



Advertising Standards Authority of South Africa

(Association incorporated under Section 21)
Company Registration Number: 1995/00784/08

STRICTLY CONFIDENTIAL – FOR INTERNAL USE ONLY



consumer
goods council
of south africa

Advertising Standards Authority of South Africa (ASASA) Code on Food and Non-Alcoholic Beverage Marketing Communications to children

1. Preamble

The *South African Code on Food and Non-Alcoholic Beverage Marketing Communications to children* has been updated on the basis of the following principles:

- a) Marketing communications to children for food and non-alcoholic beverage products should support national strategies to prevent and control Non-Communicable Diseases;
- b) Marketing communications to children for food and non-alcoholic beverage products should not encourage over-consumption of any food or non-alcoholic beverage product and should support balanced diets and healthy lifestyles;
- c) Food and non-alcoholic beverages which do not meet the specified nutrition criteria shall not be marketed to children;
- d) Marketers must develop and maintain at all times a sense of social responsibility in food and non-alcoholic beverage marketing communications to children in South Africa;
- e) Food and non-alcoholic beverage marketing communications to children should not bring the activity of marketing into disrepute or reduce confidence in it.

2. Definitions

For the purpose of this Code:

- a) A “child/children” is a person/persons between the ages of 37 months and 12 years.
- b) “Food and non-alcoholic beverage products” means any food and non-alcoholic beverage products as defined by the Foodstuffs, Cosmetics & Disinfectants Act (Act 54 of 1972) marketed in South Africa, including meals or individual menu items by restaurants and any other food service providers.
- c) “Marketing Communications” means -
 - a. A matter which is published or broadcast using any medium including, but not limited to, social media, TV, radio, print, billboards, broadcasting, cinema, websites, DVD/CD-ROM, direct marketing, product placement, interactive games, outdoor marketing¹, mobile and

Comment [FM1]: CGCSA in the process of consolidated supporting documentation provided by industry

¹ To be defined by interpretative guidelines by ASASA



STRICTLY CONFIDENTIAL – FOR INTERNAL USE ONLY

SMS marketing, online (excluding online shopping), in South Africa or in a substantial section of South Africa for payment or other valuable consideration and which draws the attention to the public or a segment of it, to a product, service, activity, person, or in line of conduct, in a manner calculated to promote or oppose directly or indirectly that product, service, activity, person or line of conduct;

Comment [FM2]: As agreed in the meeting held on 11 Feb 2015

b. Any activity which is undertaken by, or on behalf of a marketer for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, activity, or the line of conduct, in a manner calculated to promote or oppose directly or indirectly the product, service, or line of conduct.

d) Marketing communications to children means where 35% or more of the audience is comprised of children including, but not limited, to nurseries, school premises, pre-school centres, playgrounds, family and child clinics and paediatric services or during any sporting and cultural activities that are held on these premises.

Comment [FM3]: Engagements need to take place with the South African Advertising Research Foundation and AC Nielsen to better understand how this measure can be monitored

e) Where adequate data are unavailable, ASASA will consider other factors as appropriate, which may include the overall impression of the marketing communications, such as the extent to which children are the express target group for the medium employed and the extent to which the marketing communications tools and techniques are designed to appeal primarily to children, actions taken by the company to restrict child access and the target demographic based on the company's media plan.

Comment [FM4]: Proposed to DoH to reference the Code in the legislation. Still to be decided

f) "Premium" is any item offered other than the product itself without any added cost and is conditional upon the purchase of the food and non-alcoholic beverage industry and marketers regular products or services, which include but are not limited to, stickers, spoons, tattoos, toys. This does not apply to premiums that are an inherent part of the food or non-alcoholic beverage product.

Comment [FM5]: This clause still needs to be finalised. There are several scenarios that are grey areas.

g) "Specified nutrition criteria" refers to internationally accepted frameworks based on sound science to aid the food industry and marketers in determining which foods and non-alcoholic beverages can be marketed to children.

Comment [FM6]: WHO has developed a Nutrient Profiling Model for marketing and communication of foods and non-alcoholic beverages. Was tested in Europe and due to be tested in SA. Work on Nutrition Criteria to be on hold until after testing of the Nutrient Profiling Model.

3. Scope

a) This Code is intended to regulate marketing communications of food and non-alcoholic beverage products directed primarily to children.

b) The Code applies to all marketing communications.

c) The Code does not apply to sponsorship, where this only entails the use of the sponsor's name and/or trademark, packaging, in-store and point of sale, as well as forms of marketing communications which are not under the direct control of the brand owner, such as user-generated content.

Comment [FM7]: Agreed at the meeting held on 11th Feb 2015 that sponsorships should be excluded at this stage



Advertising Standards Authority of South Africa

(Association incorporated under Section 21)
Company Registration Number 1995/00784/08

STRICTLY CONFIDENTIAL – FOR INTERNAL USE ONLY

4. Interpretation

- a) Nutrition information and claims should be judged by the likely perception of the reasonable person at whom the marketing communications are directed or who is likely to be exposed to them.

5. Honesty

- a) Food and non-alcoholic beverage marketing communications should not be so framed as to abuse the trust of consumers at whom it is directed or who are likely to be exposed to it, or exploit their lack of experience or knowledge or their credulity.

6. Responsibility

- a) Companies shall not engage in marketing communications of food and non-alcoholic beverage products to children unless the food and non-alcoholic beverage products concerned meet specified nutrition criteria and the marketing communications have been pre-approved internally and / or by the Association for Communication and Advertising before being used for marketing purposes.
- b) Food and non-alcoholic beverage marketing communications, including promotions, shall not encourage poor nutritional habits or an unhealthy lifestyle in children, or encourage or condone excessive consumption.
- c) Portion sizes featured in food and non-alcoholic beverage marketing communications shall not be excessive or more than would be reasonable to consume by a person of the age depicted.

7. Factual representation

- a) Presentations in marketing communications for food and non-alcoholic beverage products should accurately represent the material characteristics of the product featured, in particular, but not exclusively, with regard to taste, size, nutritional content, health benefits, nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact.

8. Social values

- a) As it is recognised that children are impressionable, food and non-alcoholic beverage marketing communications should not mislead children about product benefits by use of the product. Such benefits include, but are not limited to, the unreasonable acquisition of strength, status, popularity, growth, proficiency and intelligence, good traditional values.

Comment [FM8]: Added to address DoH's concern that the code should cover situations where family values are being used to promote unhealthy food and/or non-alcoholic beverage products



- b) Food and non-alcoholic beverage product marketing communications to children shall not undermine the role of parents, caretakers, or others responsible for a child's welfare in guiding diet and lifestyle choices through cajoling, pressurising or bullying children or their parents into buying the food or non-alcoholic beverage product or suggest any negative consequences of not purchasing the product.

9. Third-party product endorsement

- a) Popular personalities or celebrities (live or animated), licensed characters and movie tie-ins from third-parties (such as cartoon characters) that primarily appeal to children shall not be used to endorse food and non-alcoholic beverage products that do not meet the specified nutrition criteria. Company-owned, brand equity characters are not covered by the Code.

10. Inexperience and credulity

- a) Marketing communications to children for food and non-alcoholic beverage products shall not create a sense of urgency.
- b) While recognising that fantasy, including animation may be appropriate in communicating with children, care should be taken not to exploit the imagination of a child in a way that could create expectations of unattainable product benefits or exploit their ability to distinguish between real benefits and fanciful benefits.

11. Marketing promotions

- a) Whenever promotions are used, the means of entry, the products to be purchased, if any, and the conditions of the promotion, should be clearly communicated.
- b) Marketing promotions targeted at children of twelve years old and under should clearly communicate the likelihood of winning in wording readily understandable to them.
- c) The prize(s) and the number of prizes should be clearly communicated.
- d) All prizes should be appropriate to the child audience.

12. Premiums

- a) Premiums primarily appealing to children cannot be used to promote food or non-alcoholic beverage products which do not meet the specified nutrition criteria. Foodstuffs marketed for a limited time period annually, not exceeding 6 months, which have been prepared for a specific periodic occasion or religious dietary observance shall be exempted provided that:



- The particular occasion is clearly indicated on the label through design elements or text, thus requiring special packaging
- The packaging shall not carry promotional messaging appealing to children such as discounts, free content, competitions or related activities
- The premiums are an inherent part of the food or non-alcoholic beverage product

13. Marketing communications on pre-school and primary school premises

- a) Food and non-alcoholic beverage products that do not meet specified nutrition criteria shall not be marketed on or in 150 metres to pre-school and primary school premises.²

14. Adjudications

- a) In adjudicating on complaints, ASASA shall be vested with discretion whether the product is marketed primarily to children on a case-by-case basis in order to ensure a common-sense outcome.
- b) It should be emphasised that a product with a special appeal for children can never in itself be regarded as marketing.
- c) When a food industry and / or a marketer is found guilty by the ASASA will be subject to ASASA sanctions

15. Mitigating factors

- (a) Media owner, marketer and agencies should not run any marketing and communications of food and non-alcoholic beverages that do not meet the specified nutrition criteria without internal and/or ACA approval of the marketing and communications material.

² Menus or displays for food and beverage products offered for sale, charitable donations or fundraising activities, public service messages, and items provided to school administrators for education purposes or for their personal use are not covered. ASASA will work with its members to develop and publishing specific guidelines on permissible activities in schools.