

# Marketing ban on certain foods for children

## Circular

Translation of the [digital version in Norwegian](#)

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# 1 About the circular

The circular to the Regulations on the prohibition of the marketing of certain foods particularly aimed at children is an interpretation of the provisions of the Regulations. The circular is aimed at actors in the business sector, including online sales providers and the marketing industry, which also includes influencers. The circular is also relevant for actors in sports, cultural life, and volunteering. The circular is also a tool for supervisory authorities and for anyone who wants to notify about marketing that may be in violation of the regulation.

The purpose of the Regulations is not to prohibit the sale of foodstuffs that are included in the product list to the Regulations, but to regulate the marketing of such products.

The regulations contain provisions on:

- Purpose, scope, and definitions of the Regulations
- Marketing ban
- Exemptions to the marketing ban
- Supervision, complaints, corrections, and coercive fines

## Structure of the circular

The circular follows the structure of the regulations and is organised according to the structure of the individual provisions. The comments in the circular elaborate on the provisions and provide a more detailed explanation of what is regulated in the Regulations.

The circular also contains examples from previous decisions from the Matbransjens Faglige Utvalg (MFU), the food and beverage industry's previous self-regulation scheme for the marketing of unhealthy food and drink aimed at children. The examples are based on MFU practice, as a basis for illustrating how the regulations may be assessed in practice. As the Directorate gains experience with cases under the Regulations, the examples in the circular may be replaced or supplemented.

To get the best possible understanding of the regulations, the regulations and the circular should be read together. In the circular, Appendix 1 to the Regulations is also referred to as the "product list".

The circular was published on 1 July 2025, with an open comment period from 1 July to 1 October 2025. The circular was updated on 24 October 2025.

## Guidance

The Directorate of Health is the supervisory authority and has the responsibility for providing guidance for the regulations. Questions can be directed to [postmottak@helsedir.no](mailto:postmottak@helsedir.no)

The circular is a guide for how the regulations are to be understood and practiced and will not be able to cover every conceivable marketing activity or all relevant elements. The guidance is therefore not exhaustive but is based on a marketing ban that requires an overall assessment based on several relevant circumstances. Borderline cases will be assessed on a case-by-case basis, in accordance with applicable principles of Norwegian marketing and administrative law.

When assessing whether a specific case is covered by the Regulations, the following questions can be used as a guide in the assessment:

1. Does the activity concern the marketing of products covered by the product list in Annex 1 to the Regulations? The product list provides a key delimitation of the scope of application, in addition to the definitions in section 3.

If the answer to the previous question is no: The activity is not affected by the rules in the regulations. If the answer is yes: Move on to question 2.

2. Can the marketing be considered particularly aimed at children, or encourage adults to buy the product for children? Consider who the marketing is aimed at, and what marketing techniques are used and in what context it is marketed.

If the answer to the previous question is no: The activity is not affected by the rules in the regulations. If the answer is yes to questions 1 and 2: Consider whether one of the exemptions in section 5 applies to the case in question.

### **Delimitation and related laws and regulations**

Other rules on marketing in the food sector apply regardless of the content of these regulations. This follows, among other things, from:

- The Food Information Regulation
- Regulations on nutrition and health claims made on foods
- Regulations relating to food for specific groups
- Regulations on food supplements
- Regulations on the addition of vitamins, minerals, and certain other substances to foods
- The Alcohol Act

In addition, the rules on marketing in the following acts also apply to the marketing of foodstuffs:

- The Broadcasting Act
- The Marketing Control Act
- The Education Act, Section 27-1 (Prohibition against advertising in schools)
- The Independent Schools Act, Section 7-1a (Prohibition against advertising in schools)

### **Other relevant guidance**

- [The Consumer Authority's guidance on marketing directed at children and young people](#)
- [Guide for youtubers and video bloggers on advertising labelling](#)

### **Reporting of cases**

Cases of possible illegal marketing of unhealthy food and drink aimed at children can be reported via the Directorate of Health's website here:

- [Report cases to the Directorate of Health.](#)

## 2 General provisions

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### § 1. Purpose

#### Regulatory text

The objective of these Regulations is to promote health through the prevention of diet-related health problems and diseases in the population by protecting children from health-related undesirable marketing.

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children, section 1*

Source: lovdata.no

### The Directorate of Health's comments

The regulations are based on the Food Act's overarching purpose of promoting health, cf. Section 1 of the Food Act.

The purpose clause in section 1 is a key element of interpretation in the interpretation of the other provisions of the Regulations. This applies in particular to sections 3, 4 and 5, which specify what is covered and what is exempt from the marketing ban.

The purpose of "promoting health" refers to the fact that the regulations are intended to contribute to nutrition policy objectives. In this case, the goal is to help ensure that marketing does not affect children's diets in an undesirable way.

"Diet-related health problems and diseases" means health problems and diseases that can develop as a result of dietary habits. Dietary habits that are established early in life have an impact on health in both the short and long term. The Regulations therefore have a broader purpose than protecting children's health during childhood and must be understood in a broader public health perspective. An unhealthy diet is a key risk factor for disease and premature death and can contribute to the development of overweight and obesity, type 2 diabetes, poor dental health, cardiovascular disease and some cancers.

"Health-related unwanted marketing" refers to the marketing of unhealthy food and beverages that can affect children's diet, eating behaviour and attitudes towards food. Marketing that promotes unhealthy food choices or an unhealthy diet in the population, and that affects children's diets and attitudes towards food, can contribute to the development of diet-related health problems and diseases, and is thus contrary to the purpose of the regulations.

## § 2. Scope

### Regulatory text

These regulations apply to anyone who produces, processes, and distributes, including sells or markets, foodstuffs. This does not include providers of information society services, video sharing platform services and editor-controlled media, including providers of television and audiovisual on-demand services. These regulations apply to Norway, including Svalbard.

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children, section 2.*

Source: lovdata.no

### The Directorate of Health's comments

The regulations are laid down on the basis of the Food Act and follow the scope of the Food Act and obligated parties.

The provisions of the Food Act are aimed at businesses, unless otherwise specified. When the regulations state that they apply to "anyone" who performs the actions mentioned in section 2, this must be read in light of the Food Act's concept of enterprise. "Enterprise" means "private or public enterprises as well as private individuals who undertake any activity as mentioned in Section 2 of the (Food Act)". Activities for "private and non-commercial purposes" are not covered, cf. Section 4 (1) of the Food Act. This means that rules on marketing that are authorised by the Food Act, including these regulations, do not apply to private individuals and companies that do not conduct business under the Food Act.

Marketing is considered an activity covered by the scope of the Food Act, cf. Section 2. This means that everyone who is responsible for the commercial marketing of a product covered by the product list is considered an obligated party under the Regulations, including PR agencies, influencers, etc.

Third parties that provide various online services are not obligated parties under the Food Act. Examples of such third parties may include Meta or TikTok. The same applies to editor-controlled media, providers of television and those who present picture programmes at public gatherings (e.g. cinema operators). Reference is made to the following discussion in Proposition L 120 (2023–2024) Amendments to the Food Act etc. (regulatory authority to promote health) section 4.4:

"Actors who contribute with technical solutions for publishing and disseminating marketing messages, which others are behind and have designed, will not be obligated parties under the Act. This applies, for example, to newspapers, websites and other media platforms that contribute with systems that make such messages available. However, it is not only purely food companies' activities towards consumers, with a view

to promotion and advertising of food and beverages that are covered. Other actors may also be considered obligated parties under the Food Act, if they market products covered by the Act, such as influencers, celebrities, PR agencies, etc. It is only activity and statements that the actors make for marketing purposes that will be covered."

The obligated parties are reproduced in Section 2, first paragraph of the Regulations: "anyone who produces, processes and distributes, including sells or markets, foodstuffs ". Furthermore, the provision contains a limitation against certain obligated parties: " This does not include providers of information society services, video sharing platform services and editor-controlled media, including providers of television and audiovisual on-demand services." This delimitation is not exhaustive. It only clarifies that third parties covered by [the E-Commerce Directive \(PDF\)](#) and [the AMT Directive](#) are not covered by the Regulations. The decisive factor is whether the actor conducts activity in the area of the Food Act, and that this is not activity for private and non-commercial purposes.

Regarding geographical scope, it is specified in section 2, second paragraph of the Regulations that it applies to Norway, including Svalbard, in line with Regulations of 22 June 2015 no. 747 on the application of health laws and regulations for Svalbard and Jan Mayen, section 12, second paragraph.

## § 3. Definitions

### Regulatory text

In these regulations, the following definitions apply:

- a. *children*: Persons under the age of 18.
- b. *marketing*: Any form of communication or action for marketing purposes. Marketing purposes exist if the purpose of the communication or action is to promote sales to consumers.
- c. *sponsorship*: Any form of public or private contribution to an event, business or person with the intention of promoting the sale of products to consumers.

*Regulations on the prohibition against the marketing of certain foods specifically aimed at children, section 3*

Source: lovdata.no

## The Directorate of Health's comments

### § 3 (a) - Definition of children

"Children" in the Regulations means persons under the age of 18.

The definition of children as persons under the age of 18 corresponds to the definition of children in Article I of the UN Convention on the Rights of the Child (CRC). It is also in

accordance with other Norwegian regulations governing marketing to children, including the Broadcasting Act, the Marketing Control Act, and the Regulations on the marketing of cosmetic procedures.

The regulations do not provide a flexible approach to the term "child". Everyone under the age of 18 has the same legal protection against marketing that is affected by the regulations. The decisive factor for the application of the regulations is whether the marketing is **particularly aimed at children**.

### **§ 3 (b) - Definition of marketing**

Marketing is defined as any form of communication or action for marketing purposes, which is intended to promote sales to consumers.

The provision is media- and technology-neutral and covers not only traditional advertising, such as TV, radio or advertising in magazines/printed type, but also sponsorship, product placement and marketing activities on digital platforms, social media and digital games. Indirect marketing is also covered, where there is a clear link to products covered by the product list, through knowledge or preference for the product or brand, for example through the use of trademarks, including name, logo and slogans, colours, sounds and characters or other distinctive characteristics. Such measures can have a marketing effect on children, even if the product is not shown explicitly.

"Product placement" means that a product, service or trademark is part of, or referred to in, a programme in return for payment or similar remuneration in order to directly or indirectly promote goods, services or the reputation of a natural or legal person, cf. Section 3-6 of the Broadcasting Act. In addition, product placement can also mean the physical location of goods at the point of sale, see more about this under section 4.

The condition of "marketing purposes" means that the purpose of the communication or action must be to promote the sale of the product. The fact that the activity also has other purposes than promoting sales, such as an information function, does not exclude that the marketing prohibition may have been violated. The condition regarding marketing purposes is also provided to ensure that the prohibition does not inadvertently affect activities for private and non-commercial purposes.

A specific assessment must be made in each individual case of whether an activity is to be regarded as marketing, i.e. whether the communication or action has been made for marketing purposes. The assessment must be based on a concrete overall assessment of what must be assumed to be the sender's purpose of the activity. In the assessment, emphasis must be placed on, among other things, who is the sender, who initiates the activity, the content and design of the message, and the form of presentation and dissemination. The channel or medium chosen to disseminate the message is not decisive, but may have an impact on the overall assessment, see the discussion under section 4, third paragraph.

Furthermore, the relevant consideration is whether the communication is suitable for reaching children, not whether it actually does so. It is emphasised that sponsorship is also considered

marketing if the intention is to promote sales to consumers, cf. section 3 (c). The marketing ban cannot be circumvented by using influencers or others as channels for an advertising message.

### **§ 3 (c) - Definition of sponsorship**

Sponsorship means any form of public or private contribution to an event, an enterprise or a person with the intention of promoting the sale of products to consumers, cf. the definition in Section 3 (c) of the Regulations.

Sponsorship according to this definition is limited to the contribution that the sponsor makes to the sponsoring object and does not require any return. It is immaterial whether the contribution is publicly known or not. The definition also contains no restrictions with regard to who the contribution comes from.

A sponsorship relationship usually consists of a mutually binding agreement in which a sponsor makes a sponsorship contribution and receives a return for that contribution. The sponsorship contribution can be financial contributions such as money, discounts, goods, equipment, services or other benefits to a person, group, organisation or event that is the sponsorship object. The return may be, for example, that the sponsor receives commercial rights, exposure or other benefits, including marketing, profiling or reputation building.

#### *The distinction between sponsorship contributions and non-promotional contributions*

Although a sponsorship relationship in practice often consists of a mutually binding agreement as described above, this is not a condition for something to be considered sponsorship pursuant to Section 3 (c) of the Regulations. This means that contributions that are made without any form of return can also be considered sponsorship, if the purpose of the contribution is to promote the sale of products to consumers. Whether such an intention also exists for a contribution that is not conditional on a return must be assessed on a case-by-case basis.

As a starting point, it is presumed that a business actor has a marketing purpose behind a contribution. It is possible that there may be specific cases where the contribution does not have a marketing purpose, but this will be in very exceptional cases. In order for such contributions not to be considered sponsorship, the purpose must be charitable in nature, not part of a sponsorship agreement, and the contribution must not be designed in a way that functions as or is perceived as marketing of a product, for example because of agreed logo exposure, product mention, visibility in the event material or any other link to the product. A special exceptional case may be, for example, contributions donated by a business operator or contributions made at the request of a voluntary organisation, in order to be distributed as part of a Christmas tradition in the hospital's paediatric ward.

Even if something falls under the Regulations' definition of "sponsorship", it is not prohibited for that reason. Whether sponsorship is prohibited must, in the same way as other marketing, be assessed based on the conditions in Section 4 of the Regulations. Reference is made to section 4, third paragraph, under "*Particulars on sponsorship cases*".

## 3 Marketing prohibition

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### § 4. Prohibition of marketing

#### Regulatory text

The marketing of products covered by [Annex I](#), particularly aimed at children, is prohibited. Regardless of whether the marketing is particularly aimed at children, the marketing of such products shall not occur in a way that encourages adults to buy the product for children.

The following marketing of products covered by [Annex I](#) shall always be considered to be particularly aimed at children:

- a. advertising in cinemas in connection with films that are particularly aimed at children under the age of 13, and that start before 18:30.
- b. competitions with an age limit lower than 18 years.
- c. distribution of tastings and samples to children.

When assessing whether other marketing of products covered by [Annex I](#) is particularly aimed at children, an overall assessment must be made, in which the following components may be considered:

- a. whether the product is primarily consumed by, or is particularly appealing to, children
- b. whether the marketing has a form of presentation, content or design that is particularly appealing to children, e.g. due to language, colours, effects, imagery, use of animation or cartoons
- c. the time and place of the marketing
- d. whether children or persons who may particularly appeal to children are involved
- e. the use of gifts, toys, vouchers, discounts, collectibles, competitions or games that may particularly appeal to children

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children § 4*

Source: lovdata.no

### The Directorate of Health's comments

#### § 4 Marketing prohibition: General information about the provision

The provision regulates the general rule that the marketing of products covered by the product list specifically aimed at children is prohibited. The provision is divided into several paragraphs, where the first paragraph first sentence entails a prohibition against marketing specifically aimed at children. The second sentence of the first paragraph contains a prohibition against marketing that occurs in a way that encourages adults to buy the product for children. The first paragraph thus contains two independent grounds for infringement.

Section 4 second paragraph (a) to (c) of the Regulations specifies three specific circumstances that will always be considered marketing specifically aimed at children and thus will automatically be in conflict with the Regulations.

Furthermore, the third paragraph sets out specific elements that may be included in an overall assessment of whether the marketing is particularly aimed at children. The list is not exhaustive, but states that emphasis may be placed on the factors listed in the third paragraph (a) to (e).

The Regulations define marketing as any form of communication or action for marketing purposes, which is intended to promote sales to consumers, cf. section 3 (b) above. The term includes not only traditional advertising, but also, for example, sponsorship, product placement and marketing activities on digital platforms. The wording "any form" also includes indirect advertising, which is discussed in section 4, third paragraph, under "*Specific information about indirect marketing*".

The regulations regulate marketing "particularly aimed at children". The decisive factors for assessing whether a marketing initiative is particularly aimed at children will typically be the content, design, distribution channel and the intended target group of the commercial message or action. See more about the required overall assessment below. As a general rule, marketing specifically aimed at children means that the marketing is aimed at or intended for children.

A distinction must be drawn towards marketing that is primarily aimed at adults or a mixed target group (children and adults). As a general rule, such marketing is not considered to be particularly aimed at children.

Furthermore, the provision is designed so that it is media and technology neutral. As described in section 3 on the definition of marketing, this means that the prohibition is not limited to advertising on TV, radio or in magazines and other printed writing, but that marketing in, for example, social media and digital games is also covered.

Businesses have an independent responsibility to ensure that the marketing of products covered by the product list does not in practice appear to be particularly aimed at children. This requires caution in the choice of channel, expression and visual or linguistic means.

## Section 4 first paragraph: Encouragement to adults to buy the product for children

### Regulatory text

The marketing of products covered by [Annex I](#), particularly aimed at children, is prohibited. Regardless of whether the marketing is particularly aimed at children, the marketing of such products shall not occur in a way that encourages adults to buy the product for children.

*Regulations on the prohibition against the marketing of certain foodstuffs specifically aimed at children, section 4, first paragraph*

Source: lovdata.no

## The Directorate of Health's comments

### Ban on encouraging adults to buy products for children

Regardless of whether the marketing is specifically aimed at children, the marketing of products covered by the product list must not occur in a way that encourages adults to buy the product for children, cf. Section 4, first paragraph, second sentence of the Regulations. This assessment topic is an independent basis for the assessment of whether the Regulations have been violated.

"Encouraging" means marketing that is clearly aimed at adults in order to get them to buy the product for children. What appears to be a call to action must be assessed specifically and based on an assessment of the marketing activity's content, language, form of presentation and the means used. It is not decisive whether a direct purchase expression such as "buy" or "try" is used, but whether the marketing communicates a message to adults about buying the product for children.

Marketing to adults that highlights the product's suitability or benefits for children may constitute an encouragement to buy the product for children. Examples may be a mention of a product included in the product list where the message appeals to children's particular desires and needs, for example as suitable for school meals, children's birthdays or similar contexts, where the child is the natural user of the product.

If the message highlights the benefits of the product that are relevant to children – such as that the child likes the taste, that the product gives children energy for play, fits in the child's lunch box or as after-school food for children, it will appear as an encouragement to adults to buy the product for children. An advertisement that depicts a situation where adults give the product to a child may also be considered an encouragement to adults.

*Previous decision from the Matbransjens Faglige Utvalg (MFU) as an illustration of what can be considered an encouragement:*

**Marketing in the flight menu (decision 23 – 2024):** A flight menu contained a display of fruit juice, chocolate and rubber candy, as well as a gift package marketed as "the children's own flight suitcase". The products were presented together and visible in the menu in front of the passenger seat. MFU considered the measure to be part of the general menu presentation, and not in violation of the guidelines.

[Read the full decision 23 – 2024 on marketing in flight menus.](#)

However, this type of marketing must be considered contrary to section 4, first paragraph, second sentence of the Regulations, as the marketing, based on language and form of presentation, is an encouragement to adults to buy the product for children.

For clarity, we emphasize that menu presentations, such as children's menus in restaurants, are not in themselves covered by the ban.

**Marketing in a customer newspaper (decision 8 – 2022):** The decision applies to a customer newspaper with various products, including snacks, energy drinks and chocolate spreads communicated under the headline "Make the start of school cheap!". MFU concluded as follows: "The advertisement draws the concept of school into the marketing initiative, and in this way, you achieve the attention of children and young people. In Norway, it is in many contexts assumed that school should be an area for positive development, equality and freedom from commercial interests. The majority of the Commission is of the opinion that there is no room for using the school term as a basis for marketing "sweet, salty and fat". The ad was considered to be in violation of the guidelines.

[Read the full decision 8 – 2022 on marketing in a customer newspaper.](#)

In addition to reaching children directly, this type of marketing may also be considered in violation of section 4, first paragraph, second sentence of the Regulations – encouragement to adults to buy products for children. The headline “Gjør skolestarten billig / Make back-to-school inexpensive!” signals to parents that the products, which are included in the product list, are intended for schoolchildren.

The marketing of products in connection with holidays, holidays, celebrations and other family situations, such as at the dining table and in hiking situations where children and adults are together, is not in itself considered an encouragement to adults to buy the product for children. In such situations, however, a specific assessment must be made both of whether the marketing is particularly aimed at children, cf. Section 4, third paragraph, and of whether the marketing encourages adults to purchase a product included in the product list for children, cf. Section 4, first paragraph, second sentence.

The decisive factor is the overall form of presentation, not individual marketing techniques.

## Section 4 second paragraph: Marketing that shall always be considered particularly aimed at children

### Regulatory text

The following marketing of products covered by [Annex I](#) shall always be considered to be particularly aimed at children:

- a. advertising in cinemas in connection with films that are particularly aimed at children under the age of 13, and that start before 18:30.
- b. competitions with an age limit lower than 18 years.
- c. distribution of tastings and samples to children.

*Regulations on the prohibition against the marketing of certain foodstuffs specifically aimed at children, section 4, second paragraph*

Source: lovdata.no

## The Directorate of Health's comments

The provisions of section 4, second paragraph, set out specific marketing activities that shall always be regarded as marketing specifically aimed at children.

### Section 4 second paragraph (a) – Advertising in cinemas

Section 4 second paragraph (a) of the Regulations specifies that advertising for products covered by Appendix I that are shown in cinemas in connection with films that are specifically aimed at children under the age of 13, and that starts before 6.30 p.m., shall always be considered marketing specifically aimed at children.

Relevant factors in determining whether a film is particularly aimed at children under the age of 13 may be the film's age limit, the film's genre (children's/family film) and the film's appeal to children. In addition, an indicative reference can be MFU's guidelines where "young/young films" are films where it can be expected that more than 15% of the audience is under the age of 13. The percentage is not binding.

For films with a mixed target group and films permitted for anyone who is not automatically covered by section 4 second paragraph (a), we refer to section 4 third paragraph (c) – time and place of marketing.

### Section 4 second paragraph (b) – Competitions

For products included in the product list, competitions as marketing activities are not permitted for children under the age of 18.

The requirement for an age limit can, for example, be met through clear information about the age limit before participation, as well as a good procedure for subsequent verification of the winner's age. It is up to the business operators to organise their activities so that they satisfactorily comply with the rule on an 18-year age limit for competitions.

*This can be illustrated by a previous decision from the Matbransjens Faglige Utvalg (MFU):*

**Marketing in grocery stores (decision 24 – 2024):** A store had a marketing campaign in the form of a competition where the prize was a pair of headsets when buying chocolate. Here, the chocolates were pulled out from ordinary shelf placement to floor placement. The Committee considered that the competition mainly appealed to adolescents and young adults, and that the absence of an age limit on the display was unfortunate, but not contrary to the rule of caution in the guidelines.

[Read the full decision 24 – 2024 on marketing in grocery stores.](#)

Since the age limit of 18 years was not specified for the competition, it must be assumed that it would not be legal according to the regulations.

Competitions without a marketing purpose will not be covered by the provision, such as sports competitions under the auspices of a non-profit organisation.

The use of competitions may also be a factor in the overall assessment of a marketing initiative pursuant to section 4 third paragraph (e), where competitions are specifically mentioned.

### **Section 4 second paragraph (c) – Tastings/samples**

The distribution of samples and samples to children of products covered by the product list shall always be regarded as marketing specifically aimed at children, if the distribution is made for marketing purposes.

Consent from the parent/guardian to such distribution does not make the distribution legal. In cases of distribution where the child is accompanied by a parent/guardian, this means that distribution *can only* be made to the child's parent/guardian.

It is only distribution as marketing activity that is covered by section 4 second paragraph (c). Distribution in this context refers to both active distribution by personnel, but also situations where products are made available to children through self-service, for example at dispensers or tasting stations. This includes, among other things, distribution during events and activities arranged by commercial actors at shopping centres, fairs, festivals and at campaigns or stands in grocery stores.

The distribution of products as part of marketing activities in social media or on digital platforms to children is also covered by the prohibition.

It is up to the business operators to organise their activities so that they have routines for following the rule of 18-year age limit when distributing samples and samples.

Distributions that have other purposes than marketing purposes, such as educational activities (including education, training), organised leisure activities or other non-commercial contexts such as social gatherings and celebrations, fall outside the scope of the provision. Non-profit organisations such as sports clubs can purchase products for distribution under their own auspices, provided that this is not done as part of a marketing activity and as part of a sponsorship agreement covered by the regulations.

Furthermore, the distribution of samples at educational fairs, for example where a baker distributes pastries to promote a pastry education, will not be considered to have a marketing purpose for the product being distributed. The same applies to cases where a restaurant distributes birthday cake to a guest as part of its ordinary business.

However, distributions that take place as part of the promotion of one's own trademark and thus have a marketing purpose are covered by the prohibition in section 4 second paragraph (c).

## Section 4 third paragraph: Overall assessment of whether the marketing is particularly aimed at children

### Regulatory text

When assessing whether other marketing of products covered by [Annex I](#) is particularly aimed at children, an overall assessment must be made, in which the following components may be considered:

- a. whether the product is primarily consumed by, or is particularly appealing to, children
- b. whether the marketing has a form of presentation, content or design that is particularly appealing to children, e.g. due to language, colours, effects, imagery, use of animation or cartoons
- c. the time and place of the marketing
- d. whether children or persons who may particularly appeal to children are involved
- e. the use of gifts, toys, vouchers, discounts, collectibles, competitions or games that may particularly appeal to children

*Regulations on the prohibition against the marketing of certain foodstuffs specifically aimed at children, section 4, third paragraph*

Source: lovdata.no

### The Directorate of Health's comments

The provision in section 4 third paragraph (a) to (e) provides more detailed elements for what may be included in the overall assessment of whether the marketing is particularly aimed at children. The list is not exhaustive, and several factors may be of importance in an overall assessment. Because it is an overall assessment that must be made, there is no fixed, internal weighting of the elements.

The following is an interpretation and elaboration of the elements in section 4 third paragraph (a) to (e).

#### **Section 4 third paragraph (a) – whether the product is primarily consumed by or may particularly appeal to children**

Whether the product can particularly appeal to children will depend on a specific assessment where the factors listed in letter b, such as language, colours, images and other effects, will be of importance. In addition, emphasis will be placed on design, taste, packaging and wrapping, if this contributes to the product having a particularly child-oriented appeal.

It is emphasised that the design of the product and its packaging or packaging *in isolation* will not be considered in conflict with the Regulations, cf. the exemptions in section 5 (c) and (d).

The type of product may also be important. For example, all chocolate is included in the product list, but depending on the type, different products may have varying areas of impact or target groups. For example, traditional confectionery boxes will not normally be considered to primarily appeal to children, and marketing activities related to this type of product will therefore not be considered in the same way as for classic children's candy.

In summary, we can say that the more child-oriented a product is, the stricter the requirements for the media and marketing techniques that can be used in the marketing of the product.

#### **Section 4 third paragraph (b) – whether the marketing has a form of presentation, content or design that may particularly appeal to children**

In the assessment of whether the marketing has a form of presentation, content or design that may particularly appeal to children, the following factors in the marketing's expression and dissemination will be emphasised:

- Language and colourful visuals Animated characters, comics and fantasy characters
- Humour and themes typically associated with children, such as school, play, and adventure
- Gamification, interactive games or other interactivity that appears engaging to children
- Newsletters via e-mail, SMS services or other mobile marketing specifically aimed at children
- Placement of products at point of sale, events and other

#### *More on child- and family-oriented topics*

The use of classic means at holidays (such as Santa Claus and Easter bunnies) does not in itself mean that the marketing is in conflict with the regulations, as these are measures that can appeal to all age groups. The use of these figures only becomes relevant in the assessment if they are linked to products covered by the product list and are used in a way that particularly appeals to children or are placed in a place for children or in a channel that particularly affects children. Examples of the latter could be a toy store or an activity arena for children.

Descriptions in the marketing such as "Saturday sweets", "Ice cream on 17 May", or "birthdays" can also be used, as long as the marketing is not provided with additional means that make the marketing of the product appear particularly aimed at children after an overall assessment.

#### *Details on product placement*

Even though «ordinary display of products at the point of sale» in itself exempt from the prohibition on marketing, cf. section 5 (e), the form of presentation considered together with other elements, such as the time and place of marketing, may be of importance in the overall assessment, cf. section 4 third paragraph (c).

A prominent position, for example in the form of an impulse-buy display, will leave less room for the use of other marketing techniques. A shock seller is a type of sales setup that is used to attract immediate attention and stimulate impulse buying, often through colourful design,

exposure at children's height or placement in strategic places such as entrances and checkout areas. This type of arrangement has a reinforced child-oriented feel if top posters, shelf wobblers, or childlike figures placed in connection with the display are also used.

Furthermore, the type of business will have an impact on the room for manoeuvre in the event of physical location. For example, the scope for placing products covered by the product list will be narrower in a toy store than in other types of stores.

Special exhibitions that use means that can appeal to children in particular will be covered. Such marketing techniques can be the use of figures, animations, language or colour effects.

*This can be illustrated by previous decisions from the Matbransjens Faglige Utvalg (MFU):*

The examples below show how a combination of product placement, design and use of measures may result in marketing being considered particularly aimed at children, even though packaging and product design are exempt from the marketing ban.

**Marketing in grocery stores (decision 14 - 2024):** A pallet arrangement in combination with the top posters' use of the Halloween concept led to the marketing effort being in violation of the guidelines. The top posters had no reference to the products in question, but used childlike figures connected to the Halloween concept. The function of the posters was considered to make the marketing initiative particularly aimed at children and young people.

[Read the full decision 14 – 2024 on marketing in grocery stores.](#)

**Marketing in bookstores (decision 18 – 2024):** The Committee considered that a display of sweets in a shock seller placed at children's height, combined with product design and packaging that particularly appealed to children, meant that the marketing was particularly aimed at children and thus contrary to the guidelines.

[Read the full decision 18 – 2024 on marketing in bookstores.](#)

According to the Regulations, similar listings may be considered in violation of the marketing ban. The products exposed in the case were typical "children's candy" with colourful and childlike packaging, and the shock seller/display was placed at children's height in an area of the store where children naturally seek out.

#### **Section 4 third paragraph (c) – time and place of marketing**

Time and place are assessed according to when and where children can be exposed to marketing.

## *Digital media*

Digital media where children are part of the user group will be emphasised in the overall assessment of whether the marketing is considered particularly aimed at children. Examples of this are social media and streaming services such as YouTube, TikTok, Snapchat and Instagram, which are used by many children. Media such as chat services, blogs and online communities that are specifically aimed at children will also be covered.

What is relevant is whether the communication is suitable for reaching children, not whether it actually does so. Even if the activity takes place on a channel that is not specifically aimed at children, for example on a company's website, customer newspaper or in a print newspaper, the activity may still be covered by the prohibition if the marketing has a form of presentation that is specifically aimed at children. Dissemination in social media can also be taken into account, for example where the marketing goes viral, particularly among children. The fact that marketing goes viral, particularly among children, will be a clear indication that the content can appeal to children in particular.

In digital media marketing, exposure to specific target groups can be bought. Even if an age limit of 18 years has been purchased for the advertising, it can nevertheless, after an overall assessment, be assessed so that the activity and the conditions in general are particularly aimed at children.

*This can be illustrated by a previous decision from the Matbransjens Faglige Utvalg (MFU):*

**Marketing on digital media (decision 20 – 2024):** In this case, the Committee considered the marketing of candy via TikTok. The Committee considered that the combination of the media channel and the childish and youthful character of the content meant that the marketing appeared to be aimed at young people in a way that was contrary to the rule of care in the guidelines.

[Read the full decision 20 – 2024 on marketing on digital media.](#)

## *Analogue media*

Analogue media where children are part of the user group will be emphasised in the overall assessment of whether the marketing is considered to be particularly aimed at children. Examples are comic books and news magazines that are specifically aimed at children or that may have particular appeal to children.

## *Physical locations*

Physical places where children normally stay have clear relevance to the assessment and examples of such places are; schools, sports arenas, playrooms, toy shops, "playland", activity parks, leisure clubs, libraries and other child-oriented areas.

It is not automatic that marketing in such places and events that are intended for or open to children without a lower age limit of 18 years, such as concerts, performances, fairs, sports and hiking events, will be affected by the ban. However, this type of circumstance will be assessed after an overall assessment based on the nature of the event, where the factors in section 4 third paragraph (a) to (e) must be taken into account. This applies regardless of whether the child is accompanied by an adult.

*This can be illustrated by previous decisions from the Matbransjens Faglige Utvalg (MFU):*

**Marketing in bookstores (decision 18 – 2024):** A bookstore was felled for use by a shock salesman located in an area of the store specifically aimed at children, with articles related to games and children's books. The set-up, in combination with the product design and packaging, meant that the marketing was considered particularly aimed at children.

[Read the full decision 18 – 2024 on marketing in bookstores.](#)

**Marketing at playrooms (decision 27 – 2024):** A ferry was felled for placing an advertisement for "Children's own boat suitcase", filled with candy and activities right outside a playroom. The Committee stated that poster marketing of a product does not generally have a particular appeal to children, but that any display of the poster in question was contrary to the guidelines, and that it was particularly unfortunate that the poster was located near the play area.

[Read the full decision 27 – 2024 on marketing at playrooms.](#)

**Marketing in toy shops (decision 4 – 2025):** A toy shop was designed for a set-up with the character of a shock seller, placed at children's height and right at the entrance, so that all customers were exposed to the products. The display was considered to be particularly aimed at children, and considered to be contrary to the guidelines, partly because the scope for product presentation is narrower in stores that largely cater to children.

[Read the full decision 4 – 2025 on marketing in toy stores.](#)

Also according to the Regulations, similar listings that use childish means in the presentation of products covered by the product list can be considered to appeal particularly to children. If such marketing is placed in or near areas where children usually reside, the impression is reinforced that the measure is particularly aimed at children, and it can thus be considered a violation of Section 4 of the Regulations.

### *Cinema*

Rules on marketing in connection with cinema films for children under the age of 13, shown before 6.30 p.m., are covered by section 4 second paragraph (a).

For other films, an overall assessment must be made pursuant to section 4, third paragraph. Relevant factors of assessment may be the film's age limit, the film's appeal to children, the film's genre, the proportion of children in the audience and the specific design of the marketing.

#### **Section 4 third paragraph (d) – whether children or persons who may particularly appeal to children are involved**

The provision covers marketing in which children or persons who may particularly appeal to children participate.

The following cases will constitute relevant factors:

- Use of children in marketing, such as in commercials, advertisements and the like.
- Use of celebrities, influencers, actors, pop stars, superheroes or well-known children's hosts from TV or social media that appeal to children and young people, regardless of the age of the person in the commercial.
- Use of fictional characters that are clearly associated with products included in the product list, and that children easily recognize from packaging, advertising, or other commercial contexts.
- Use of people who communicate with clear child appeal, through the use of language, themes, outfits and appearance.
- Use of role models with particular appeal to young people in marketing who, through the choice of marketing channel, are directly aimed at young people.
- Calls to action, "liking", sharing and submitting material, where the young person themselves becomes the spreader of an advertising message.

A distinction must be made between marketing that is primarily aimed at adults, but which may also appeal to children. As a general rule, such marketing will not be considered marketing specifically aimed at children.

Several famous people, influencers, sports profiles, etc. can appeal broadly to both adults and children. In order to determine whether the marketing is particularly aimed at children, the other elements of the provision must be taken into account in the assessment. Here, the elements «form of presentation» and «time and place of the marketing» will be central in the assessment of whether the marketing must nevertheless be considered to be particularly aimed at children.

#### **Section 4 third paragraph (e) – use of gifts, toys, coupons, discounts, collectibles, competitions or games that may particularly appeal to children**

The provision covers the use of factors and elements that in themselves have a high appeal to children, and which are used in the marketing of products covered by the product list.

Examples of commercial factors that may appeal particularly to children:

- Toys, gifts and collectibles that accompany the product or are conveyed for marketing purposes
- Competitions with an age limit under 18 years, a low threshold for participation and a clear child profile
- Interactive digital games or apps that incorporate the product, its packaging or trademarks
- Coupons or discounts marketed to children with child-friendly designs or language.

*This can be illustrated by previous decisions from the Matbransjens Faglige Utvalg (MFU):*

**In-app marketing (decision 16 – 2024):** In one app, users could collect points by participating in a game-based loyalty program with the opportunity to win prizes. The app had an age limit of 16 years but lacked real age control. The game feature had a visual design and content that appealed to youth rather than children. The Committee considered that the app and the measures were not particularly aimed at children under the age of 13, and that the measure was not in conflict with the rule of care for young people.

[Read the full decision 16 – 2024 on in-app marketing.](#)

According to the regulations, this type of marketing will be included in an overall assessment of the medium, content and target group, and may constitute a violation of the regulations. See also section 4 second paragraph (b) about competitions.

**Marketing in grocery stores (decision 24 – 2024):** A store had a marketing campaign in the form of a competition where the prize for buying chocolate was a headset. Here, the chocolates were pulled out from ordinary shelf placement to floor placement. The Committee considered that the competition mainly appealed to adolescents and young adults, and that the absence of an age limit on the display was unfortunate, but not contrary to the rule of caution in the guidelines.

[Read the full decision 24 – 2024 on marketing in grocery stores.](#)

Since the age limit of 18 years was not specified for the competition, it must be assumed that the competition will not be legal pursuant to the Regulations, cf. section 4 second paragraph (b).

On the other hand, the use of competition that specifies 18 years as the age limit but uses measures that particularly appeal to children under the age of 18, may nevertheless, after an overall assessment, be considered marketing specifically aimed at children, and thus be in violation of the Regulations.

When it comes to the sale of products with a discount to children, a specific assessment of the size of the discount will have to be made to determine whether this is in conflict with the

Regulations. It is not possible to set a fixed limit for how large the discount can be before the discount works as a marketing initiative specifically aimed at children, as this may vary depending on the type of product, sales situation, etc. In this context, reference is made to the Alcohol Act and the Tobacco Harm Act, which have their own prohibitions on sales with a "special discount". Administrative practice from these areas of law can give an indication of when a discount works as a marketing measure. The circular on the Alcohol Act states that the prohibition of discounts does not prevent "a shop that operates with discount schemes for all or a significant part of its product range from also selling alcoholic beverages at a corresponding discount. The decisive factor is that the price of alcoholic beverages reflects the general price and mark-up system of the point of sale." Furthermore, it appears that the discount ban does not apply to pubs, but that "a pub cannot advertise that they operate with any discount offers".

## **Indirect marketing and sponsorship cases as part of the overall assessment**

### *Particulars on indirect marketing*

According to section 4, the main rule is that the marketing of foodstuffs covered by the product list is not permitted when the marketing is specifically aimed at children. For the sake of order, this also includes "indirect" marketing, i.e. marketing where a link is created to products covered by the product list, without the products in question necessarily being included directly in the marketing. Such a link can be created, for example, by the use of trademarks, characters, theme tunes or other special characteristics that are closely linked to products covered by the product list.

If a manufacturer only offers products that are covered by the product list, as a general rule, neither the manufacturer's name nor trademarks can be used in marketing specifically aimed at children. If the manufacturer has both products that are covered and products that are not covered by the product list, the manufacturer's name and trademarks can generally be used in the marketing – unless the manufacturer's name or trademark is so closely linked to specific products on the product list that such use will entail indirect marketing for the product. In the overall assessment, it will be relevant to what extent the name or trademark is primarily associated with and/or used for products on the product list.

The Regulations also contain exemptions for the use of *the sponsor's* name and trademarks in marketing specifically aimed at children, as long as trademarks do not apply to specific products covered by the product list, see section 5 (b).

### *Particulars on sponsorship cases*

Sponsorship means any form of public or private contribution to an event, an enterprise or a person with the intention of promoting the sale of products to consumers, cf. the definition in Section 3 (c) of the Regulations. Entries that do not have such a purpose will not be considered sponsorship. Reference is made to section 3 (c).

In order to assess whether sponsorship is affected by the marketing ban, an overall assessment must be made. The elements in section 4 third paragraph (a) to (e) of the Regulations are also relevant in the case of sponsorship. Emphasis will therefore be placed on:

- Whether the product that the sponsorship is intended to increase sales of is primarily consumed by children or may particularly appeal to children (letter a)
- Whether the sponsorship has a form of presentation that may appeal to children (letter b)
- Time and place of sponsorship (letter c)
- Whether children or persons who particularly appeal to children contribute to the sponsorship (letter d)
- Whether the sponsorship involves the use of gifts, toys, competitions, etc. that may particularly appeal to children (letter e).

An example of sponsorship contributions that will be affected by the ban is sponsorship with products covered by the product list in the form of distribution directly to children. This will be affected by section 4 second paragraph (c), which states that marketing in the form of distributing samples or samples to children will always be prohibited.

Contributions with free or discounted products (which are covered by the Regulations' (product list) to ordinary kiosk sales do not in principle appear to be marketing specifically aimed at children. On the other hand, as a general rule, it will be covered by the prohibition if an actor contributes free or discounted products, in order for these to be then distributed free of charge to children or marketed at a discount to children.

Please note that a sports club or other non-profit enterprise may, on its own initiative, purchase products covered by the product list, and distribute them to children under the age of 18. As a general rule, this will not be covered by the prohibition as long as it is not done for marketing purposes.

Sponsorships with a monetary amount, other services or equipment are generally not considered to be promotion of products included in the product list. However, it is important that any return for the contribution does not involve the marketing of products on the product list specifically aimed at children. If, for example, a sports event for children receives a sum of money in exchange for the promotion of a product on the product list, the promotion will be prohibited pursuant to section 4.

If a sponsorship activity is covered by the marketing prohibition in section 4, one of the exemptions in section 5 may nevertheless apply, see section 5.

## § 5. Exemptions to the marketing ban

### Regulatory text

To the extent that a situation falls within the marketing prohibitions in section 4, the following exceptions shall apply:

- a. sponsorship for non-profit purposes, except contributions with products in [Annex I](#) food categories 1-5
- b. use of the sponsor's name and trademarks, with the exception of trademarks that apply to specific products in [Annex I](#)
- c. the design of the product
- d. packaging and wrapping
- e. ordinary display of products at the point of sale
- f. sober product information on websites and in connection with the point of sale

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children, section 5*

Source: [lovdata.no](#)

## The Directorate of Health's comments

### General information about the provision

Where a marketing activity is considered to be prohibited pursuant to section 4, it must also be considered whether the activity is covered by one of the exemptions in section 5, and therefore still permitted.

Section 5 (a) and (b) specify two exemptions to the marketing ban related to sponsorship activity. Letter a specifies the types of sponsorship contributions that can be made from the sponsor. Letter b regulates how the sponsor can be profiled, i.e. what compensation the sponsor can receive for the contribution.

Pursuant to section 5 (a), sponsorship for non-profit purposes is permitted, except for contributions with products in food categories 1–5 in the product list. Furthermore, it is stated in letter b that the use of the sponsor's name and trademarks is permitted in return for a sponsorship contribution, unless the trademark relates to a specific product that is included in the product list.

Letters c and d exempt the product's design, packaging and wrapping from the marketing ban. The same applies to the general display of products at retail outlets and sober product information in connection with the sale of products, cf. letters e and f.

## **§ 5 (a) – Sponsorship for non-profit purposes**

Sponsorship means any form of public or private contribution to an event, an enterprise or a person with the intention of promoting the sale of products to consumers, cf. the definition in Section 3 (c) of the Regulations. Entries that do not have such a purpose will not be considered sponsorship.

As mentioned above, section 5 (a) only regulates the contribution from the sponsor, and not any return from the recipient of the contribution. The limits for the type of service that is exempt from the marketing ban are regulated in section 5 (b).

As long as the contribution from the sponsor is made for a non-profit purpose, the regulations do not limit what the contribution itself may consist of, except for contributions with products in food categories 1–5 in the product list. The sponsor can thus give money, discounts, goods, equipment, services and other services and products for non-profit purposes. However, contributions with products such as chocolate, ice cream or other products in categories 1–5 are not permitted pursuant to section 5 (a), even if the contribution is made for a non-profit purpose.

However, it is important to remember that the exemptions in section 5 are only relevant if the contribution is of such a nature that it is affected by the prohibition in section 4. As described in section 4, for example, it will in principle not be covered by the prohibition that someone contributes discounted or free products to the product list, which are then sold in a kiosk in the usual way. If, on the other hand, someone contributes such discounts or free products, in order for these to be distributed free of charge to children or marketed at a discount to children, this will normally be covered by the prohibition.

This can be illustrated by the following examples: If a company provides free juice to a sports event for children in exchange for the juice being distributed to the children who participate, the product contribution will in principle be prohibited pursuant to section 4, as described above in the description of this provision. The contribution will nevertheless be permitted under the exemption in section 5 (a), because juice is a product in category no. 6 in the product list. If, on the other hand, the contribution had been cookies in category no. 2 (or other products in categories 1-5), the contribution would not have been permitted under the exemption in section 5 (a).

Please note that a sports club or other non-profit enterprise may, on its own initiative, purchase products covered by the product list, and distribute them to children under the age of 18. This will not be covered by the prohibition provided that it is not done for marketing purposes.

Pursuant to Section 5 (a), a business operator may contribute all types of products for a non-profit purpose for distribution to children, with the exception of products in food categories 1–5. They can sponsor with, for example, pizza that is distributed to a children's team at the end of the season or with other products in categories 6-10, which are distributed to children as a prize.

### *What are non-profit causes?*

In this context, a *non-profit purpose* is defined as an activity whose main purpose is to promote social and socially beneficial purposes for the benefit of the community, such as sports, culture, health and the environment. The formal form of organisation of the enterprise is not decisive.

Enterprises or organisations with non-profit objectives differ from other enterprises in that any profits are reinvested in activities that fall under the enterprise's/organisation's non-profit purpose. Whether the enterprise is registered in the Register of Non-Profit Organisations is relevant in the assessment but is not a requirement for the enterprise or organisation to be considered to have a non-profit purpose.

Businesses with non-profit purposes are mainly based on membership fees, voluntary gifts/collected funds and/or voluntary use of time and have a non-commercial purpose. Examples of such enterprises may be charitable organisations, sports teams and events, bands, leisure facilities, cultural institutions, educational institutions, interest organisations, religious and life communities, where the profits are used to promote the organisation's purpose.

### **§ 5 (b) – Use of sponsor's name and trademarks**

The exception in section 5 (b) concerns the use of the sponsor's name and trademarks in return for sponsorship contributions.

The use of names and trademarks in marketing specifically aimed at children may in some cases be affected by the marketing ban, where there is a clear link to products covered by the product list. This is described in more detail under the description of indirect marketing under the overall assessment in section 4. The same may apply in sponsorship cases where there is a desire for profiling of a sponsor's name and trademarks in return for sponsorship contributions. In such cases, section 5 (b) provides an exemption from the prohibition for the use of **the sponsor's** name and trademarks in marketing specifically aimed at children, unless the trademark relates to a specific product that is included in the product list.

In this context, the sponsor's name includes the sponsor's formal corporate name, as well as short versions and nicknames that identify the sponsor. A trademark should be understood as any characteristic of goods or services, typically names, logos, figures and slogans.

The exception means that a sponsor can make sponsorship contributions, and in return for the contribution, the sponsor's name and trademarks can be profiled on, among other things, shirts, banners, pitch areas, arenas and the like. The condition is that the sponsor's name and trademark do not characterise a specific product covered by the product list. In that case, the sponsor's name and trademark cannot be used in profiling specifically aimed at children.

This means that the use of names and trademarks that represent a company/business or an entire line of products, such as an ice cream company or dairy company, is allowed. Here, too, the condition is that this profiling does not refer to a specific product that is included in the product list, such as a specific ice cream variant or type of yoghurt.

## Section 5 (c) and (d) – Product design, packaging and wrapping

A product's design, packaging and wrapping can in themselves be considered marketing elements that are specifically aimed at children. Section 5 (c) and (d) exempt the design, packaging and wrapping of the product from the marketing ban. These elements cannot therefore in themselves entail a breach of the Regulations. The regulations therefore do not prevent the sale and free flow of goods of products covered by the product list or the development of new products.

However, the extent to which the design, packaging and wrapping of the product appeal to children is of importance regarding how the product can be marketed in general, cf. the overall assessment pursuant to section 4 third paragraph (b).

## § 5 (e) – General presentation

Section 5 (e) exempts the general display of products at retail outlets from the prohibition on marketing. Ordinary storage includes, among other things, shelf placement and floor space for ordinary storage of goods.

What constitutes an ordinary layout must be assessed specifically in each case, where in addition to the layout itself, any use of figures, posters, images, etc. must be taken into account. The overall impression of the list will be decisive for whether the list can be considered ordinary or not, cf. the overall assessment in section 4 third paragraph (b).

Renting space on the floor of a store, such as pallet sales, where products that may particularly appeal to children are placed, are generally not covered by the Regulations. If, however, childish means are attached to the presentation, typically by using figures that are considered to particularly appeal to children, one is outside what would be the ordinary presentation.

*This can be illustrated by previous condemning decisions from the Matbransjens Faglige Udvalg (MFU):*

**Marketing in toy stores (decision 4 – 2024):** A toy store was felled for a display of candy that had the character of being a shock seller, which meant that the shelf placement received a clear attention, as well as that it was at children's height. The complainant stated that it was not possible to enter or leave the store without being exposed to the display.

[Read the full decision 4 – 2024 on marketing in toy stores.](#)

**Marketing in a grocery store (decision 14 – 2024):** A grocery store was felled for a shock seller with a Halloween motif filled with various types of candy. Withdrawing products from ordinary shelf placement to floor placement does not in itself mean that the marketing initiative is considered to be particularly aimed at children. For the campaign in question, the floor placement was in the checkout area and at children's height, and the Committee considered that the arrangement was to some extent particularly aimed at children and young people. This meant that the room for manoeuvre regarding policy instruments was somewhat limited.

[Read the full decision 14 – 2024 on marketing in grocery stores.](#)

**Marketing in grocery stores (decision 13 – 2023):** A grocery store was felled for Moomin chocolate cookies placed in a shock seller designed as the Moomin House. For such a child-oriented product as the biscuit appears in the packaging in question, there will be little room for a set-up that increases the visibility of the product to children. The shock seller itself uses characters from the Moomin universe, which in the opinion of the committee has particular appeal to children. The placement of the floor meant that the product was at child's height, which amplified the exposure. In addition, the shock seller was located in an area of the store where there were toys and other relevant products for children.

[Read the full decision 13 – 2023 on marketing in grocery stores.](#)

According to the provision in the Regulations, the above examples will be included in an overall assessment and may constitute a violation of Section 4 third paragraph (b) of the Regulations.

### **Section 5 (f) – Sober product information**

Information about products can help promote sales to consumers and is thus considered marketing. Section 5 (f) exempts sober product information from the marketing ban. The exception applies to websites and in connection with retail outlets. This means that sober information about products in connection with, for example, kiosk sales at a children's event or in a school canteen, will not conflict with the Regulations.

Sober product information provides the necessary information about the product without using convincing language. The reason it is permissible to provide such information is that the consumer must receive necessary information, such as information about brand names, product names, ingredients, nutritional content, volume content, allergens, price, shelf life and the like. Short and factual taste descriptions and information about how the product is to be stored, as well as purely factual information about the product and its origin, are permitted. A marketing text, on the other hand, often uses engaging language and colours, and can appeal to children by, for example, highlighting the product's taste and experience.

The fact that the information must be sober also means that it cannot contain promotional words, expressions and images, be particularly prominent, facilitate the dissemination of the information in other channels or in any other way, directly or indirectly, encourage purchases.

## 4 Supervision and reactions in the event of a breach

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### § 6. Supervision and complaints

#### Regulatory text

The Norwegian Directorate of Health carries out supervision and may make the necessary decisions to implement the provisions of these regulations, [cf. Section 23 of the Food Act](#).

The Market Council considers appeals against the Directorate of Health's decisions under these regulations. The procedural rules laid down in or pursuant to the [Marketing Control Act apply](#) to the Market Council's processing of appeals in so far as they are appropriate.

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children, section 6*

Source: [lovdata.no](#)

### The Directorate of Health's comments

The Directorate of Health has been given responsibility for supervising compliance with the marketing prohibition in the Regulations, cf. Section 6 of the Regulations; [cf. Section 23 \(lovdata.no\) of the Food Act](#). The Directorate of Health is free to organise and carry out the supervision, but it is assumed that the Directorate shall inform, guide and follow up enquiries regarding the supervisory function. The Directorate of Health will not be able to provide advance clarifications for marketing activities.

The Directorate supervises the marketing ban nationally, online and in social media. The supervision activity is primarily based on complaints and tips, as well as self-initiated supervision. Although the Directorate has been given supervisory responsibility for the Regulations, other supervisory authorities, such as municipalities, the Norwegian Food Safety Authority and the Consumer Authority, will be free to notify the Directorate if there is a suspicion of a breach of the rules in the Regulations. The same applies to private individuals, businesses, and organisations, etc.

Pursuant to Section 23 of the Food Act, the supervisory authority may make "necessary decisions" for the implementation of the Act's measures. Several of the measures mentioned in section 23 are not relevant to the supervision of these regulations, such as import bans and destruction, but the list in section 23 is not exhaustive. The provision also provides a legal basis for rectification, including an order to remove content on a website.

Measures pursuant to section 23 may be taken against enterprises, i.e. "any private or public enterprise as well as private individuals who undertake any activity as mentioned in section 2".

This follows from Section 4 no. 1 of the Food Act and means that activities for private and non-commercial purposes will not be covered.

Pursuant to Section 14 of the Food Act, the Directorate of Health may require establishments to provide or submit "necessary information and sample material". The supervisory authority must be able to carry out such investigations and inspections, including requiring the disclosure and seizure of documents, etc., as the supervisory authority deems necessary to carry out its duties pursuant to the Act, cf. Section 14 of the Food Act.

The supervision is limited according to Norwegian jurisdiction.

Each actor is responsible for familiarising themselves with the applicable regulations. However, the Directorate of Health has a general duty to provide guidance on the regulations, without such guidance being binding on the supervisory authority in the event of a subsequent case.

If a breach of the Regulations is found, a decision will be made against the relevant actor. For example, there may be a decision requiring the matter to be rectified within a given deadline. In such cases, the Public Administration Act's rules on individual decisions, including advance notification, apply. Furthermore, coercive fines will be a relevant sanction, cf. Section 7 on correction and coercive fines.

## Complaints

Orders for correction and determination of coercive fines pursuant to section 7 will be individual decisions, which in line with ordinary administrative law can be appealed.

Pursuant to section 6, second paragraph, such individual decisions may be appealed to the Market Council. The appeal must be sent to the Directorate of Health, cf. Section 32 first paragraph (a) of the Public Administration Act. The Ministry of Health and Care Services will be the right defendant in any court cases in this area.

A finding that the matter has not been rectified within the stipulated deadline or any decisions to send an application for disbursement of a coercive fine to the enforcement officer will not be regarded as an individual decision under the Public Administration Act and therefore cannot be appealed.

The procedural rules laid down in, or pursuant to, the Marketing Practices Act apply, as far as they are appropriate, also to the Market Council's processing of cases pursuant to the Regulations, cf. Section 6, second paragraph. Where the Marketing Act does not regulate an issue or does not apply, the provisions of the Public Administration Act on case processing will apply.

[The Regulations relating to the Consumer Authority's and the Market Council's case processing, etc. \(lovdata.no\)](#) regulate the Market Council's case processing. Section 8 states that the provisions apply as far as they are appropriate where the Market Council considers appeals against the Directorate of Health's decisions. As a general rule, the proceedings before the Market Council are in writing.

Appeals against an order for correction and/or coercive fines are not automatically granted deferred implementation but are assessed in accordance with Section 42 of the Public Administration Act in the usual way. It is only in special cases that it will be appropriate to grant such a suspensive effect.

## § 7. Rectification and coercive fines

### Regulatory text

If the Directorate of Health finds that any of the provisions in [section 4](#) have been violated, the Directorate may order rectification of the situation. At the same time, a deadline shall be set for rectification. The Directorate of Health may obtain written confirmation from the violator that the illegal situation has ceased.

At the same time as ordering rectification, the Directorate of Health may impose a coercive fine in accordance with [Section 26 of the Food Act](#).

*Regulations on the prohibition of the marketing of certain foods particularly aimed at children, section 7*

Source: lovdata.no

## The Directorate of Health's comments

Pursuant to Section 7 of the Regulations, the Directorate of Health may order corrections if the marketing prohibition in Section 4 has been violated.

An order for rectification means that the person against whom the order is addressed has a duty to rectify the illegal situation. An order for correction will normally entail a duty to act, for example to stop advertising, remove billboards or remove advertising material from one's own outlet or business.

An order for rectification shall be directed against the obligated party(s) who have carried out or contributed to an act that is contrary to the relevant provisions. There is nothing formal to prevent orders from being directed against several parties in certain cases.

At the same time as a decision on correction is made, a reasonable time limit is set for the correction. What is considered a reasonable time must be determined in each individual case. The time limit must be assessed on the basis of the purpose, namely to stop an illegal matter, while at the same time taking into account the scope of the actions the party must perform to rectify the situation.

The third sentence of the provision gives the Directorate an express authority to require written confirmation that infringements of the marketing ban shall cease. This is an alternative to sanctions such as coercive fines.

After such written confirmation, the infringer is contractually obligated to ensure that the breach ceases. Failure to comply with a written confirmation means that the Directorate may choose to pursue the case further.

### **Determination of coercive fines**

The second paragraph of the provision gives the Directorate of Health the authority to impose coercive fines. Such a coercive fine may be imposed at the same time as an order for correction is issued.

The amount of the coercive fine is determined on a discretionary basis following an overall assessment. Relevant factors in the assessment will include:

- Nature and extent of the infringement
- The financial situation of the person responsible
- The cost of correction
- The responsible party's financial interest in not correcting the matter
- The consideration of maintaining respect for the regulations
- Other factors of importance for the assessment

The coercive fine shall serve as an incentive for compliance with the order for rectification. In many cases, the violator will have a financial interest in continuing the illegal matter and may incur costs in connection with rectification. The costs of rectification and the presumed gain from the illegal advertisement should, where possible, be given weight in the determination of the coercive fine. The fine must be effective and should be set so high that it seems like a real pressure, but without being unreasonable.

A coercive fine pursuant to the second paragraph is conditional and will not accrue until the deadline for correction has passed.

The daily fine runs until the matter is corrected. A one-off fine is only assumed to be applied in cases where it is considered particularly necessary that the order is complied with within the deadline. Otherwise, a running daily fine is applied.

A decision on a coercive fine is effective only for the violation to which the decision relates.

Where the enterprise complies with an order for correction, no costs will be incurred.

## 5 Entry into force and transition period

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### § 8. Transition period

#### Regulatory text

The requirements in [Sections 4](#) and [5](#) of the Regulations do not apply to establishments covered by [Section 2, first paragraph](#), before 25 October 2025.

*Regulations on the prohibition against the marketing of certain foods specifically aimed at children § 8*

Source: lovdata.no

### The Directorate of Health's comments

In order for businesses to have the opportunity to adapt to the new regulations, a transition period of six months was granted from the entry into force of the regulations on 25 April 2025. The Regulations thus became applicable from 25 October 2025.

### § 9. Entry into force

#### Regulatory text

These regulations enter into force on 25 April 2025.

*Regulations on the prohibition against the marketing of certain foods specifically aimed at children § 9*

Source: lovdata.no

## 6 Appendix I (Product List)

### Appendix I to Regulations on the prohibition of the marketing of certain foods particularly aimed at children

By 'sugars' means the definition of sugars the Regulation of [28 November 2014 on food information to consumers \(The Food Information Regulation\)](#), Section 1 of, which implements Regulation (EU) no. 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers Annex I Specific Definitions No 8. By 'Added sugars' means the definition of added sugars in [Section 2 \(i\)](#) of the [Regulations of 18 February 2015 No. 139 on voluntary labelling of foodstuffs with the Keyhole](#)

(The Keyhole Regulation). By 'Sweeteners' means the sweeteners mentioned in the [Regulations of 6 June 2011 No. 668 on food additives Section 1](#), which implements Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives [Annex II](#) Union list of food additives approved for use in foods and the conditions of use [Part B](#) list 2.

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
1. Chocolate and sugar confectionery, energy bars and sweet toppings/spreads and desserts	<p>Chocolate and sugar confectionery, including</p> <ul style="list-style-type: none"> <li>- chocolate and other chocolate items, including dark and white chocolate and confectionery</li> <li>- sugar confectionery without cocoa, including jellies, boiled sweets, chewing gum, lozenges, caramels, liquorice, marzipan candy</li> </ul> <p>Energy bars, including</p> <ul style="list-style-type: none"> <li>- nut bars, protein bars and granola and cereal-type bars</li> </ul> <p>Sweet toppings/spreads, including</p> <ul style="list-style-type: none"> <li>- honey and chocolate spreads, sweet nut-based spreads/butters, and other similarly sweet toppings/spreads</li> <li>- jam/marmalades, "prim" (soft and sweet whey-cheese) and brown cheese with added sugars or (artificial) sweeteners</li> </ul> <p>Sweet desserts, including</p> <ul style="list-style-type: none"> <li>- puddings, cream desserts, dessert jellies, compotes and chocolate mousse</li> </ul>	All products are covered

2. Cakes, biscuits and other sweet and/or fatty pastries	<p>Cakes, biscuits, and other sweet and/or fatty pastries, including</p> <ul style="list-style-type: none"> <li>- cakes, cookies, biscuits, and baked goods such as buns, muffins, pies, pastries, croissants, donuts, sweet waffles and pancakes</li> <li>- dry mixes for making cakes, flour mix, batter and doughs for such products</li> </ul>	All products are covered
3. Snacks	<p>Popcorn</p> <p>Salted nuts and salted nut mixtures, also those containing fruit</p> <p>Savory crackers/biscuits and pretzels</p> <p>Other snacks, including</p> <ul style="list-style-type: none"> <li>- snacks of rice or corn</li> <li>- snacks made from dough</li> <li>- snacks made of potatoes, vegetables, fruits, berries or grains, which include chips/crisps and similar products, as well as dried fruits and berries</li> <li>- extruded snacks</li> </ul>	All products are covered
4. Edible ices	<p>Edible ices, also those containing cocoa, including</p> <ul style="list-style-type: none"> <li>- cream and milk-based ice creams and plant-based substitutes, water-based ices, fruit ice creams, sorbets and frozen yoghurts</li> </ul>	All products are covered
5. Soft drinks, energy drinks, cordial/squash and the like	<p>Soft drinks, energy drinks, cordial/squash and similar, including</p> <ul style="list-style-type: none"> <li>- iced tea</li> <li>- and other similar sweet soft drinks such as fruit and berry drinks (carbonated and non-carbonated) if not covered by beverage category 6</li> </ul>	All products are covered
6. Juices and similar	<p>Juices and similar, including</p> <ul style="list-style-type: none"> <li>- juices, nectars and similar products, including smoothies (from fruit, berries or vegetables), also those reconstituted from concentrate (includes smoothies with yoghurt/milk if yoghurt/milk is not the main ingredient)</li> <li>- fruit and vegetable nectars</li> </ul>	<p>– Added sugars &gt; 0 g</p> <p>– Sweeteners &gt; 0</p>
7. Milk and plant-based drinks	<p>Milk and plant-based milk/drinks, including</p> <ul style="list-style-type: none"> <li>- all types of milk and plant-based milks/drinks except fermented varieties, cf. food category 9</li> <li>- milkshakes</li> <li>- coffee and coffee drinks containing milk or plant-based beverages (in which milk or plant-based beverages are the main ingredient), iced coffee</li> </ul>	<ul style="list-style-type: none"> <li>- Added sugars &gt; 0 g</li> <li>- Sweeteners &gt; 0</li> </ul>

8. Breakfast Cereals	Breakfast cereals and other cereals, including - grains, granola, muesli, dry porridge mixtures	– Sugars > 12.5 g – Dietary fibre < 6 g
9. Yoghurt and similar products	Yoghurt and products of fermented milk, including - yoghurt, fermented flavoured milk and drinking yoghurt, cheese-based yoghurt imitations - also includes composite products, such as yoghurts with muesli  Fermented, thickened plant-based products and other yoghurt imitations - also includes composite products, such as yoghurt imitations with muesli	– Fat > 3 g – Sugars > 10 g – Sweeteners > 0
10. Fast-food and composite dishes	Fast-food and composite dishes - Fast-food: readily available food that is sold fully prepared, possibly heated and wrapped. Includes pizza and pizza snacks; sandwiches and wraps/rolls; hamburgers in bread; dishes with sausages; French fries; pasta dishes, prepared salads; ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined; soups; porridges (fully prepared). Includes individual components of fast-food (e.g. French fries and chicken nuggets) and each product included in a fast-food menu shall meet the criteria for the relevant food/drink category in this table. - Composite dishes: composite dishes that are ready-to-eat, frozen, refrigerated or canned (e.g. sold in grocery stores). Includes pizza, pizza snacks, sandwiches and wraps/rolls; prepared pasta dishes, stews, soups, porridges and salads; Ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined.	- Energy > 950 kJ (225kcal) - Saturated fat > 4 g - Salt > 1 g

*Regulations on the prohibition of the marketing of certain foods specifically aimed at children*

**Source: lovdata.no**

## The Directorate of Health's comments

### General information about the product list

The product list (Appendix 1 to the Regulations) specifies food categories and product types with examples of products covered by the Regulations.

### Scope, thresholds, definitions and clarification of concepts

The product list includes 10 food categories and specifies thresholds for products' content of given nutrients, energy and sweeteners.

#### *Food categories*

For each of the 10 food categories in the product list, the product types included and examples of products are indicated. The circular provides further examples, either in running text and/or listed under each of the food categories. The examples are not exhaustive.

All products that belong to food categories 1–5 will be covered by the Regulations. This applies regardless of the product's nutritional content and whether or not there is added sweetener.

#### **Food categories 1–5:**

1. Chocolate and sugar confectionery, energy bars and sweet toppings/spreads and desserts
2. Cakes, biscuits and other sweet and/or fatty pastries
3. Snacks
4. Edible ices
5. Soft drinks, energy drinks, cordial/squash and the like

In food categories 6–10, the product list specifies different thresholds for the products' content of nutrients, energy and sweeteners. Products that belong to food categories 6–10 and that have a content that corresponds to one or more of the given thresholds will be covered by the Regulations. Other products within food categories 6–10 will not be covered by the Regulations.

#### **Food categories 6–10:**

6. Juices and similar
7. Milk and plant-based drinks
8. Breakfast cereals
9. Yoghurt and similar products
10. Fast-food and composite dishes

See a more detailed discussion of each of the food categories in the product list below. A checklist for using the product list has also been designed to help.

### *Thresholds for nutrients, energy and sweeteners*

The product list specifies thresholds for the products' content of sugars, added sugars, fat, saturated fatty acids, dietary fibre, salt and energy, and in addition a limit of zero for sweeteners.

The thresholds are given for food categories 6–10, and the thresholds vary between these categories. Products that have a content that complies with one or more of the given thresholds are covered by the Regulations.

The thresholds in the product list are given per 100 g/100 ml ready-to-eat product.

The product list applies regardless of whether the product is pre-packaged or not. In order to assess whether a product in food categories 6–10 is covered by the Regulations, it is necessary to know whether the nutritional content of the product complies with one or more of the given thresholds. Information on nutritional content can be found in the nutrition declaration which is mandatory for prepackaged foods. For non-prepackaged foods, such as fast-food (food category 10), the nutritional content must be calculated manually. It may also be necessary to calculate the content of dietary fibre (food category 8), since it is voluntary to provide information about dietary fibre in the nutrition declaration. The calculations can be made using [the Diet Planner](#) or [the Food Composition Table](#). See [the Norwegian Food Safety Authority's guide on nutrition labelling](#) for more information.

### *Definitions and clarification of concepts*

The product list refers to definitions of sugars, added sugars and sweeteners in other regulations.

"Sugars" means all mono- and disaccharides that occur in foods, except polyols. This follows from the Food Information Regulation.

'Added sugars' means all mono- and disaccharides added during the production of food. Sugars naturally found in honey, syrups, fruit juices/juices and fruit concentrates are also covered. This follows from the Keyhole Regulations.

Link to regulations dealing with "sweeteners": [Regulations relating to food additives - Lovdata](#).

Fat, saturated fatty acids, dietary fibre, salt and calculation of energy content are defined in the Food Information Regulation. See [the Norwegian Food Safety Authority's guide on nutrition declarations](#).

### *Food categories not covered by the Regulations*

Food categories that are not covered by the regulations are listed below. The list is not exhaustive. Note that products in these food categories may be covered if they are included as part of fast-food or a composite dish (see food category 10).

- Cheese, except "prim" (soft and sweet whey-cheese) and brown cheese with added sugars or (artificial) sweeteners

- Butter, other fats and oils
- Bread, bread products and crispbread
- Fresh or dried pasta, rice and grains
- Fresh and frozen meat and fish
- Processed meat and fish
- Plant-based meat substitutes
- Fresh and frozen fruits, berries, vegetables and legumes

## More on each of the food categories in the product list

### Food category 1: Chocolate and sugar confectionery, energy bars and sweet toppings/spreads and desserts

Excerpt from regulations: food category 1

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products that Covered/MRLs (stated per 100 g/100 ml ready-to-eat product)</b>
<b>1. Chocolate and sugar confectionery, energy bars and sweet toppings/spreads and desserts</b>	Chocolate and sugar confectionery, including <ul style="list-style-type: none"> <li>- chocolate and other chocolate items, including dark and white chocolate and confectionery</li> <li>- sugar confectionery without cocoa, including jellies, boiled sweets, chewing gum, lozenges, caramels, liquorice, marzipan candy</li> </ul> Energy bars, including <ul style="list-style-type: none"> <li>- nut bars, protein bars and granola and cereal-type bars</li> </ul> Sweet toppings/spreads, including <ul style="list-style-type: none"> <li>- honey and chocolate spreads, sweet nut-based spreads/butters, and other similarly sweet toppings/spreads</li> <li>- jam/marmalades, “prim” (soft and sweet whey-cheese) and brown cheese with added sugars or (artificial) sweeteners</li> <li>- Sweet desserts, including</li> <li>- puddings, cream desserts, dessert jellies, compotes and chocolate mousse</li> </ul>	All products are covered

All products belonging to food category **1 Chocolate and sugar confectionery, energy bars and sweet toppings/spreads and desserts** are covered by the regulation, regardless of the product's content of nutrients and sweeteners.

Product types included in food category 1 and examples are shown in the product list.

### *Chocolate and sugar confectionery*

The product list states the following:

*Chocolate and sugar confectionery, including*

- *chocolate and other chocolate items, including dark and white chocolate and confectionery*
- *sugar confectionery without cocoa, including jellies, boiled sweets, chewing gum, lozenges, caramels, liquorice, marzipan candy*

For *confectionery products without cocoa*, the product list gives the examples "jelly candy, chewing gum, lozenges, sweets, caramels, liquorice, marzipan candy". More examples are sweets, candy, cotton candy and caramel sauce.

### *Energy Bars*

The product list states the following:

*Energy bars, including*

- *nut bars, protein bars and granola and cereal-type bars*

The product list lists the examples "nut bars, protein bars and granola and cereal-type bars". Different names are used for energy bars. Bars with other designations, such as lunch/meal bars and chocolate bars, are also covered.

### *Sweet toppings*

The product list states the following:

*Sweet toppings/spreads, including*

- *honey and chocolate spreads, sweet nut-based spreads/butters, and other similarly sweet toppings/spreads*

Nut-based spreads with no added sugars or sweeteners will not be covered.

Examples of *other similar sweet toppings/spreads* are sweet, spreadable milk-based spreads and fruit-based sweet toppings/spreads.

Marmalade, jelly and fruit/berry puree with added sugars or sweeteners will also be covered.

Only *prim (soft and sweet whey-cheese) and brown cheese with added sugars or sweeteners* are covered. Most brown cheeses have no added sugars or sweeteners, and these will therefore not be covered.

Some spreads contain added sugars or sweeteners but are not considered *sweet toppings/spreads*. For example, some meat and fish spreads, cold cut salads and pâtés contain added sugars or sweeteners, but these products are not included in the product list. See also the separate section on food categories that are not covered by the Regulations.

### Sweet desserts

The product list states the following:

*Sweet desserts, included*

- *puddings, cream desserts, dessert jellies, compotes and chocolate mousse*

The product list lists the examples "puddings, cream desserts, dessert jellies, compotes and chocolate mousse". Other examples covered are fromage and crème brûlée.

Powders for making sweet desserts, such as jelly powder, will also be covered.

*Cakes, biscuits and other sweet and/or fatty pastries* belong to food category 2 and *ice cream* belongs to food category 4.

### More examples of products covered in food category 1:

- Chocolate sauce

### Examples of products not covered:

- cocoa powder without the addition of sugar or sweetener

## Food category 2: Cakes, biscuits and other sweet and/or fatty pastries

*Excerpt from Regulations: food category 2*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>2. Cakes, biscuits and other sweet and/or fatty pastries</b>	<p>Cakes, biscuits, and other sweet and/or fatty pastries, including</p> <ul style="list-style-type: none"> <li>- cakes, cookies, biscuits, and baked goods such as buns, muffins, pies, pastries, croissants, donuts, sweet waffles and pancakes</li> <li>- dry mixes for making cakes, flour mix, batter and doughs for such products</li> </ul>	All products are covered

All products that belong to food category **2 Cakes, biscuits and other sweet and/or fatty pastries** are covered by the Regulations, regardless of the product's content of nutrients and sweeteners.

Product types included in food category 2 and examples are shown in the product list.

The examples listed in the product list for this food category are 'cakes, cookies, biscuits and baked goods such as buns, muffins, pies, pastries, croissants, donuts, sweet waffles and pancakes'. Other examples are macaroons, brownies, scones and buttered "lefse" (soft flatbread), for example with butter, sugar and cinnamon.

The food category also includes *dry mixes for making cakes, flour mix, batter and doughs for such products*.

*Biscuits* are included in this food category, except for salted biscuits belonging to food category 3 *Snacks*.

*More examples of products covered in food category 2:*

- Donuts
- Macaroons
- Buttered "lefse" (soft flatbread)

*Examples of products not covered:*

- bread and bread products\*
- "lefse"/"lompe" (soft flatbread/potato flatbread) without filling and tortilla/wrap without filling

\*Bread and bread products are not included in the product list unless they are part of *Fast-food or Composite dishes* in food category 10. Bread and bread products include bread, bread products, crispbread and flatbread (including sweet breads and bread products such as brioche; sausage and hamburger buns; bagels; "lompe" (potato flatbread); tortillas; pita; naan; focaccia; bread and crispbread with additives (such as herbs, nuts and cheese); flour and bread mixes).

**Food category 3: Snacks**

*Excerpt from regulations: food category 3*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>3. Snacks</b>	Popcorn Salted nuts and salted nut mixtures, also those containing fruit Savory crackers/biscuits and pretzels Other snacks, included <ul style="list-style-type: none"> <li>- snacks of rice or corn</li> <li>- snacks made from dough</li> <li>- snacks made of potatoes, vegetables, fruits, berries or grains, which include chips/crisps and similar products, as well as dried fruits and berries</li> <li>- extruded snacks</li> </ul>	All products are covered

All products belonging to food category **3 Snacks** are covered by the regulations, regardless of the product's content of nutrients and sweeteners.

Product types included in food category 3 and examples are shown in the product list.

The product list states the following:

*Popcorn*

*Salted nuts and salted nut mixtures, also those containing fruit*

*Savory crackers/biscuits and pretzels*

*Other snacks, included*

- *snacks of rice or corn*
- *snacks made from dough*
- *snacks made of potatoes, vegetables, fruits, berries or grains, which include chips/ crisps and similar products, as well as dried fruits and berries*
- *extruded snacks*

Examples of *snacks made from dough* are tortilla chips, examples of *snacks directly made from potatoes* are potato chips and examples of *extruded snacks* are cheese puffs.

*Dried fruit and berries* are included in this food category.

*More examples of products covered in food category 3:*

- salty nut mixtures that include other additions besides fruit, such as dried berries

*Examples of products not covered:*

- unsalted nuts and unsalted nut mixtures

#### **Food category 4: Edible ices**

*Excerpt from regulation: food category 4*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>4. Edible ices</b>	Edible ices, also those containing cocoa, including <ul style="list-style-type: none"> <li>- cream and milk-based ice creams and plant-based substitutes, water-based ices, fruit ice creams, sorbets and frozen yoghurts.</li> </ul>	All products are covered

All products that belong to food category **4 Edible ices** are covered by the Regulations, regardless of the product's content of nutrients and sweeteners.

Product types included in food category 4 and examples are shown in the product list.

In the food category, all types of edible ices are covered, including plant-based substitute products.

The product list states the following:

*Edible ices, also those containing cocoa, including*

- *cream and milk-based ice creams and plant-based substitutes, water-based ices, fruit ice creams, sorbets and frozen yoghurts.*

Milkshakes and iced coffee belong to food category 7 *Milk and plant-based drinks*.

## Food category 5: Soft drinks, energy drinks, cordial/squash and the like

*Excerpt from Regulations: food category 5*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>5. Soft drinks, energy drinks, cordial/squash and the like</b>	Soft drinks, energy drinks, cordial/squash and similar, including <ul style="list-style-type: none"> <li>- iced tea</li> <li>- other similar sweet soft drinks such as fruit and berry drinks (carbonated and non-carbonated) if not covered by beverage category 6</li> </ul>	All products are covered

All products that belong to food category **5 Soft drinks, energy drinks, cordial/squash and the like** are covered by the regulations, regardless of the product's content of nutrients and sweeteners.

Product types included in food category 5 and examples are shown in the product list.

The product list states the following:

*Soft drinks, energy drinks, cordial/squash and similar, including*

- *iced tea*
- *other similar sweet soft drinks such as fruit and berry drinks (carbonated and non-carbonated) if not covered by beverage category 6*

Drinks that are ready to drink, in concentrated form, powdered form, frozen (as slush) or as gel will be covered.

Energy *drinks* mean non-alcoholic beverages, including powders or tablets to be dissolved in liquid, with caffeine in an amount exceeding 15 mg/100 ml of ready-to-drink product. This does not include beverages that are based on coffee, tea or cocoa and have a food name that includes the words 'coffee', 'tea' or 'cocoa'.

Sports drinks are examples of beverages that are included in this food category. Milk-based sports drinks belong to food category 7 *Milk and plant-based drinks*.

Fruit and vegetable nectar belongs to food category 6 *Juices and the like*.

*More examples of products covered in food category 5:*

- soft drinks with added sugars or sweeteners
- flavoured water with added sugars or sweeteners
- Soft drinks with fruit juice
- lemonade

*Examples of products not covered:*

- water or flavoured water, either carbonated or still, without added sugars or sweeteners

**Food category 6: Juices and similar products**

*Excerpt from regulations: food category 6*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>6. Juices and similar</b>	Juices and similar, including <ul style="list-style-type: none"> <li>- juices, nectars and similar products, including smoothies (from fruit, berries or vegetables), also those reconstituted from concentrate (includes smoothies with yoghurt/milk if yoghurt/milk is not the main ingredient)</li> <li>- fruit and vegetable nectars</li> </ul>	<ul style="list-style-type: none"> <li>– Added sugars &gt; 0 g</li> <li>– Sweetener &gt; 0</li> </ul>

In food category **6 Juices and similar**, products are included if they have added sugars and/or sweeteners.

Thresholds for food category 6 (indicated per 100 g/100 ml ready-to-eat product):

- *Added sugars > 0 g*
- *Sweetener > 0*

Product types included in food category 6 and examples are shown in the product list.

The product list states the following:

*Juices and similar, including*

- *juices, nectars and similar products, including smoothies (from fruit, berries or vegetables), also those reconstituted from concentrate (includes smoothies with yoghurt/milk if yoghurt/milk is not the main ingredient).*
- *fruit and vegetable nectars*

Juices and similar products that do not contain added sugars or sweeteners will not be covered.

*Smoothies (from fruits, berries or vegetables)* are covered if they have added sugars or sweeteners. This also applies to *smoothies with yoghurt/milk if yoghurt/milk is not the main ingredient*.

The main ingredient is defined in the Food Information Regulation. A main ingredient means an ingredient or ingredients in a food that make up more than 50% of the food, or which the consumer usually associates with the name of the food, and for which an indication of quantity is required in most cases.

See [the Norwegian Food Safety Authority's guide on ingredients and quantity declaration](#).

*Fruit and vegetable nectars* are included in this food category.

*More examples of products covered by food category 6:*

– juice mixed with water and sugar and/or sweetener

*Examples of products not covered:*

– juice – freshly squeezed or from concentrate

– smoothie that has no added sugars or sweeteners

## Food category 7: Milk and plant-based drinks

*Excerpt from Regulations: food category 7*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>7. Milk and plant-based drinks</b>	Milk and plant-based milk/drinks, including <ul style="list-style-type: none"><li>- all types of milk and plant-based milks/drinks except fermented varieties, cf. food category 9</li><li>- milkshake</li><li>- coffee and coffee drinks containing milk or plant-based beverages (in which milk or plant-based beverages are the main ingredient), iced coffee</li></ul>	<ul style="list-style-type: none"><li>– Added sugars &gt; 0 g</li><li>– Sweetener &gt; 0</li></ul>

In food category **7 Milk and plant-based drinks**, products are included if they contain added sugars and/or sweeteners.

Thresholds for food category 7 (stated per 100 g/100 ml ready-to-eat product):

– *Added sugars* > 0 g

– *Sweetener* > 0

Product types included in food category 7 and examples are shown in the product list.

The product list states the following:

- *Milk and plant-based milk/drinks, including*
- *all types of milk and plant-based milks/drinks except fermented varieties, cf. food category 9*
- *milkshake*
- *coffee and coffee drinks containing milk or plant-based beverages (in which milk or plant-based beverages are the main ingredient), iced coffee*

This food category includes all types of Milk and plant-based drinks with added sugars or sweeteners, except fermented varieties. Milk-based drinks will also be covered.

The food category also includes *milkshakes* and *coffee and coffee drinks containing milk or plant-based milk/beverages (where milk or plant-based beverages are the main ingredient)*, and *iced coffee*.

The main ingredient is defined in the Food Information Regulation. A main ingredient means an ingredient or ingredients in a food that make up more than 50% of the food, or which the consumer usually associates with the name of the food, and for which an indication of quantity is required in most cases.

See [the Norwegian Food Safety Authority's guide on ingredients and quantity declaration](#).

*More examples of products covered in food category 7:*

- any type of milk with added sugars or sweeteners
- plant-based drinks except fermented varieties, with added sugars or sweeteners

*Examples of products not covered:*

- all types of milk with no added sugars or sweeteners
- plant-based drinks with no added sugars or sweeteners
- coffee and coffee drinks without milk or plant-based drinks
- coffee and coffee drinks where milk or plant-based drinks are not the main ingredient

## **Food category 8: Breakfast Cereals**

*Excerpt from regulation: food category 8*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>8. Breakfast Cereals</b>	Breakfast and other cereals, including - grains, granola, muesli, dry porridge mixtures	– Sugars > 12.5 g – Dietary fibre < 6 g

Food category **8 Breakfast Cereals** includes products containing more than 12.5 grams of sugars and/or less than 6 grams of dietary fibre per 100 grams/100 ml of ready-to-eat product.

Thresholds for food category 8 (stated per 100 g/100 ml ready-to-eat product):

- *Sugars > 12.5 g*
- *Dietary fibre < 6 g*

Product types included in food category 8 and examples are shown in the product list.

The product list states the following:

*Breakfast and other cereals, including*

- *grains, granola, muesli, dry porridge mixtures*

Different terms are used for *breakfast and other cereals*. The product list lists the examples "grains, granola, muesli, dry porridge mixtures". Breakfast and other cereals with other designations, such as grain cereals, granola, breakfast cereals, corn flakes and puffed rice, will also be covered.

Breakfast and other cereals may contain nuts, seeds, raisins, dried fruit, honey, coconut, chocolate and the like. These mixtures are also covered.

Yoghurt with muesli/granola/grains belongs to food category 9 *Yoghurt and similar products*. Fully prepared porridges belong to food category 10 *Fast-food and composite dishes*.

*More examples of products covered in food category 8:*

- fruit muesli
- Nut muesli/granola

The aforementioned examples are only covered if the products exceed the threshold for sugars and/or have a lower content of dietary fibre than the threshold.

*Examples of products not covered:*

- whole grains, groats (wheat grains, oatmeal, barley groats, millet, etc.)

## Food category 9: Yoghurt and similar products

Excerpt from Regulations: food category 9

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>9. Yoghurt and similar products</b>	<p>Yoghurt and products of fermented milk, including</p> <ul style="list-style-type: none"> <li>- yoghurt, fermented flavoured milk and drinking yoghurt, cheese-based yoghurt imitations</li> <li>- also includes composite products, such as yoghurts with muesli</li> </ul> <p>Fermented, thickened plant-based products and other yoghurt imitations</p> <ul style="list-style-type: none"> <li>- also includes composite products, such as yoghurt imitations with muesli</li> </ul>	<ul style="list-style-type: none"> <li>- Fat &gt; 3 g</li> <li>- Sugars &gt; 10 g</li> <li>- Sweeteners &gt; 0</li> </ul>

Food category **9 Yoghurt and similar products** includes products containing more than 3 grams of fat and/or more than 10 grams of sugars per 100 grams/100 ml of ready-to-eat product and/or containing sweeteners.

Thresholds for food category 9 (indicated per 100 g/100 ml ready-to-eat product):

- Fat > 3 g
- Sugars > 10 g
- Sweetener > 0

Product types included in food category 9 and examples are shown in the product list.

The product list states the following:

*Yoghurt and products of fermented milk, including*

- *yoghurt, fermented flavoured milk and drinking yoghurt, cheese-based yoghurt imitations*
- *also includes composite products, such as yoghurts with muesli*

*Fermented, thickened plant-based products and other yoghurt imitations*

- *also includes composite products, such as yoghurt imitations with muesli*

*Cheese-based yoghurt imitations* are products such as skyr and quark.

The food category also includes composite products, such as yoghurt and muesli or, for example, imitations of yoghurt and muesli.

*More examples of products covered in food category 9:*

- Composite products of yoghurt or yoghurt imitations and, for example, muesli, nuts, fruit puree or honey.

The mentioned examples are only covered if the products exceed one or more of the thresholds.

*Examples of products not covered:*

- cottage cheese
- sour cream

**Food category 10: Fast-food and composite dishes**

*Excerpt from regulations: food category 10*

<b>Food and drink categories</b>	<b>Product types included in the different food categories and examples</b>	<b>Products covered/thresholds (stated per 100 g/100 ml ready-to-eat product)</b>
<b>10. Fast-food and composite dishes</b>	<p><b>Fast-food and composite dishes</b></p> <p>Fast-food: readily available food that is sold fully prepared, possibly heated and wrapped. Includes pizza and pizza snacks; sandwiches and wraps/rolls; hamburgers in bread; dishes with sausages; French fries; pasta dishes, prepared salads; ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined; Soups; porridge (fully prepared). Includes individual components of fast-food (e.g. French fries and chicken nuggets) and each product included in a fast-food menu shall meet the criteria for the relevant food/drink category in this table.</p> <p>Composite dishes: composite dishes that are ready-to-eat, frozen, refrigerated or canned (e.g. sold in grocery stores). Includes pizza, pizza snacks, sandwiches and wraps/rolls; prepared pasta dishes, stews, soups, porridges and salads; Ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined.</p>	<ul style="list-style-type: none"><li>– Energy &gt; 950 kJ (225 kcal)</li><li>– Saturated fats &gt; 4 g</li><li>– Salt &gt; 1 g</li></ul>

Food category **10 Fast-food and composite dishes** include products that have an energy content of more than 950 kJ (225 kcal) and/or contain more than 4 grams of saturated fatty acids and/or more than 1 gram of salt per 100 grams/100 ml of ready-to-eat products.

Thresholds for food category 10 (indicated per 100 g/100 ml ready-to-eat product):

- Energy > 950 kJ (225 kcal)
- Saturated fatty acids > 4 g
- Salt > 1 g

Product types included in food category 10 and examples are shown in the product list.

## *Fast-food*

*Fast-food* is defined in the product list as "readily available food that is sold fully prepared, possibly heated and wrapped".

The product list states that *Fast-food* includes, among other things:

- *Pizza and pizza snacks*
- *Sandwiches and wraps/roll*
- *Hamburgers in bread*
- *Dishes with sausages*
- *French fries*
- *Pasta dishes*
- *Prepared salads*
- *Ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined*
- *Soups*
- *Porridge (fully prepared)*

*Fast-food* includes individual components of fast-food (such as French fries or chicken nuggets), a composite product (such as a cheeseburger), or a fast-food menu (such as cheeseburger, French fries, and soft drink).

If the product is a composite product, such as a cheeseburger, it is the energy and nutritional content of the entire product/cheeseburger (hamburger, cheese, bread, dressing and salad) that is assessed against the thresholds. Similarly, if the composite product is a fully prepared salad with dressing, the whole salad (including the dressing) should be assessed against the thresholds.

A fast-food menu consists of several products. Each product in a fast-food menu must be assessed against the food categories in the product list and any thresholds if applicable. For example, a cheeseburger menu can consist of the products cheeseburger, fries and a beverage. In such cases, each product shall be assessed according to the food category to which it belongs. In the example of a cheeseburger menu, cheeseburgers and fries will be covered if they exceed one or more of the thresholds in category 10 *Fast-food and composite dishes*, while beverages must be assessed on the basis of the food category in question.

## *Composite dishes*

*Composite dishes* are defined in the product list as "composite dishes that are ready-to-eat, frozen, refrigerated or canned (e.g. sold in the grocery stores)".

The product list states that *Composite dishes* include, among other things:

- *pizza and pizza snacks*
- *Sandwiches and wraps/roll*
- *prepared pasta dishes, stews, soups, porridges and salads*

- ready meals composed of a combination of carbohydrates and either vegetables or meat/fish/legumes, or all three combined

A composite (ready-made) product such as mackerel in tomato or prepared breakfast salad spread, which is usually eaten in combination with other foods, is not considered a composite dish and is therefore not covered.

There will be some differences between Fast-food and composite dishes (such as those sold in grocery stores). An example is French fries, which can be part of a fast-food menu or constitute the fast-food product on their own. Fully prepared (possibly heated and wrapped) fries are considered fast-food according to the definition above, while frozen fries sold in grocery stores, for example, will not be considered a composite dish, and will therefore not be covered.

#### *More examples of products covered in food category 10:*

- Dinner pies
- Spring rolls
- spaghetti with sauce and/or meat

The aforementioned foods/dishes are only covered if the products exceed one or more of the thresholds.

#### *Examples of products that are not covered:*

- Food commodity or single product that is not a composite dish, such as hamburgers (only the meat itself), fish cakes or sausages
- A ready-to-eat composite dish (sold in a grocery store, for example) that requires preparation with ingredients. This includes products like dry ready-made meals, such as a soup mix or pot base that needs water added

## **Checklist for using the product list**

### **1. Find out if the product belongs to one of the ten food categories in the product list**

In some cases, this will be clear from the name of the food category and the name of the product. In other cases, it will be necessary to look at the product types and examples provided in the product list. Several examples of products that are covered and not covered by the product list are presented in this circular. The examples are not exhaustive.

### **2. If the product belongs to food categories 1–5:**

All products that belong to food categories 1–5 are covered by the Regulations, regardless of nutritional content and whether the product has added sweeteners or not.

### **3. If the product belongs to food categories 6–10:**

Check the content of the product against the thresholds given in the product list for the relevant food category. The thresholds for energy and nutrient content are given per 100 g/100 ml ready-to-eat product. For sweeteners, the threshold is zero.

If the energy and nutritional content of the product, such as a fast-food product or a composite dish, is not known, the energy, saturated fat and salt content is calculated. See separate section on the thresholds for nutrients, energy, and sweeteners.

If the product complies with one or more of the thresholds for the food category in question, the product is covered by the Regulations. For example, a product that belongs to food category 8 Breakfast Cereals and that exceeds the threshold for sugars and/or has a lower content of dietary fibre than the threshold, will be covered by the Regulations.

Products that do not comply with all the thresholds for the food category in question are not covered by the Regulations. For example, a product that belongs to food category 8 Breakfast Cereals and that has a content of sugars lower than the maximum level and that has a higher content of dietary fibre than the threshold, will not be covered by the regulations.