



High Fat, Sugar and Salt (HFSS) products on video-sharing platform services

- Overview of national approaches -

EPRA 55th meeting - Thematic session: Minors & Advertising
12 May 2022

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Background information



- **Two EAO mappings on the regulation of video-sharing platforms (VSPs)** on behalf of the European Commission
- Aim: To track the **legal framework and current practices** applicable to VSPs, following the adoption of the 2018 revised AVMS Directive
 - ✓ Oct. 2021: **Protection of minors** (*updated as of May 2021*)
 - ✓ Early 2023 : **Advertising rules** (*on-going*)
- **Geographical scope:** EU27 + UK + Norway (2021) / EU27 + Norway (2022)

The EU legal framework

Protection of minors in VSPs (Art. 28b AVMSD)

Art. 28b (1)

VSPs shall take measures applicable to programmes, user-generated videos and commercial communications to protect minors and the general public from certain content (e.g. harmful content, hate speech, content constituting criminal offenses...)

Art. 28b (2)

VSPs **shall comply with the requirements with respect to commercial communications that are marketed, sold or arranged by those VSPs + inform users where programmes and user-generated video contain commercial communication**
+ Member States shall encourage the use of co- and self-regulation through codes of conduct on 'unhealthy' foods

Art. 28b (3)

The measures shall be determined in light of the content in question, the harm it may cause, the category of persons to be protected, the rights and legitimate interests at stake, including those of VSP, users and the general public interest.

Reducing the exposure of children to HFSS in VSPs

Art. 28b (2) AVMSD: Member States shall encourage the use of co-regulation and the fostering of self-regulation through codes of conduct:

*...aiming at **effectively reducing the exposure of children to audiovisual commercial communications for foods and beverages containing nutrients and substances with nutritional or physiological effect, in particular fat, trans-fatty acids, salt or sodium and sugars, of which excessive intake in the overall diet is not recommended.***

*Those codes shall aim to provide that **such audiovisual commercial communications do not emphasize the positive quality of the nutritional aspects of such foods and beverages.***

National overview in the EU

General approach

- **General provision** in the majority of EU MS
- Reference to the need to develop and use **self-regulation**
- Reference to **codes of conduct, 'behavioural' codes, codes of 'best practices', codes of 'ethics'**, for VSPs
- Reference to **self-regulation bodies** in some MS
- **Different approach** to advertising of HFSS products (self-regulation) and tobacco and alcohol products (obligations) on VSPs in most MS
- **Specific role granted to media regulator** in some MS (promotion of self-regulation, ensuring compliance of the codes, drawing up guidelines, annual reporting...

Stricter approaches

- Adoption of behavioural guidelines as a **prerequisite for obtaining financial support**
- Obligation to refer to **consumer associations and health authorities** to draw up the guidelines
- **Terms and Conditions** of the VSP must refer to ads for HFSS regarding ads that are not marketed and sold by them
- VSP must provide a function to **allow users who upload user-generated videos to label audiovisual commercial communication**
- Stricter requirements for **candies which contain sugar**
- Prohibition of ads for HFSS intended for children under 12 unless cooperation with government or **“approved” authority**
- Prohibition to use “children’s idols” in advertising aimed at children under 6

Next steps? ...



Thank you for your attention!

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