

Food Products (Marketing to Children) Bill

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Make provision about the advertising, marketing and promotion of food and drink products to children; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

- “advertising and promotion” means trade practice the express or implied purpose of which is to promote the sale or consumption of a product, and includes the sponsoring of a television programmes and the placement of a product in a programme for the purpose of promotion; 5
- “brand” means any name, logo, slogan or trademark associated with or owned by a food company;
- “broadcast media” includes— 10
- (a) scheduled and on-demand broadcasts,
 - (b) radio services, and
 - (c) terrestrial, satellite, cable, pay or free television services broadcast within the United Kingdom;
- “children” means any persons under the age of 16;
- “food” has the same meaning as in the Food Safety Act 1990 (c. 16) and, for the avoidance of doubt, includes drink products; 15
- “non-broadcast media” includes, but is not limited to—
- (a) print media, including mailings and posters,
 - (b) cinema and video,
 - (c) electronic media, including online advertisements in paid-for space, websites and e-mail, 20
 - (d) correspondence, including brochures, flyers and similar documents,
 - (e) SMS text messages,
 - (f) packaging, 25
 - (g) point of sale displays, and

- (h) sponsorship, including communications which refer to sponsorship.

2 Promotion of less healthy food to children

- (1) It is an offence for a person or body to advertise or promote to children food products which are classified as “less healthy” under the provisions of section 7(c) of the Food Standards Act 1999 (c. 28) (inserted by section 3 of this Act). 5
- (2) An offence is committed under this section if the less healthy food product is advertised or promoted –
- (a) in the case of the broadcast media, by the broadcaster, if the advertisement or promotion is broadcast between the hours 5.30 am and 9.00 pm in the United Kingdom; and 10
- (b) in the case of the non-broadcast media, by the person or body responsible for distributing or otherwise circulating the advertisement or promotion, provided that it is targeted at children.
- (3) For the purposes of this Act, “less healthy food product” includes any brand name which is associated with the food product in question or similar less healthy food products. 15
- (4) A person or body guilty of an offence under this section is liable on summary conviction to an unlimited fine.
- (5) The Secretary of State may make a request to the Sentencing Guidelines Council to produce guidance on the appropriate levels of fines imposed under subsection (4). 20
- (6) The Secretary of State may, by regulations, issue guidance regarding –
- (a) the content and nature of advertisements and promotions which may be permitted under this section, and 25
- (b) the meaning of “associated with” for the purposes of subsection (3).
- (7) Before making any such regulations, the Secretary of State must consult –
- (a) the Food Standards Agency,
- (b) the Office of Communications, and
- (c) any other organisation he considers appropriate. 30
- (8) Regulations made under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3 Duty of Food Standards Agency

- (1) The Food Standards Act 1999 is amended as follows. 35
- (2) After section 7(b) insert –
- “(c) publishing a system or model for determining those foods which it classifies as “less healthy” for the purposes of the Food Products (Marketing to Children) Act 2008.”

4 Short title, commencement and extent

- (1) This Act may be cited as the Food Products (Marketing to Children) Act 2008. 40

- (2) This Act comes into force at the end of the period of two months beginning on the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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To make provision about the advertising, marketing and promotion of food and drink products to children; and for connected purposes.

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supported by
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