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Make provision about the advertising of food products on television programme services; and for connected purposes.

BE 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 Advertising of food on television programme services

- (1) The advertising of food products on television services between the hours of 5 o’clock in the morning and 9 o’clock in the evening is prohibited unless the requirement in subsection (2) is satisfied.
- (2) The requirement is that the food product concerned has, pursuant to section 8A of the Food Standards Act 1999 (c. 28), been classified as meeting certain nutritional standards specified by the Food Standards Agency. 5
- (3) The advertising on television services between the hours of 5 o’clock in the morning and 9 o’clock in the evening of a range of foods is prohibited unless all food products in that range fulfil the requirement in subsection (2). 10
- (4) For the purposes of subsection (3) a “range of foods” includes any food product that would be commonly understood as being promoted by the advertisement in question.
- (5) For the avoidance of doubt, subsection (3) does not prevent the advertising of individual food products belonging to a wider range of foods, some of which do not fulfil the requirement in subsection (2), so long as that requirement is met for the food product in question. 15
- (6) In this section—
 - “advertising” includes the sponsoring of programmes and the inclusion in a programme of the food product in such a way as to promote that product; 20
 - “food” has the same meaning as in the Food Safety Act 1990 (c. 16);
 - “television services” has the same meaning as in the Communications Act 2003 (c. 21).

2 Classification of food products

(1) The Food Standards Act 1999 (c. 28) is amended as follows.

(2) After section 8 insert –

“8A Duties in relation to nutrition

(1) The Agency shall formulate a model, “the nutrition profiling model”, for classifying food products as healthy or otherwise. 5

(2) In formulating the model, the Agency shall take into account the salt, sugar and fat content of food products, as well as any other aspect of nutrition which the Agency deems relevant.

(3) The model shall be available for use by – 10

(a) Ofcom for the purposes of the Television Advertising (Food) Act 2007; and

(b) such other persons and bodies, and for such purposes, as the Secretary of State shall by regulations prescribe.”

(3) In section 37(4) (subordinate legislation) after “section” insert “8A,”. 15

3 Short title, commencement and extent

(1) This Act may be cited as the Television Advertising (Food) Act 2007.

(2) This Act comes into force at the end of the period of two months beginning on the day on which it is passed.

(3) This Act extends to England and Wales. 20

Television Advertising (Food) Bill [HL]

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Baroness Thornton

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