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FOOD AND DRUGS AUTHORITY

GUIDELINES FOR THE ADVERTISEMENT OF FOODS

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1.0 INTRODUCTION

In exercise of the powers conferred on the Food and Drugs Authority (FDA) by Part Seven, Section 148 of the Public Health Act, 2012, Act 851, these guidelines are made to apply to all advertisements of foods either locally manufactured/prepared or imported into Ghana with specific requirements for Alcoholic Beverages and Energy Drinks. Notwithstanding the above, operators in the food industry shall comply with any other existing National Statutory Requirements.

The purpose of these guidelines for foods is to:

1. Ensure that advertisement of foods will be conducted in a manner which is responsible and does not mislead or deceive the consumer.
2. Ensure the regulation of advertisements of alcoholic beverages in order to reduce the exposure of minors to such advertisements.
3. Instill responsible use of Alcoholic Beverages.
4. Ensure the responsible use of Energy Drinks.
5. Provide food industry operators with the requirements of the Food and Drugs Authority and the procedures by which food advertisements shall be brought into compliance with the Public Health Act, 2012, Act 851 Part Seven, Sections 100 (2) and 103.

This guideline is hereby made for the information, guidance and strict compliance by all concerned.

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2.0 GLOSSARY

For the purpose of these guidelines the following definitions apply:

"Pre-packaged food" means a food substance packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

"Advertise" the act of promoting by public notice, the purchase and use of a food product.

"Advertisement" a public notice, either by print or electronic media, offering or promoting the sale of a food product.

"Media" means tools used to store and deliver information on data. Example Print, Radio, TV and Social Media.

"Radio advertising" means any advertisement aired on any radio station.

"Television advertising" means any advertisement, appearing on television.

"Script" means written text of the advertisement.

"Story sketch" means written text with illustrations supporting the story-line.

"Alcoholic beverages" means any drink that contains more than 0.5% ethyl alcohol.

"Minors" means persons below the legal drinking age of 18 years.

"Visuals" means any writing, symbol, sign, image (moving or still) or any combination of these.

"Aural" means any form of sound or spoken words.

"Liquor" means beer, wine and/or spirits.

"Energy Drink" means any product so labeled as Energy Drink.

"Codex" refers to the standards, codes of practice, guidelines and recommendations issued by the Codex Alimentarius Commission.

"Well-known Personality" includes any person who arouses sufficient interest in society. This may include historical, political, religious, academic, cultural figures as well as celebrities and sports figures.

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3.0 REQUIREMENTS

3.1 GENERAL REQUIREMENTS FOR PREPACKAGED FOODS

- 3.1.1. No person shall advertise any prepackaged food unless the food product has been registered by the Food and Drugs Authority (FDA).
- 3.1.2. No person shall advertise any prepackaged food unless such a person has obtained approval from the Authority.
- 3.1.3. No media house or advertising agency shall carry any advertisement in the print or electronic media unless that advertisement bears the FDA Advertisement Approval Number.
- 3.1.4. A person shall not advertise or allow unapproved advertisements to show on their medium.
- 3.1.5. No person shall advertise a pre-packaged food as a preventive or cure for a disease, disorder or an abnormal physical state.
- 3.1.6. All advertisements shall be accurate, complete, clear and designed to promote credibility by the general public. Statements or illustrations must not mislead directly or by implication.
- 3.1.7. No advertisement shall bring the food industry into disrepute, undermine confidence in advertising or prejudice public confidence in food.
- 3.1.8. No advertisement shall disparage any other company of its competitive or alternative products, either directly or by implication.
- 3.1.9. No advertisement shall imitate the general layout, text, slogans or visual presentation or devices of the advertisement of food products of other companies.
- 3.1.10. All claims shall be complete, truthful, not misleading and shall be substantiated. Claims shall be in accordance with the Codex Guidelines on claims¹²³.

¹ CODEX GENERAL GUIDELINES ON CLAIMS (CAC/GL 1-1979)

² CODEX GUIDELINES ON NUTRITION LABELLING (CAC/GL 2-1985)

³ CODEX GUIDELINES FOR THE USE OF NUTRITION AND HEALTH CLAIMS (CAC/GL 23-1997)

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- 3.1.11. No advertisement shall be framed in such a manner as to exploit the superstitious beliefs and/or calculated to play on the emotions of consumers to induce fear in them to purchase the article advertised.
- 3.1.12. Live Presenter Mentions (LPMs) shall be restricted to advertisement scripts approved by the Authority.
- 3.1.13. An approved advertisement shall be valid for one (1) year.
- 3.1.14. The Authority may revoke an approved advertisement where:
- a) The advertisement subsequently offends public sensibility.
 - b) Changes are made to the advertisement without prior approval from the Authority.
 - c) The Authority finds that the information submitted for the initial approval was inaccurate.
 - d) A personality subsequently appeals to persons under the legal drinking age
 - e) Any other circumstances that may require revocation.
- 3.1.15. A person aggrieved by the decision to revoke an approved advertisement may appeal to the Chief Executive Officer (CEO) in writing with supporting documentation within thirty (30) days of receipt of the notice of the revocation.

3.2 SPECIFIC REQUIREMENTS FOR ALCOHOLIC BEVERAGES

In addition to the general requirements for the advertisement of foods these requirements apply to alcoholic beverages.

3.2.1 The advertisement shall contain Health Warnings as follows:

- a) 'Drink Responsibly',
- b) 'Not for sale to persons under 18 years of age'
- c) 'Not recommended for pregnant women'
- d) Any other Health Warnings that may be prescribed by the Authority.

3.2.2 Conventional symbols with the same meaning are allowed for the above.

3.2.3 Health Warnings when shown on Television, Print and Social media shall be legible.

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SPECIFICATIONS

The minimum specifications for these Health Warnings are as follows;

- a. The Health Warnings must be placed at the bottom of the advertisement and must not be less than thirty percent (30%) of the biggest font size.
 - b. The Health Warnings are to run as crawls for Television and Social media advertisement.
 - c. The Health Warnings should run for the entire duration of the TV and social media advertisement.
 - d. Where Health Warnings are read on TV and Radio media they shall be clear, audible and well-paced.
- 3.2.4 All Alcoholic Retail outlets shall display Health Warnings on its premises.
- 3.2.5 An advertisement shall not promote or depict excessive consumption of alcohol.
- 3.2.6 Radio and Television advertisements shall not be aired between the hours of 6:00 am to 8:00 pm.
- 3.2.7 An advertisement shall not imply that consumption of alcoholic beverage is required for:
- a) social or professional achievement;
 - b) personal success;
 - c) any sporting activity;
 - d) sexual prowess;
 - e) pleasure;
 - f) resolution of social, physical or personal problems;
 - g) appetite
- 3.2.8 No advertisement shall enhance or promote vices, general misconduct or be offensive to public policy. Advertising shall not associate consumption to any activity which requires care and skill or elements of physical danger (e.g. sports, recreation, crafts, and hobbies)
- 3.2.9 A character in alcoholic beverage advertisement must not be shown to be in control of motorized equipment after consumption.
- 3.2.10 No well-known personality or professional shall be used in alcoholic beverage advertising.

FDA/FID/GL-AD/2016/01**SPONSORSHIP**

- 3.2.11 Alcoholic Beverage companies providing sponsorship shall not sell, offer as prizes, give out samples of their products and/or distribute promotional materials to participants of programs organized for persons below the age of 18 years.
- 3.2.12 Where an Alcoholic Beverage Company sponsors a program, a well-known personality, sporting activity, festival and any other function, an advertisement or publicity event that promotes the product must be submitted to the Authority for approval.
- 3.2.13 Product endorsement by persons used in advertisement shall not directly or indirectly suggest that the consumption of any alcoholic beverage has contributed to the success of their particular endeavours.

ADVERTISEMENT TARGETED AT MINORS

- 3.2.14 Advertising shall not appeal, either directly or indirectly, to persons under the legal drinking age (18 years), or be placed in media that are targeted specifically at such persons.
- 3.2.15 Children's songs, cartoon characters etc., or the imitation thereof shall not be used in alcoholic beverage advertising.
- 3.2.16 Alcoholic beverages shall not be advertised in children magazines, newspapers, journals or media targeted specifically at such persons.
- 3.2.17 Alcoholic beverage advertisements shall not run during the airing of movies with the following ratings: a Family (F), Parental Guidance (PG) and Adult Accompaniment (AA).
- 3.2.18 Stationary outdoor advertising shall not be placed within 200 metres of pre-schools, 1st and 2nd cycle schools, children's playground and any other facilities designed for the use of children.
- 3.2.19 No alcoholic beverage shall be advertised in relation to a public function where persons under the legal drinking age are likely to attend.

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3.3 SPECIFIC REQUIREMENTS FOR ENERGY DRINKS**3.3.1** All energy drink advertisements shall include the following;

- a) 'Excessive drinking can be detrimental to health',
- b) 'Not Recommended for persons under 18 years, Lactating Mothers, Pregnant Women and People Sensitive to Caffeine'
- c) Any other Health Warnings as prescribed by the Authority

3.3.2 Advertisement on energy drinks shall not contain statements or illustrations that have the potential to lead to the abuse or excessive consumption of the product.**3.3.3** Energy drinks shall not be advertised as substitute for rest, remedy for fatigue, sexual non-performance or any other physical non-performance.**4.0 EXCEPTIONS****4.1** Prior approval may not be required for the following:

- i. Advertisement limited to a manufacturers' corporate advertising, provided information specific to the product is not included.
- ii. Manufacturer's advertisement appearing within licensed premises in a form prescribed by Food and Drugs Authority. Tent cards, coasters, and/or banners displayed in licensed premises in a form prescribed by Food and Drugs Authority.
- iii. Advertising within manufacturer's retail, retail stores, and agency stores

4.2 Notwithstanding the above exceptions, all advertisements shall comply with all the requirements of these guidelines.

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**5.0 APPLICATION REQUIREMENTS FOR THE ADVERTISEMENT
OF PREPACKAGED FOODS**

A person requiring to apply to advertise a prepackaged food shall;

5.1 Purchase and complete application form for Advertisement
(FDA/FM05/AD/01).

5.2 Submit for approval the following:

1. An application letter. The letter should be addressed to:

**THE CHIEF EXECUTIVE OFFICER
FOOD AND DRUGS AUTHORITY
P. O. BOX CT 2783
CANTONMENTS
ACCRA**

2. A copy of the script or story sketch. The following also apply:

(i) A script written in a local language should be submitted with a
corresponding English translation.

(ii) Upon approval of the script or story sketch, the applicant
would be required to submit a film/video or audio recording of
the approved script or story sketch, where applicable.

3. A photocopy of a valid certificate of registration of the product or letter
of approval.

4. Documentation substantiating any claim (if any).

5. A fee (as stated in the FDA's Services Fee Schedule) covering application
and processing of the advertisement.

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6.0 THE ADMINISTRATIVE PROCESS

- 6.1 The proposed advertisement shall be submitted at least twenty one (21) days prior to the scheduled publication.
- 6.2 Processing of an advertisement application shall be completed by the FDA within a maximum period of twenty one (21) working days, provided all statutory requirements are met.
- 6.3 The FDA having found an advertisement script to be satisfactory shall issue to the applicant a script approval letter within seven working days.
- 6.4 Proposed advertisement script that do not comply with the Authority's criteria and considered unacceptable by the Authority will be brought to the attention of the applicant within seven working days. The unacceptable information or illustration shall be clearly identified and any clarification brought to the attention of the applicant. Applicants shall respond and address any issues raised concerning their applications within a period of three (3) months of receipt of the notice.
- 6.5 Where the Authority does not receive a written response from the applicant within the period specified under 6.4, the applicant shall re-apply for processing of the advertisement and pay the appropriate fees.
- 6.6 Application for the review of an advertisement application may be made in writing to the CEO within thirty (30) working days from the date of receipt.