

(Journal Officiel de la République Française 50 du 28 février 2007)

Decree of 27 February 2007 establishing the terms and conditions relating to health information that must accompany adverts or promotional messages for certain foods and drinks

NOR: SANP0720073A

The Ministry of Health and Solidarity and the Ministry of Agriculture and Fishing,

In view of the French Public Health Code (code de la santé publique), in particular, articles L. 2133-1 and R. 2133-1 to R. 2133-3 thereof;

In view of the French Consumer Code (code de la consommation), in particular, articles L. 121-50 to L. 121-53 thereof;

In view of the opinion of the French Food Health Agency (*Agence française de sécurité sanitaire des aliments*) dated 27 October 2006;

In view of the opinion of France's National Institute for prevention and education in health matters (*l'Institut national de prévention et d'éducation pour la santé*) dated 20 October 2006;

In view of directive 98/34 /CE of the European Parliament and of the Council dated 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations relating to information society services, and, in particular, notification no. 2006-0480-F addressed to the European Commission, and the European Commission's memorandum of observations dated 20 December 2006;

In view of the Decree of 1 July 1976 relating to foods that are designed for nursing infants and young children,

Decree:

Article 1

For the adverts and promotional messages referred to in article L. 2133-1, the health information specified in article R. 2133-1 shall be: "For your health, eat at least five portions of fruit and vegetables a day" "For your health, take regular physical exercise", "For your health, avoid eating too much fat, sugar and salt" and "For your health, avoid snacking between meals."

In the case of adverts or promotional messages advertising for cereal based preparations and the baby food mentioned in article 20 of the aforementioned Decree of 1 July 1976, the health information shall be as follows: "Teach your child not to snack between meals" and "Moving

around and playing is essential to your child's development.”

In the case of adverts or promotional messages for the follow-on formulae mentioned in article 13 of the aforementioned Decree of 1 July 1976, the health information shall be as follows: “In addition to milk, water is the only essential drink” and “Moving around and playing is essential for your child's development.”

For television and radio commercials between programmes designed for children or that are included in such programmes and for adverts in the press aimed at children, the same health information may be stated using the more familiar “*tu*” or replaced by the following information:

”For healthy growth, eat at least five portions of fruit and vegetables a day”, “In order to be fit, take plenty of exercise”, “For healthy growth, avoid eating too much fat, sugar or salt” and “In order to be fit, avoid snacking throughout the day.”

The health information will be presented in such a way that it is easy to read or hear, it must be consistent with its public health role and clearly distinguishable from the adverts or promotional message.

The health information shall be used in each advertising campaign in such a way as to guarantee that for each type of advert or promotional media, it appears regularly in an equal number of adverts or promotional messages, with a 10% tolerance either way.

Article 2

For adverts broadcast on television and in the cinema, the health information referred to in article 1 shall either be included in a fixed or rolling strap-line throughout the entire duration of the advert, or shown on a screen immediately after the advert. In the case of a strap-line, it must take up at least 7% of the height of the screen.

Its presentation shall comply with good practice rules and standards that have been formally established by the profession, and, in particular, the rules laid down by the French Advertising Standards watchdog.

Where the length of the advert so permits, at the end of the presentation, the address: www.mangerbouger.fr. shall also be mentioned.

Article 3

In the case of adverts broadcast on the radio, the health information referred to in article 1 shall be broadcast immediately after the advert.

The advertiser may use the information referred to in article 1 or, otherwise, the following information:

”For your health, move around more”, “For your health, limit fatty, salty and sugary foods” and “For your health, avoid snacking between meals.”

Its presentation shall also comply with the industry's officially laid down best practice rules and standards.

The same health information may be applied using the informal “*tu*”.

Article 4

For adverts or promotional messages in print form, the following address shall be included in the health information referred to in article 1: www.mangerbouger.fr.

The health message shall be shown in its own horizontal area and it shall take up at least 7% of the area of the advert.

Where several adverts or promotional messages referred to in article L. 2133-1 appear on the same page, the health information may appear only once, in a strip that takes up at least 7% of the page.

In the case of adverts or promotional documents produced by a single distributor or producer, the health information may take the form of a nutritional educational text appearing only once on the document and shown in the appendix hereto. Said text shall take up at least a half-page in total.

Article 5

For adverts that are broadcast by on-line public advertising services, the following address shall be included in the health information referred to in article 1: www.mangerbouger.fr.

On these services, the health information shall appear at the same time as the advert and it must be accessible when the advert is viewed.

Article 6

The Director General of Health and the Director General of Food shall be responsible for enforcing this Decree, which shall be published in the *Journal Officiel de la République française*.

Executed in Paris, on 27 February 2007.

The Minister for Health and Solidarity,

Xavier Bertrand

The Minister for Agriculture and Fishing,

Dominique Bussereau

APPENDIX

THE NUTRITIONAL EDUCATIONAL MESSAGE REFERRED TO

IN ARTICLE 4 OF THE DECREE OF 27 FEBRUARY 2007

"Eating and moving around are some of life's pleasures and may help you and your nearest and dearest to remain in good health. Making wise choices will also help to protect you against certain illnesses.

The national health and nutrition programme makes nutritional recommendations that are quite

consistent with the concepts of enjoyment and conviviality.

Each family of foods has its place on your plate on a daily basis. They are all essential to ensure a nutritional balance some must be eaten in moderation whilst others are to be preferred.

How can you do this in practice?

Eat at least five portions of fruit and vegetables a day, whether they be raw, cooked, plain, prepared, fresh, frozen or canned;

Eat bread and cereal products, potatoes and dry vegetables at each meal according to taste (giving preference to wholegrain cereal foods);

Eat three dairy products a day (milk, cheese, yoghurt) preferably a variety;

Eat meat, fish, (and other fish products) or eggs once or twice a day, alternating them; aim to eat fish at least twice a week;

Restrict added fats (butter, oil, fresh cream, etc.) and fatty products (appetisers, Viennese pastries, etc.);

Limit sugar and sugary products (sodas, sweetened drinks, confectionery, chocolate, pastries, puddings, etc.);

Lower your salt intake and preferably use iodised salt;

Drink water at any time, during meals and in between.

Women should not drink more than two alcoholic drinks a day and men three (one 10cl glass of wine is equivalent to a half a pint of beer or one 6cl glass of an alcoholic drink shown to have 20 degrees of alcohol, such as port, or 3cl of a drink with 40 to 45 degrees, such as whisky or pastis).

Take daily exercise that is the equivalent of at least 30 minutes' fast walking a day (whenever possible, take the stairs rather than the lift, walk and cycle rather than drive etc.)."