

## **Comments on a proposal for a new regulation on the prohibition of marketing of certain foods aimed at children and a proposal for a new authority in the Food Act Section 26 a to be able to impose fines for violations of the regulation**

**November 2024**

World Cancer Research Fund International welcomes the opportunity to contribute to the public consultation on the Norwegian Government's proposal to ban the marketing of unhealthy food and beverages aimed at children under 18.

We are a leading authority on the links between diet, nutrition, weight and physical activity and cancer. We are a not-for-profit organisation in official relations with the World Health Organization (WHO). We work with partners around the world to promote and advise on policies that prevent cancer and other non-communicable diseases.

In line with international guidance and a strong evidence base – including our NOURISHING policy framework<sup>i</sup> and NOURISHING nutrition policy database<sup>ii</sup> and policy index<sup>iii</sup>, we strongly support a proposal for mandatory ban on marketing of unhealthy food and beverages to children in Norway. Our research shows that voluntary measures do not protect children from the influence and reach of marketing<sup>iv</sup>.

Furthermore, the 2023 WHO Guideline on 'Policies to protect children from the harmful impact of food' recommends mandatory policies to restrict the marketing of foods high in saturated fatty acids, trans-fatty acids, free sugars and/or salt to children of all ages.<sup>v</sup> A mandatory scheme that is aimed at children under 18 would be a significant improvement on the current self-regulation policy, which we have assessed as 'moderate' in design when we analysed the nutrition policies in Norway<sup>vi</sup>, due to voluntary measures and the age limit of under 13. It has been shown that voluntary or self-regulatory measures have little effectiveness and are often exploited by industry to prevent more effective regulation<sup>vii</sup>. This proposal would bring Norway policy in line with internationally recognised evidence-based policy standards.

Protecting children from harmful influences of marketing is also a human rights issue – governments such as Norway which is a party to the UN Convention on the Rights of the Child (CRC) are obliged to protect, respect and fulfil children's right to health (Article 24). Marketing of high fat, salt and sugar food and drinks can be framed as a child rights matter, encompassing rights such as the right to health, privacy, and information. Protecting children from exposure to harmful food and drink marketing practices has also been reiterated by the UN Special Rapporteur on the right to health<sup>viii</sup>.

We also suggest that 'children' are defined as persons under 18 years of age which aligns with the CRC (Article 1) which will provide protections for children's rights and address some of the limitations of the existing scheme being aged 13 and under.

Tel: **020 7343 4200** Email: [international@wcrf.org](mailto:international@wcrf.org)  
140 Pentonville Road, London N1 9FW, United Kingdom

## Recommendations

We also offer some additional recommendations that can strengthen the proposal further in protecting children's health.

1. Tighten exceptions to the prohibition to include brand names, imagery, logos and product design (even if they are not directly promoting unhealthy food and beverages) as the current exceptions may weaken the proposed ban.
2. Align the definition of 'marketing' to the definition used in the WHO guideline, which is more comprehensive and more effectively covers all marketing channels accessed by children.
3. Include digital marketing by expanding the marketing prohibition to explicitly cover digital marketing (including by celebrities and influencers). This would cover any regulatory gap left by *Broadcasting Act No 127 of 1992* (Chapter 3.1) which only covers advertising on children's TV and radio.
4. Consider an 'age-agnostic' model such as in the UK, which proposes banning junk food advertising during peak viewing hours (i.e., before 9pm). This approach offers a more comprehensive way to protect public health than solely focusing on child-directed marketing.

For further information, please contact [policy@wcrf.org](mailto:policy@wcrf.org)

---

<sup>i</sup> World Cancer Research Fund International NOURISHING policy framework (2013) <https://www.wcrf.org/research-policy/policy/nutrition-policy/nourishing-framework/>

<sup>ii</sup> World Cancer Research Fund International NOURISHING nutrition policy database <https://policydatabase.wcrf.org>

<sup>iii</sup> World Cancer Research Fund International. *The NOURISHING policy index - Nutrition policy status in 30 European countries*. 2023. <https://www.wcrf.org/policy/nutrition-policy/nutrition-policy-index/>

<sup>iv</sup> World Cancer Research Fund International (2020). Building Momentum: lessons on implementing robust restrictions of food and non-alcoholic beverage marketing to children. Available at [wcrf.org/buildingmomentum](https://wcrf.org/buildingmomentum)

<sup>v</sup> World Health Organization. Policies to protect children from the harmful impact of food marketing: WHO guideline. 2023, xii. <https://www.who.int/publications/i/item/9789240075412>.

<sup>vi</sup> World Cancer Research Fund International (2023) Nutrition policy status in Norway - NOURISHING policy index <https://www.wcrf.org/wp-content/uploads/2024/11/Norway-NOURISHING-snapshot-May-2024.pdf>

<sup>vii</sup> Gilmore, Anna B et al. (2023) Defining and conceptualising the commercial determinants of health *The Lancet*, Volume 401, Issue 10383, 1194 - 1213

<sup>viii</sup> Seventy-ninth session of the United Nations General Assembly. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/79/177. 18 July 2024