities, mascots, celebrities, as well as the use of humour, fun, fantasy, hobbies and entertainment events [29].

Advertising – “(...) any form of communication made by entities of a public or private nature, within the scope of a commercial, industrial, artisanal or liberal activity, with the direct or indirect aim of: a) promoting, with a view to their commercialisation or sale, any goods or services; b) promoting ideas, principles, initiatives or institutions”, according to the 3rd Article of the Advertising Code [11].

Annexes

Annex 1. Letter from the World Health Organization



WORLD HEALTH ORGANIZATION
ORGANISATION MONDIALE DE LA SANTÉ
WELTGESUNDHEITSORGANISATION
ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ЗДРАВООХРАНЕНИЯ

REGIONAL OFFICE FOR EUROPE
BUREAU RÉGIONAL DE L'EUROPE
REGIONALBÜRO FÜR EUROPA
ЕВРОПЕЙСКОЕ РЕГИОНАЛЬНОЕ БЮРО

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Email: contact@who.int
Website: <http://www.euro.who.int>

Our reference:	WHO/SNI-04	Your reference:
Notre référence:	2024	Votre référence:
Unser Zeichen:		Ihr Zeichen:
Знак наш:		На Ваш номер:

Date: 24 April 2024

Dr Maria João Gregório
Director of the National Healthy Eating Promotion Program
Directorate-General of Health
Alameda D. Afonso Henriques, 45, 1049-005
Lisboa, Portugal

Dear Dr Maria João Gregório,

The WHO Regional Office for Europe welcomes the evaluation of the Portuguese Law No. 30/2019 and congratulates Portugal on the planned update of the legislation.

The latest evidence-based WHO guidelines and recommendations concerning restrictions on marketing to children of foods high in saturated fat, salt and sugar (HFSS) present relevant and effective measures to protect children from exposure to unhealthy food advertisements, which can negatively influence their eating behaviour.

The WHO guideline *Policies to protect children from the harmful impact of food marketing* provides Member States with recommendations and implementation considerations on policies to protect children from the harmful impact of food marketing. Based on evidence specifically related to children in the context of food marketing, the guideline was developed and informed by several expert groups.

The guideline recommends that policies to restrict marketing of HFSS foods should be mandatory and highlights the need to attend to age restrictions in the legislation. All children up to the age of 18 should be protected from exposure to, and the influence of, HFSS marketing, based on the United Nations Convention on the Rights of the Child. Furthermore, the legislation should be sufficiently comprehensive to include all marketing channels and strategies (such as child-directed marketing on packages) and to minimize the risk of migration of marketing to other media, to other spaces within the same medium, or to other age groups. Moreover, the power and scope of HFSS food marketing to persuade should also be restricted. The legislation should, therefore, be future-proofed to cover new advertising mechanisms and techniques as they are developed.

One concerning development is the use of brand marketing – the promotion of companies' or products' brand names without displaying the products themselves – which is becoming an

increasingly common way of avoiding categorization through nutrient profile models. Addressing this loophole is recommended.

When it comes to evaluating the effectiveness and enforcement of the law, measurable and feasible indicators should be considered, such as the amount of advertising children are exposed to, measured by independent research institutes using objective research methods. These evaluation methods should monitor children's exposure to all marketing – not only child-directed marketing, or marketing that is specifically aimed at children or typically seen by children.

The inclusion of children's obesity rates is not a practical indicator of success. Obesity is a complex disease that is influenced by several factors. While restricting the marketing of HFSS foods is a recommended measure mentioned in WHO's Best Buys, no single policy can prevent obesity on its own. A combination of policy measures is necessary to create a health-promoting environment for children. This environment should enable them to develop healthy eating habits and grow up being physically active.

The WHO Regional Office for Europe continues to offer full support for further action and thanks Portugal for all its efforts to support the Region by leading the WHO European Action Network on Reducing Marketing Pressure on Children.

Yours sincerely,



Dr Gauden Galea,
Strategic Advisor to the Regional Director on NCDs and Innovation

Annex 2. Semi-structured interview guide for economic operators in the agri-food, communication and advertising sectors

Semi-structured interview guide

1. What is the relevance of Law n° 30/2019, of April 23rd, which introduced restrictions on food advertising aimed at children, from the perspective of the economic operators you represent?
2. What relevant actions/procedures were adopted by the economic operators you represent, to ensure the implementation of Law n° 30/2019, of April 23rd?
3. Have there been any difficulties with the implementation of Law n° 30/2019, of April 23rd?
4. Have mechanisms for internal/external monitoring of compliance with Law n° 30/2019, of April 23rd been defined and implemented?
5. Which results do you think have been achieved through the implementation of Law n° 30/2019, of April 23rd?
6. Can you provide data demonstrating the obtained results (e.g. in commercial communication, sales volume, nutritional profile of food and beverages)?
7. Have there been changes to the commercial communication of food products and beverages foreseen by Law n° 30/2019, of April 23rd? Which ones?
8. Have there been changes to the nutritional profile of food and beverages foreseen by Law n° 30/2019, of April 23rd?*
9. Has the implementation of Law n° 30/2019, of April 23rd, had an impact in the economic activity of the economic operators you represent (Expected/unexpected, positive/negative)?
10. What can be done/ what aspects can be improved to make Law n° 30/2019, of April 23rd more effective?
11. What other measures/actions can be adopted to complement Law n° 30/2019, of April 23rd?

*Question only applicable to representatives of economic operators in the agri-food sector.

Annex 3. Online questionnaire applied to civil society entities and academia

Evaluation of the degree of agreement, using a Likert scale (1 - totally agree, 2 - agree, 3 - neither agree nor disagree, 4 - disagree, 5 - totally disagree).

1. Children and adolescents are frequently exposed to advertising of foods that are high in energy, salt, sugar and/or fat.
2. Advertising of foods high in energy, salt, sugar and/or fat can influence children and adolescents' eating behaviours.
3. Advertising of foods high in energy, salt, sugar and/or fat can influence children and adolescents' nutritional and/or health status.
4. Advertising of foods high in energy, salt, sugar and/or fat can be associated with the high prevalence of overweight and obesity in children.
5. Advertising of foods high in energy, salt, sugar and/or fat can compromise children and adolescents' rights.
6. Children and adolescents should be protected from advertising of foods high in energy, salt, sugar and/or fat, alcoholic beverages and tobacco, including new products such as e-cigarettes or other types of electronic nicotine delivery systems.
7. Restrictions on food advertising aimed at children and adolescents should be stricter, similarly to the restrictions on advertising of alcoholic beverages and tobacco and similar products.
8. Restrictions on food advertising aimed at children and adolescents should cover traditional media (television, radio, cinemas).
9. Restrictions on food advertising aimed at children and adolescents should cover digital media (internet, social media and streaming platforms).
10. Restrictions on food advertising aimed at children should cover pre-school, primary and secondary education establishments and other places where children gather (such as playgrounds and study and leisure centres).
11. Restrictions on food advertising aimed at children and adolescents should cover sports, cultural and recreational activities.
12. Restrictions on food advertising aimed at children and adolescents should cover content produced by celebrities and/or content creators.
13. Restrictions on food advertising aimed at children and adolescents should cover product placement.
14. Restrictions on food advertising aimed at children and adolescents should cover sponsorship.
15. Restrictions on food advertising aimed at children and adolescents should cover brand marketing.
16. Food packaging should not contain characters, personalities, figures, drawings, mascots or other elements that appeal to children and adolescents to consume the product.
17. The state should legislate restrictions on food advertising aimed at children and adolescents.
18. Economic operators in the agri-food sector have a responsible commercial communication aimed at children.
19. Operators in the communication, marketing and advertising sector have a responsible commercial communication aimed at children.
20. Economic operators in the agri-food sector should not use persuasive techniques that encourage children and adolescents to consume foods that are high in energy, salt, sugar and/or salt.
21. The digital environment poses a greater risk of children and adolescents being exposed to advertising for foods high in energy, salt, sugar and/or fat.

Closed-answer question with choice of answer:

What age limit should be applied to restrictions of food marketing aimed at children and adolescents?

- a. 12 years
- b. 14 years
- c. 16 years
- d. 18 years

Open-ended questions:

1. Do you agree with Law n° 30/2019, of April 23rd, which introduces restrictions on food advertising aimed at children under 16?
2. Do you agree with the current criteria and limits imposed by the nutrient profile model of foods to be limited regarding marketing and advertising aimed at children developed by the Directorate-General of Health?
3. Please identify the positive and negative points (weaknesses), as well as the aspects that need to be improved in Law n° 30/2019, of April 23rd, to make it more effective?
4. Within the scope of the impact assessment of Law n° 30/2019, of April 23rd, which introduced restrictions on food advertising aimed at children under 16, we would like to assess the availability of data related to the assessment indicators, namely data on children's food consumption, commercial food communication aimed at children and children's health status, which could be useful for this work.

Annex 4. Request for Exchange of Information to 27 Member States of the European Union through EFSA's focal points

Request for Exchange of Information



REQUEST FOR EXCHANGE OF INFORMATION

European Food Safety Authority (EFSA)

REQUEST DETAILS	
Requesting institution	Economic and Food Safety Authority (ASAE)
Country	Portugal
Date of request	26-03-2024
Request Number select from excel file	305
Title of request	Data sources for impact assessment of regulation of food advertising to children
Description of request (including background)	<p>Since 2019, Portugal has implemented Law no. 30/2019 of 23 of April that introduces restrictions on advertising directed to children under 16 years of food and beverages high in energy, salt, sugar, saturated fat, and trans fatty acids. The Law includes television programs and services, on-demand audio-visual communication services, and radio, and imposes digital marketing restrictions.</p> <p>Portugal is currently conducting an impact assessment of this Law by Government members responsible for Health, Education, Economy, and Food, as mandated every five years. In this sense, we kindly request information on the approach of EU Member States in this area. In particular, we are interested in understanding:</p> <ol style="list-style-type: none"> 1. Whether any impact assessment studies have been conducted, and if so, whether they could be shared? 2. Whether any specific indicators have been utilised to measure the impact of similar legislation?
Deadline for submission of replies	17/04/2024
Remit(s) of request More than one option can be listed	<i>Delete the areas which are not relevant</i> <i>Nutrition (NDA)</i>



Request concern(s)	Risk assessment Risk management Risk communication
Title(s) or link(s) to background document(s)	

REPLYING COUNTRY: AUSTRIA	
Replying Institution:	AGES – Austrian Agency for Health and Food Safety
Date of reply:	15/04/2024
<p>Regulatory landscape:</p> <p>So far, Austria focuses on voluntary self-regulation, building on EU-Directive 2018/1808 and the EU-Pledge. There is a voluntary code of ethics by the advertising industry which states that ads shown around children's programmes should not encourage excessive intake of food and beverages with a high amount of fat, sugar or salt.</p> <p>Specific indicators:</p> <p>In 2021, the National Nutrition Commission (NEK), has issued an Austrian Nutrient Profile Model similar to the WHO-Europe NPM as a voluntary guideline for advertising food and beverages to children.</p> <p>This document contains clear thresholds for the permission of marketing of promoted products and could be utilised to measure the impact of legislative actions.</p> <p>Impact assessment studies:</p> <p>There are studies which have monitored the impact of TV and digital marketing in Austria in the past few years and have concluded that the kind of regulation present in Austria is ineffective to reduce harmful marketing.</p> <p>The studies in detail:</p> <ol style="list-style-type: none"> 1. Missbach et al. (2015) have found that 92.4% of TV food ads were for unhealthy food (fatty, sweet and salty snacks) and that the majority of food advertised did not conform with the EU Pledge Nutrition criteria. This was confirmed by a yet unpublished TV monitoring study performed by AGES (data collection 2022) which states that 81.8% of products promoted during children's viewing times should not be permitted to be marketed according to WHO-Europe NPM. Advertisements were coded according to WHO-TV-monitoring protocol. The Austrian NPM was also used for nutritional analysis. 2. Winzer et al. (2022) analysed digital influencer marketing across three platforms (TikTok, YouTube, Instagram) and discovered that 77% of all cues promoted products not permitted to be marketed to children according to WHO criteria. 	



Title(s) or link(s) to backgr ound docum ent(s)	<p>Missbach B, Weber A, Huber EM, König JS. Inverting the pyramid! Extent and quality of food advertised on Austrian television. BMC Public Health. 2015 Sep 18;15:910. doi: 10.1186/s12889-015-2275-3. PMID: 26381731; PMCID: PMC4574607.</p> <p>Winzer E, Naderer B, Klein S, Lercher L, Wakolbinger M. Promotion of Food and Beverages by German-Speaking Influencers Popular with Adolescents on TikTok, YouTube and Instagram. Int J Environ Res Public Health. 2022 Sep 1;19(17):10911. doi: 10.3390/ijerph191710911. PMID: 36078625; PMCID: PMC9518047.</p> <p>Austrian NPM: https://www.sozialministerium.at/dam/jcr:c5fb919b-4255-476d-a587-768e379fb203/Empfehlung_der_Nationalen_Ern%C3%A4hrungskommission_%C3%96sterreichisches_N%C3%A4hrwertprofil_zur_Lenkung_von_Lebensmittelwerbung_an_Kinder_in_Audiovisuellen_Medien.pdf</p> <p>Code of Ethics of the Austrian Advertising Industry: https://www.werberat.at/layout/ETHIK_KODEX_11_2023_END_englisch.pdf</p> <p>WHO TV monitoring protocol: https://www.who.int/europe/tools-and-toolkits/monitoring-of-marketing-of-unhealthy-products-to-children-and-adolescents---protocols-and-templates#:~:text=TV%20Monitoring%20Protocol%20and%20Templates,-2.1%20TV%20Monitoring&text=This%20protocol%20sets%20out%20a,handling%20of%20the%20data%20acquired</p>
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REPLYING COUNTRY: BULGARIA

Replying Institution:	Risk Assessment Centre on Food Chain
Date of reply:	19/04/2024
<p>The following information was provided from the Bulgarian Food Safety Authority (BFSA) and Policies on Agrifood Chain Directorate (PAFCD), Ministry of Agriculture and Food (MAF):</p> <p>According to the Food Act in Bulgaria, amended, SG No. 100/1.12.2023, effective 1.12.2023, there are regulated requirements regarding the advertising of food for children, as follows:</p> <p>Article 22. A business operator may not promote, by means of an advertisement or other forms of commercial communications involving children as performers:</p> <ol style="list-style-type: none"> 1. any genetically modified foods and any foods statutorily restricted for consumption by children; 2. any food containing nutrients and substances with a nutritional or physiological effect which does not meet the requirements of a healthy diet according to the statutory framework. <p>Given the fact that the stated law is relatively new, no assessment of the impact of its application has been conducted so far.</p>	



Title(s) or link(s) to background document(s)	
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REPLYING COUNTRY: CROATIA	
Replying Institution:	Croatian Agency for Agriculture and Food
Date of reply:	04/04/2024
<p>In Croatia, there is no formal restriction on food marketing to children. In order to make a stronger case on the importance of restriction food marketing to children in Croatia, the National Working Group was created and works in order to change the environment regarding this topic. Members of this group are: Croatian Institute of Public Health (coordinator), Ministry of Health, Ministry of Agriculture, Ministry of Culture, Ombudsman for children, Electronic Media Agency, National Advertising Agency, Croatian Employers Association, Croatian Association for Consumer Protection, TV houses representatives, etc.</p>	
Title(s) or link(s) to background document(s)	

REPLYING COUNTRY: CYPRUS	
Replying Institution:	Environmental & Public Health Services, Ministry of Health
Date of reply:	02/04/2024
<p>Cyprus does not have a national legislation restricting advertising directed to children under 16 years of food and beverages high in energy, salt, sugar, saturated fat, and trans fatty acids. Restrictions on advertising only apply, and enforced, to infant and small children (less than 3 years old) as described in Regulation 609/2013. Therefore, we cannot provide any data on impact assessment studies concerning advertising restrictions of food and beverages high in energy, salt, sugar, saturated fat, and trans fatty acids for children below 16 years old.</p>	



Title(s) or link(s) to background document(s)	
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REPLYING COUNTRY: CZECH REPUBLIC	
Replying Institution:	Ministry of Agriculture of the Czech Republic
Date of reply:	09/04/2024
There is no special legislation in place restricting advertising certain foods at children in the Czech Republic. The impact assessment in question therefore has not been carried out.	
Title(s) or link(s) to background document(s)	

REPLYING COUNTRY: FRANCE	
Replying Institution:	Sante publique France
Date of reply:	19/04/2024
France does not regulate by law the advertising of foods and beverages high in energy, salt, sugar and saturated fat to children under the age of 16. Instead, France has established a co-regulatory framework. A report on the impact assessment of this framework can be found at this link: Évaluation de la Charte alimentaire - édition 2022 Arcom Sante Publique France also published a study in 2020 to evaluate the exposure of French children to unhealthy foods. https://pubmed.ncbi.nlm.nih.gov/34835996/	



Title(s) or link(s) to background document(s)	
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REPLYING COUNTRY: GREECE	
Replying Institution:	Hellenic Food Authority
Date of reply:	22/04/2023
<p>We are not aware of any national legislation restricting the advertisement of food and beverages with high content of energy, salt, sugar, saturated fat, and trans fatty acids to children.</p> <p>Please find below some relevant studies on the impact of advertisement to children in Greece:</p> <p>doi: 10.1017/S1368980007001073</p> <p>doi:10.1111/cch.12189</p> <p>doi: 10.1111/idj.12229</p> <p>doi:10.1922/CDH_3241Gatou07</p>	
Title(s) or link(s) to background document(s)	

REPLYING COUNTRY: IRELAND	
Replying Institution:	Food Safety Authority of Ireland
Date of reply:	17/04/2024
<p>As far as we are aware, no impact assessment studies have been conducted in Ireland.</p>	



Title(s) or link(s) to background document(s)	
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REPLYING COUNTRY: LITHUANIA	
Replying Institution:	Lithuanian Institute of Hygiene
Date of reply:	09/04/2024
<p>In Lithuania there are no national restrictions implemented on advertising specific food products to children. Therefore, Lithuania has no impact assessment studies to share.</p> <p>In Lithuania it is prohibited to sell energy drinks to persons under the age of 18 from November 1, 2014. In the Law on Advertising of Republic of Lithuania there is a prohibition to refer to energy drinks as sponsored products or otherwise promote them in educational institutions attended by persons under the age of 18; concerts, sports, charity and/or support and other events intended for persons under 18 years of age, and in advertisements of such events etc. To evaluate the impact of prohibition to sell energy drinks to persons under the age of 18, in a "National survey of dietary habits and 24-hour recall of nutrition of Lithuanian school-aged children" children were asked how often they consume energy drinks. Results showed that after this prohibition was implemented, 90.5 % of school aged children reported that they do not consume energy drinks at all or consume them less than few times a month.</p>	
Title(s) or link(s) to background document(s)	<p>Lithuanian Law on Advertsing (LRS VIII-1871, Clause 14, Ammendment 2013 November 7 d. No. XII-577)</p> <p>https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.106104/StBOidSuE</p>

REPLYING COUNTRY: POLAND	
Replying Institution:	Chief Sanitary Inspectorate
Date of reply:	22/04/2024
<p>There is no legislation on restricting food advertising to children in Poland. However, there have been voluntary actions to prohibit or restrict food advertising to children, such as: developing a Voluntary Code on Labeling and Marketing of Energy Drinks or taking action on self-regulation of food advertising aimed at children under 12 years of age.</p>	



Information (in Polish) on the abovementioned initiatives is available at:	
Title(s) or link(s) to background document(s)	https://www.pfpz.pl/index/?id=ec3183a7f107d1b8dbb90cb3c01ea7d5 https://www.pfpz.pl/samoregulacja_reklama# https://radareklamy.pl/wp-content/uploads/2023/02/Kodeks_Etyki_Reklamy_tekst_jednolity_07_02_2023.pdf

REPLYING COUNTRY: ROMANIA

Replying Institution:	National Institute of Public Health
Date of reply:	12/04/2024
<p>1. Whether any impact assessment studies have been conducted, and if so, whether they could be shared?</p> <p>No impact assessment studies have been conducted in Romania.</p> <p>2. Whether any specific indicators have been utilised to measure the impact of similar legislation?</p>	
Title(s) or link(s) to background document(s)	

REPLYING COUNTRY: SLOVAK REPUBLIC

Replying Institution:	Ministry of Agriculture and Rural Development of the Slovak Republic
Date of reply:	18/04/2024
<p>We received the following response to the request from The Public Health Authority of the Slovak Republic:</p> <p>In the Slovak Republic there is no specific legislation restricting the advertising of foods and beverages high in energy, salt, sugar, saturated fat and trans-fatty acids to children under 16 years of age. Act No 147/2001 Coll. on advertising, and in particular Article 9 thereof, only regulates the rules on advertising for infant formulae and follow-on formulae. However, the most popular children's television channel, Nickelodeon, which is also available in Slovakia, introduced self-regulation of advertising in 2005. After a seven-year period of self-regulation, the company has seen a 19 %</p>	



decrease in advertisements with an adverse impact on children's diets. No research on the impact of advertising on children has yet been carried out by the Public Health Authority of the Slovak Republic.

Title(s) or link(s) to background document(s)

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REPLYING COUNTRY: SLOVENIA

Replying Institution:

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Date of reply:

18/04/2024

Title(s) or link(s) to background document(s)

Dear all
In connection with EFSA request, we would like to inform you that the Ministry of Health has ordered a study of the effects of co-regulation of audiovisual media service providers in the past. The survey was conducted by the Consumers' Association of Slovenia. Unfortunately, we can attach only results of the measure's impact in the Slovenian language.

1. In Slovenia, in 2016 the Audio-visual media directive was transposed into our legislation. The legislation determines that AV service providers must formulate rules of conduct regarding the advertising of HFFS foods during children's programs. It is about self/co-regulation of media providers. These rules of conduct must be in accordance with the guidelines of the Ministry of Health, which are based on the WHO food marketing profile.

Six months (January 2018) after the implementation of the requirement regarding the creation of rules of conduct, the Consumers' Association of Slovenia conducted a survey for the Ministry of Health on the impact of self-commitments on the appearance of advertisements during children's programs. The analysis showed that different TV media service providers had different approaches.

The National Television in its rules undertook not to advertise HFFS foods during children's programs. It turns out the absence of HFFS advertisements at children's programme. However, some other commercial television broadcasted along with the HFSS food advertisement, additional message that a healthy and balanced diet is necessary for children's health. Such supplementary message to the ad is meaningless since preschool children cannot read.

Since the legislation only requires providers to formulate rules of conduct, but there is no foreseen mechanism for checking the adequacy of self-regulation rules, nor are there any foreseen sanctions in case of non-compliance with their own rules of conduct regarding the advertising of HFFS foods, we estimate such



	<p>approach in most media houses insufficient and does not achieve the purpose of protecting children.</p> <p>2. As an indicator of the success of child protection, a review of food advertisements during children's programs was carried out.</p>
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REPLYING COUNTRY: SPAIN	
Replying Institution:	Spanish Agency for Food Safety and Nutrition, AESAN.
Date of reply:	27/03/2024
<p>Although Spanish Government has expressed its intention to work in this area, there are not yet legislative measures in place to restrict advertising directed at children. The following reports, inter alia, have been taken into account to justify the necessity of a regulatory approach:</p> <p>Study on the exposure of children to linear, non-linear and online marketing of foods high in fat, salt or sugar - Publications Office of the EU (europa.eu)</p> <p>León-Flández K, Rico-Gómez A, Moya-Geromin MÁ, Romero-Fernández M, Bosqued-Estefania MJ, Damián J, et al. Evaluation of compliance with the Spanish Code of self-regulation of food and drinks advertising directed at children under the age of 12 years in Spain, 2012. Public Health. September 2017;150:121-9</p> <p>Currently in Spain there is only a co-regulatory approach (PAOS Code).</p> <p>PAOS Code foresees the following indicators:</p> <p>Percentage of food and beverage advertising</p> <p>Percentage of food and beverage advertising aimed at children aged 4-12 years</p> <p>Percentage of food and beverage advertising from companies adhering to the PAOS Code aimed at children aged 4-12 years</p> <p>Percentage of food and beverage advertising aimed at children aged 4-12 during reinforced protection hours</p> <p>Plus periodical internet advertising monitoring</p>	
Title(s) or link(s) to background document(s)	<p>PAOS Code:</p> <p>https://www.aesan.gob.es/AECOSAN/docs/documentos/nutricion/Nuevo_Codigo_PAOS_2012_espanol.pdf</p> <p>Indicators PAOS Code:</p> <p>https://www.aesan.gob.es/AECOSAN/web/nutricion/ampliacion/Indicadores_evaluacion_seguimiento_Codigo_PAOS.htm</p> <p>Internet advertising monitoring:</p> <p>https://www.aesan.gob.es/AECOSAN/web/nutricion/ampliacion/informes_monitorizacion.htm</p> <p>Draft Royal Decree on regulation of food and beverage advertising directed at children</p>



	https://www.consumo.gob.es/sites/consumo.gob.es/files/Borrador_RD_publicidad.pdf
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REPLYING COUNTRY: SWEDEN	
Replying Institution:	Swedish Food Agency
Date of reply:	15/04/2024
<p>The Swedish Radio and Television Act prohibits any form of targeted advertising directed at children under 12 years of age.</p> <p>Within the framework of the Swedish Marketing Act (Marknadsföringslagen), food advertisements must adhere to specific guidelines when targeting children. These include: Protection of Minors: Advertising to minors (individuals under 18) is strictly regulated. Prohibited Advertisement Methods: This includes subliminal messaging, spam, and direct marketing. Prohibited and Controlled Advertising Product Restrictions</p> <p>No impact assessment of relevance to your question has been conducted in Sweden.</p> <p>Some work on mapping food advertising to children has been done in Sweden, see for example Launch of the Swedish version of the report "In your face – about children's food environment and exposure to food advertisements" Karolinska Institutet (ki.se)</p>	
Title(s) or link(s) to background document(s)	A scientific article from 2017 comparing Sweden and Denmark's approaches to child marketing, which may be interesting: https://doi.org/10.1017/err.2017.24

REPLYING COUNTRY: THE NETHERLANDS	
Replying Institution:	Netherland Food and Consumer Product Safety Authority
Date of reply:	09/04/2024



<p>At the end of 2022, the government announced that there may be legal restrictions on child marketing in the Netherlands.</p> <p>Two studies bring food marketing in the Netherlands into focus. Three quarters of food companies' marketing expenditure goes to promoting unhealthy products. A study also shows that the rules for child food marketing are inadequate. Reports are unfortunately only available in Dutch: Veel kindermarketing voldoet niet aan de regels - Groen Kennisnet</p>	
Title(s) or link(s) to background document(s)	