

Belgium – Fevia Food Advertising Code January 2023

Full title	Nouveau Code de Publicité pour les denrées alimentaires; from Fevia – Fédération de l'Industrie Alimentaire, UBA (advertiser trade body) & Comeos. Version 1er Janvier 2023
Context	This is an unofficial, non-binding translation of the most recent version of the principal self-regulatory food code in Belgium. Only the original in French or Dutch applies.
1. General	1. Advertising must be designed to respect the rules and the spirit of the law, self-regulatory codes in general and this code in particular, in order to maintain confidence both in advertising and in the self-regulation system.
2. Nutrition or health claims	<p>2. Any claim or any communication that is reasonably interpreted by consumers as a nutrition claim or a health claim must be appropriately scientifically substantiated.</p> <p>Any claim must be consistent with the nature and extent of scientific evidence and provide the consumer with verifiable information.</p> <p>The claim must also be assessed on the likely understanding of the average consumer, especially where children and young people are concerned.</p> <p>Any comparison relating to nutritional or health values must be able to be established on the basis of objective and clearly understandable data.</p>
3. Healthy lifestyle	<p>3. Food advertising may not encourage or justify excessive consumption and portion sizes must be appropriate to the depicted scene.</p> <p>Food advertising may not denigrate the promotion of healthy and balanced eating habits or the importance of a healthy and active lifestyle.</p>
4. Communication that does not mislead	<p>4. The text, audio, and visuals in food advertising must properly represent the characteristic of the product highlighted in the advertising, such as taste, size, content, nutritional or health benefits, and must not mislead consumers on one or more of these characteristics.</p> <p>Taste or consumer preference tests cannot be used in such a way as to suggest statistical validity when that would not happen in reality.</p> <p>Food products that are not intended to be meal replacements may not be represented as such.</p>
	General provisions regarding advertising directed at children
5 - 8. Advertising to Children	5. Food business operators must ensure in particular that in food advertising aimed at children, media personalities (living or animated) are not used in such a way as to blur the distinction between programmes or editorial content on the one hand, and commercial promotion intended to sell products, premiums (promotions) or services on the other.

URL of source: <https://www.jep.be/wp-content/uploads/2023/04/Nouveau-Code-de-publicite-pour-les-denrees-alimentaires-2023.pdf>

6. Food advertising addressed to children may not create a sense of urgency or inappropriately minimise price.

7. Food advertising shall not prejudice the role of parents and other adults responsible for the well-being of a child in the choice of diets and lifestyles.

Advertising may not directly appeal to children to persuade their parents or other adults to buy the advertised products.

8. In compliance with current legislation in this area, sales promotion offers directed at children must state the conditions of the offer or competition in terms that children can understand.

Advertisers should make every effort to ensure that children gain a good understanding of products they buy, if any, to receive a premium or participate in a competition: the conditions of participation, the types of prizes and the likelihood of winning.

The provisions specific to advertising aimed at children under 13 which must be complied with, namely the provisions of the Belgian Pledge, are set out in the addendum to the Advertising Code.

9 - 10. Advertising to children and / or young people

9. While the use of fantasy, including animation, is appropriate in advertising communication with children and young people, care must be taken not to exploit imagination in such a way that could mislead as to the nutritional benefits of the product concerned.

10. Food advertising may not mislead consumers on the potential benefits to health or other potential benefits from consumption of the products portrayed.

In advertising to children and young people this includes inter alia references to status or popularity among peers, academic or sporting success, or intelligence.

ADDENDUM

Specific provisions for advertising aimed at children under 13: the Belgian Pledge

Principle

1. Advertising of foodstuffs intended specifically for children under the age of 13 is not permitted, unless those foods meet the nutritional criteria set out in the EU Pledge Nutrition White Paper – Update June 2023.

Explanation

In the context of the Belgian Pledge, “specifically aimed at children under 13” means an audience made up of at least 30% of children under 13. If it is difficult to determine the age categories of the audience, other factors can be taken into account, such as the general impression of the communication (appearance for children), language, form and animation, games and fun activities, etc.

In the context of the Belgian Pledge, “food advertising” means: paid advertisements or commercial messages for food and drink products, including marketing communications that use licensed media characters (live or animated) and video games that appeal to children under 13. Company-specific personalities, characters or mascots do not fall within the scope of the Belgian Pledge.

Prohibitions

2. For certain products, advertising is never permitted to children under 13, as stipulated in the EU Pledge Nutrition White Paper – Update June 2023. These include in particular soft drinks, ice cream, crisps, sugar and sugar products, including chocolate and chocolate products, jams and marmalades, honey and syrups, and non-chocolate

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	confectionery.
Media	<p>3. The principles stated above in points 1 and 2 apply to the following selected media: television, radio, print, cinema, online media (including "influencer marketing", corporate websites and company profiles on social networks), DVD, direct marketing, product placement, interactive games, apps, outdoor marketing (display), mobile and SMS marketing.</p> <p>Packaging, in-store and point-of-sale advertising and any form of marketing communication not under the direct control of the company (such as user-generated content) fall outside the scope of the Belgian Pledge</p>
Primary schools	4. Communication about foodstuffs is not permitted in primary schools, except for educational purposes and on request or with the agreement of the school management.
In force	5. The specific provisions of the Belgian Pledge will apply at the latest from 1 June (2023)
Future amends	6. New amends to the principles of the Belgian Pledge will only occur if they are submitted by Fevia, Comeos, UBA and the Communication Centre to their respective boards and approved unanimously.
Monitoring compliance	7. Monitoring of compliance with the Belgian Pledge is entrusted to the Jury of Advertising Ethics (JEP). The JEP will verify whether the complaints submitted are admissible and well founded and will make its decision according to the processes in the JEP regulations.
Decisions/ rulings	8. JEP decisions are published on the JEP website. For each complete calendar year, the JEP prepares an evaluation report .
Guidance	9. In case of ambiguity on the exact scope of application of a provision of the Belgian Pledge, the JEP uses the implementation guidance note 2022 as a guide to interpretation.

The Belgian Pledge Nutrition white paper is shown separately and can be found in the original French code here:
<https://www.jep.be/wp-content/uploads/2023/04/Nouveau-Code-de-publicite-pour-les-denrees-alimentaires-2023.pdf>

The EU Pledge Nutrition Criteria White Paper (in English) can be found here:
https://eu-pledge.eu/wp-content/uploads/EU_Pledge_Nutrition_White_Paper.pdf

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