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# **MARKETING RESTRICTIONS USING REGULATORY MEASURES**

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# OUTLINE

- Background
  - ✓ Legal Framework in Marketing Restriction
- Current regulatory measures
- Identified GAPS
- Way Forward/Future of Marketing Restriction

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# BACKGROUND

- The Food and Drugs Authority (FDA) draws its mandate from Part Seven of the Public Health Act, 2012, Act 851
- Sect.100 (1&2)
- Sect.103 (1&2)
- Schedule 4 (Sect. 112 (e))
- Section 148 mandates the FDA to develop Guidelines for the advertisement of Food (FDA/FID/GL-AD/2016/01)

# CURRENT REGULATORY MEASURES

- Restrictions in FDA Advertisement Guideline
- Codex Guidelines

# PROTECTION FOR MINORS-FDA ADVERT GUIDELINE

- **Section 3.2.14**

Advertising shall not appeal, either directly or indirectly, to persons under the legal drinking age (18 years), or be placed in media that are targeted specifically at such persons

- **Section 3.2.15**

Children's songs, cartoon characters etc., or the imitation thereof shall not be used in alcoholic beverage advertising.

- **Section 3.2.16**

Alcoholic beverages shall not be advertised in children magazines, newspapers, journals or media targeted specifically at such persons.

- **Section 3.2.17**

Alcoholic beverage advertisements shall not run during the airing of movies with the following ratings: a Family (F), Parental Guidance (PG) and Adult

# PROTECTION FOR MINORS-FDA

## ADVERT GUIDELINE

### ▪ Section 3.2.18

Stationary outdoor advertising shall not be placed within 200 metres of pre-schools, 1st and 2nd cycle schools, children's playground and any other facilities designed for the use of children

### ▪ Section 3.2.19

No alcoholic beverage shall be advertised in relation to a public function where persons under the legal drinking age are likely to attend

### ▪ Accompaniment (AA).

Radio and Television advertisement shall not be aired between the hours of 6:00am to 8:00pm

### ▪ Sect 3.3.1b: Energy drinks

Energy drink advert should have the caution statement not for persons under 18 years, pregnant women, lactating mothers and people sensitive to caffeine

# RESTRICTIONS UNDER CODEX

- Guidelines on the Use of Nutrition and Health Claims (CAC/GL 2-1985) specifically the following sections:
- ***Section 8.2...Health Claims should have a clear regulatory framework for qualifying and or disqualifying conditions for eligibility to use the specific claim, including the ability of the competent national authorities to prohibit claims made for foods that contain nutrients or constituents in amounts that increase the risk of disease or an adverse health-related condition. The health claim should not be made if it encourages or condones excessive consumption of any food or disparages good dietary practice.***

# GUIDELINES USED TO REGULATE ADVERTS -/2

- Codex General Guidelines on Claims (CAC/GL 1-1979):
- Section 3.4: Claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder, or particular physiological condition



# EXAMPLE/1



**BABY  
BOSS**





# SOME IDENTIFIED GAPS

- FDA Advertisement Guideline limits definition of food to prepackaged foods.
- There are special provisions for two of the DR-NCD-implicated products in the Guideline i.e., Alcohol and Energy Drinks **but nothing on High Fat, Salt and Sugar Foods.**

## CODEX

- The terms, “**Low Sugar**” and “**High Energy**” are not clearly defined.
- There is no clear national regulatory framework for qualifying or disqualifying health claims as required in section 8.2 of the Guideline

# WAY FORWARD

- Advertisement vs NCD Project
- Review of advertisement guideline to include the identified gaps
- Review of labelling guidelines to include
  - ✓ Mandatory Nutrient Declaration
  - ✓ Mandatory Quantitative Ingredient declaration (%QUID) .
  - ✓ Manufacturers of margarine and shortening would be required to declare on the labels the type of treatment process (fully or partially hydrogenated) of the oils used. This will prevent the use of industrially produced trans-fat.
- HD4HL Project
- Continuous labelling and nutrition education





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**THANK YOU**