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TO

Make provision regarding the marketing, promotion and sale of food and drink to and for children; to make provision for education and the dissemination of information about children's diet, nutrition and health; to place certain duties on the Food Standards Agency; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Purpose**

The purposes of this Act are to improve the health and well-being of children and to reduce ill-health in children.

**2 Duties of the Food Standards Agency**

- (1) The Food Standards Agency ("the FSA") shall within 12 months of the date on which this Act is passed— 5
- (a) publish an assessment of the medical and social evidence in respect of the relationship between the diet and health and well-being of children, and
  - (b) publish, on the basis of that assessment, the criteria for deciding whether the content of food and drink— 10
    - (i) is detrimental to the health of children;
    - (ii) will improve the health of children;
    - (iii) will ensure that every school meal will improve the health of children. 15
- (2) The matters which the FSA shall take into account under subsection (1) shall include—
- (a) the nutritional content of food and drink;
  - (b) the presence of— 20
    - (i) contaminants, hormones, growth mediators, pathogens and other residues; and

- (ii) food additives  
in any foods and drinks; and
- (c) food and drink production techniques, including –
- (i) genetic modification; and
- (ii) irradiation; and 5
- (d) any other matters that the FSA considers appropriate.
- (3) The FSA may, in the light of new evidence, publish from time to time –
- (a) a revised assessment, and
- (b) revised criteria  
under subsection (1). 10
- 3 Prohibition on marketing certain foods and drinks to children**
- (1) The Appropriate Authority shall by regulation prohibit any person or persons employed by an organisation which produces or sells food and drink, and any person or persons who have entered into a contract with such an organisation, from marketing to children any foods and drinks which contain content which the FSA has decided under section (2) is detrimental to the health of children. 15
- (2) In this section “marketing to children” means the use of any notice, circular, or other document and of any public announcement made orally or by any means of producing or transmitting light or sound to market a product at any time or in any place or situation where in the opinion of the Appropriate Authority children may form a significant section of the audience. 20
- (3) The Appropriate Authority may by regulations revise –
- (a) the definition of marketing used in; and
- (b) any prohibition of marketing any food or drink made under;  
this section. 25
- 4 Requirement to encourage children to consume certain foods and drinks**
- (1) The FSA and the Appropriate Authority shall encourage children to consume foods and drinks which in their opinion will further the purposes of this Act.
- (2) The Appropriate Authority shall each year –
- (a) in England lay before Parliament; and
- (b) in Wales publish  
a Food Promotion Plan which will set out how it intends to further the purposes of this Act. 30
- (3) The Food Promotion Plan under subsection (2) shall set out –
- (a) the Appropriate Authority’s objectives for furthering the purposes of this Act; and
- (b) the measures that the Appropriate Authority has taken or intends to take to meet these objectives. 35
- 5 Food education**
- (1) The Education Act 2002 (c. 32) is amended as follows. 40
- (2) After subsection (3) (a) of section 84 (curriculum requirements for first, second

and third key stages in England) insert – “(aa) food,”	
(3) After subsection (3) (a) of section 85 (curriculum requirements for fourth key stage in England) insert – “(aa) food,”	5
(4) After subsection (3) (a) of section 105 (curriculum requirements for first, second and third key stages in Wales) insert – “(aa) food,”	
(5) After subsection (3) (a) of section 106 (curriculum requirements for fourth key stage in Wales) insert – “(aa) food,”	10
<b>6 Sale or provision of food and drink in school</b>	
(1) No person shall sell or give a child on school premises any food or drink which which contains content which the FSA has found under section 2 is detrimental to the health of children unless an exemption under subsection (3) below is applicable.	15
(2) The penalty for contravening subsection (1) shall be prescribed by regulations made by the Secretary of State.	
(3) Foods and drinks – (a) brought to school by a child or by the parent or guardian of a child at the school, or (b) which form part of a school meal, are exempt from the provisions of subsection (1).	20
(4) The Appropriate Authority, having taken account of the work of the FSA under section 2, shall by regulations prescribe that the overall composition of each school meal shall contain a food and drink content which will improve the health of children and the manner in which this shall be achieved.	25
<b>7 Regulations</b>	
(1) Any power of the Secretary of State or the National Assembly for Wales to make regulations under this Act is exercisable by statutory instrument.	30
(2) The Secretary of State may not make regulations under this Act unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.	
<b>8 Financial provision</b>	
<i>There shall be paid out of money provided by Parliament –</i>	35
(a) <i>any expenditure of the Secretary of State in consequence of this Act; and</i>	
(b) <i>any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.</i>	
<b>9 Interpretation</b>	
In this Act –	40

“Appropriate Authority” means –

(a) in Wales, the National Assembly for Wales; and

(b) in England, the Secretary of State;

“child” means a person under the age of 16; and

“food” has the same meaning as in section 1 of the Food Safety Act 1990

(c. 16)

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## **10 Short title and extent**

- (1) This Act may be cited as the Children's Food Act 2004.
- (2) This Act extends to England and Wales.

# Children's Food Bill

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*Presented by Ms Debra Shipley  
supported by  
Mr Robert Walter, Mr Paul Burstow,  
Mr Graham Allen, Vera Baird, Mr Ernie Ross,  
Peter Bottomley, Mr Andy Reed, Mr Paul Tyler,  
Alan Howarth, Angela Eagle  
and Mr Simon Thomas.*

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