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LAW N° 20,869 ON FOOD PRODUCTS ADVERTISEMENT

On November 13th, 2015, Law N°20,869 on Food Products Advertisement "Advertisement Law") was published in the Official Gazette.

In summary, the Advertisement Law modifies Law N° 20,606 on Nutritional Composition of Food Products and their advertisement, establishing limits to food advertising to children under the age of 14 and prohibiting any advertising for infant formulas.

- Food advertising to children under the age of 14

The Advertisement Law confirms the criteria set out in Law N° 20,606, in order to forbid all advertising of "high in" food products directed to children under 14 years old.

Additionally, the Advertisement Law adds an air-time restriction for the advertising of "high in" food products addressed to persons over the age of 14 in cinemas and on television. All of this advertising cannot be shown between the hours of 6:00 am and 10:00 pm.

Notwithstanding the above, the Advertisement Law provides certain exceptional cases where advertising of "high in" food products directed to people over 14 years of age can be carried out within the time period indicated above (charities, sport, cultural or artistic events).

Although the Ministry of Health ("MINSAL" for its Spanish acronyms) has not issued an official opinion on the matter, considering that MINSAL's Decree N° 13/2015, which establishes what food products can be considered "high in", will enter into effect on June 2016, we estimate that the aforementioned restriction on advertising of such food products should be subject to the validity of that Decree.

- Advertisement of infant formulas

The Advertisement Law forbids any advertising activity for breast milk substitute food products. This prohibition includes both starter formulas and follow-on formulas, as defined in Decree N° 977 of the

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Food Health Regulations.

Violations of this provision will be punished through the procedure established in Book X of the Health Code (Health Summary).

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