

European Commission
Directorate-General Health and Consumer Protection
Unit C4 – Health Determinants
E-mail: SANCO-C4-NUTRITIONGREENPAPER@cec.eu.int
Fax: + 352 4301 34975
L-2930 Luxembourg
LUXEMBOURG

Reykjavík, March 23rd 2006

Re: Response by the Icelandic Consumer Spokesman to the issues raised in Green Paper on promoting healthy diets and physical activity

The Icelandic Consumer Spokesman welcomes the initiative as regards the Green Paper on promoting healthy diets and physical activity and would like to give the following response as called for in the Green Paper. I confine my response to my field of administrative oversight according to Icelandic law – i.e. consumers' rights and interests.

In general, I find that the Green Paper highlights an area very worthy of a Community (EES) legislative initiative since the market forces relating to this policy area are transnational in many respects. This opinion is also based on the fact that health costs in Europe are mostly a public cost and this substantive factor is best dealt with in a co-operation between the individual, the business community, government and NGO's. This point refers to question No 2 in Chapter V.8 in the Green Paper.

I would like to point out that not all consumers – and not all parents – are in the same position to take measures to protect their interests and rights and even their (subconscious) choices – and that of their children. Among factors that affect this ability is their socio-economic status as the Green Paper draws attention to. This point refers to questions No 1 and 2 in Chapter V.11 in the Green Paper.

I agree that such an action should contain minimum rules and should not limit the scope for actions on a national level as pointed out in the Green Paper, cf. question No 2 in Chapter V.8 in the Green Paper. In a possible national supplementary regulation special circumstances could be taken into account as well as leaving some freedom of implementation of the Community objective, cf. question No 1 in Chapter V.9 in the Green Paper. In this respect I find it important that a Community initiative in this matter emphasizes the objectives and some preceptive (fall-back) rules but leaves

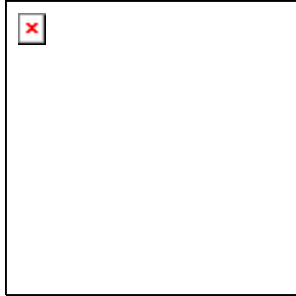
room for implementation up to the Member states, cf. question No 2 in Chapter V.8 in the Green Paper. Although I do not find it feasible to leave it up to autonomous self-regulation all together I find it attractive in the case of Iceland that an implementation could take place through interaction between government representatives and the business community with consultation with civil society, cf. question No 3 in Chapter V.1 in the Green Paper. Such an implementation could take notice of national circumstances, cf. question No 1 in Chapter V.9 in the Green Paper and at the same time draw from best practice advice from the EU and US, cf. question No 2 in Chapter IV.4 and questions in Chapter V.3 in the Green Paper. I find it essential that an up-to-date best practice information is disseminated by a Community institution, cf. question in Chapter V.5 and question No 2 in Chapter V.8.

I would like to draw attention to the possible hindrance of a healthy diet by agricultural protective regulation in many Community/EES-Member states. This point refers to question No 2 in Chapter IV.3.

Among means to enhance the objectives of the Green Paper that I would like to be considered are the following (cf. question No 1 in Chapter IV.3):

- Standardized picture-form information on the degree of (un)healthiness of a given product (cf. nutrition profiles) that could draw from the experience from the Nordic swan and the EU-flower for environmentally good products and that those pictures are governed by Community institutions and easy to understand for both young and less informed and less active consumers;
 - those pictures could possibly be *voluntary* if the image (picture) is positive (provided that given nutrition standards are met) and
 - *obligatory* if the image (picture) gives negative associations and the product is not „healthy“ and aimed for children under a certain age.

A possible model is the PEGI-system for computer games for children. Another model – which seems to be well functioning – is the Danish consumer food safety control publication by way of Smileys, cf. www.Foedevarestyrelsen.dk:



Information in English on this phenomenon can be found on:
<http://www.uk.foedevarestyrelsen.dk/Inspection/Smiley/forside.htm>.

These points refer to question No 1 in Chapter IV.3, question No 3 in Chapter IV.5, question No 2 in Chapter V.1, question No 1 in Chapter V.2, questions No 1 and 2 in Chapter V.7, questions No 2, 3 and 4 in Chapter V.9 in the Green Paper.

- Certain negative rules (bans) regarding placement in shops and other facilities of products that are not „healthy“ and aimed at children under a certain age, cf. question No 1 in Chapter IV.3, question No 4 in Chapter V.1, questions No 3 and 4 in Chapter V.3, questions in Chapter V.7 and question No 2 in Chapter V.9 in the Green Paper.
- Limitations regarding marketing (not only advertising) aimed at children; I would like to keep it open for the above mentioned consultation with the business community and civil society in which form or field the limitations should take place given the national circumstances; e.g.: forum, time of day, age of end-user, age of information-receiver, maturity of end-user or information-receiver, content of product (sugar, fat, alcohol, tobacco etc.) or content of information (e.g. role models and values), type of media (TV, printed press, internet, mobile phones, peer to peer etc.) or form of information (direct advertising, in-direct advertising, product placement, „advergames“ or hidden commercialized information). This point refers to questions No 3 and 4 in Chapter V.1, question No 4 in Chapter V.3, questions in Chapter V.7, question No 2 in Chapter V.8 and questions No 1, 2 and 4 in Chapter V.9 in the Green Paper.
- Enhanced marketing/advertising/media-literacy of young consumers by way of both the school system and the public broadcasting service system as well as household-rules of thumbs such as making a list and eat before going shopping, cf. question No 3 in Chapter IV.3, question No 3 in Chapter IV.4. question No 2 in Chapter V.1, questions in Chapter V.2, question No 4 in Chapter V.3, questions in

Chapter V.7 and questions No 1, 2 and 3 in Chapter V.9 in the Green Paper.

Last but not least; although I find it important to consider all possibilities for enhancing the objectives in question I think it is **essential to ensure effective implementation of the *material* Community legislation to come by making it obligatory to institute some *formal* measures to ensure this**, be it penal, self-regulatory, obligation to process and answer all consumer-complaints and publish the results, „name and shame“ or other measures. This final point refers to question No 3 in Chapter IV.4, alternative question No 3 and question No 4 in Chapter V.1, questions in Chapter V.7, question No 2 in Chapter V.8 and question No 2 in Chapter V.11 in the Green Paper.

Yours sincerely,
The Icelandic Consumer Spokesman,

Gísli Tryggvason.

This paper represents the views of its author on the subject. These views have not been adopted or in any way approved by the Commission and should not be relied upon as a statement of the Commission's or Health & Consumer Protection DG's views. The European Commission does not guarantee the accuracy of the data included in this paper, nor does it accept responsibility for any use made thereof.