

# Parallels between tobacco/food advertising, promotion and sponsorship & regulating digital marketing

Benn McGrady

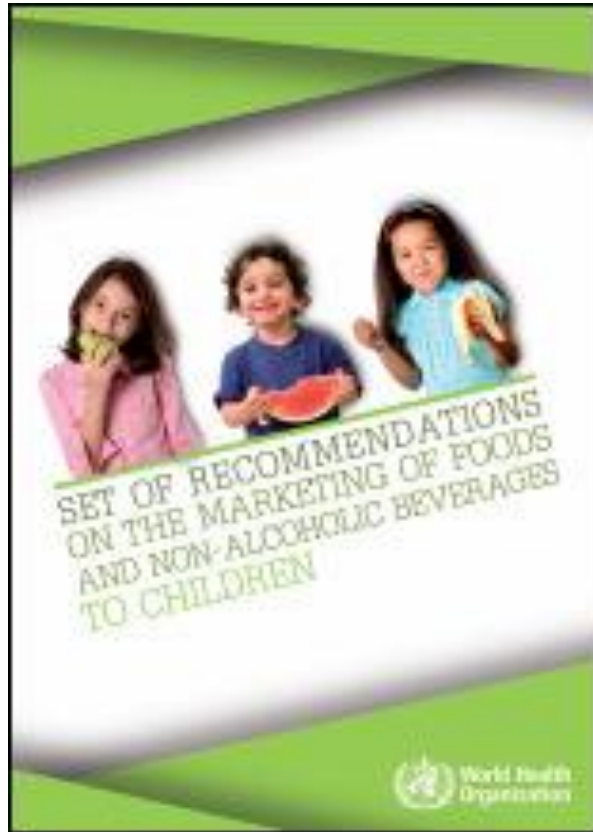
Public Health Law and Policies Unit | Health Promotion Department  
World Health Organization

# Tobacco

- Article 13 of the WHO FCTC obliges Parties to undertake a comprehensive ban on tobacco advertising, promotion and sponsorship.
- Parties not in a position to implement a comprehensive ban for constitutional reasons shall apply restrictions on all tobacco advertising, promotion and sponsorship.
- At a minimum laws shall:
  - False, misleading or deceptive advertising, promotion or sponsorship
  - Require health warnings with any permitted advertising, promotion or sponsorship
  - Restrict direct or indirect incentives that encourage purchase
  - Require disclosure of expenses (if a comprehensive ban is not in place)
  - Cover radio, television and print media as well as the internet
  - Sponsorship of international events and activities



# Food marketing to children



- To reduce the impact on children of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt
  - Reduce the power of marketing
  - Reduce exposure of children to marketing
- Settings where children gather should be free from all forms of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt.
- The recommendations also cover the policy process and stress that governments should be the key stakeholders in policy development

# Challenges in policy design?

## Common challenges across risk factors

**Political economy** including industry arguments around marketing

**Monitoring and enforcement**, particularly for digital marketing

**Legal arguments** around freedom of expression and opinion

## For food and beverage marketing

**Defining** foods and beverages subject to the law (nutrient profile model)

**Defining** 'children' through an age threshold

**Defining** marketing 'to children' (whether all marketing, marketing to which children are exposed, or marketing directed at children)

# A word on digital marketing

## Restricting digital marketing

in the context of tobacco, alcohol, food and beverages, and breast-milk substitutes: existing approaches and policy options



Digital marketing can be restricted, but requires:

**Legislative coordination** across health, media and other laws

Defining a **jurisdictional reach** that is enforceable

Addressing **targeting** of vulnerable groups

Age verification requirements

Data protection laws – collection, processing and use

Rules for **influencer marketing** and **user engagement** techniques

**Monitoring** through inspections, disclosure and reporting obligations

**Enforcement** through a range of preventive and punitive measures



World Health  
Organization

Public Health Law and Policies Unit  
HPR Department