

Marketing Restrictions on Unhealthy Foods and Beverages to Children. Frequently Asked Questions (FAQs)

Q. Is there a complete ban on advertising the designated products that can be detrimental to the health of children and infants, or only a ban on advertising directed specifically at children?

The Gazette places restrictions only on advertising and promotion directed at children, not a complete ban on advertising designated products. Section 3 of the Food Regulations 2014 defines a child as a person below the age of 18 years.

Q. What are some examples of food products and non-alcoholic beverages that are subject to marketing restrictions?

The following are examples of items considered restricted products:

Pre-packaged and labelled:

- Chocolate and sugar confectionery, and sweet toppings, desserts, cakes, sweet biscuits, pastries, savoury snacks → restricted mainly at point-of-sale

Sugar sweetened beverages:

- Dairy products: Flavoured milk powders, flavoured ready-to-drink milk, and other flavoured dairy → restricted mainly for point-of-sale display
- Flavoured waters: → restricted mainly for point-of-sale display
- Sodas, fruit drinks, sports and energy drinks → all forms of advertising restricted

Q. How is the “advertising or promotion to children” defined?

“Advertising or promotion to children” is defined in Food Regulations 2014, Clause 40(3) and 40(4). Advertising or promotion is considered directed at children if it is intended to appeal to, attract, or influence children.

Examples of advertising or promotion not allowed for designated products if aimed at children include:

- Print: newspapers, magazines, comic books
- Outdoors: billboards, posters, moving vehicles
- Anything likely to appeal to children (cartoons, characters, music, games)
- Broadcast: TV or radio from 6 am to 9 pm
- Internet, websites, social media, apps, or electronic media aimed at children
- Places where children gather: schools, playgrounds, day-care centres, clinics

Q. Does the Gazette distinguish between:

- Passive product display
- Price communication EG Bluebird chips buy 2 get 1 free
- Promotional mechanics (e.g., competitions, “win” messaging)?
- Are there any restrictions relating to checkout displays?



The Gazette does not distinguish between passive displays, price promotions, promotional mechanics, or checkout displays (refer to Clause 40(5))

Q. How are point-of-sale displays defined?

- The following are considered point of sale:
- Shelf displays, checkout counters, supermarket aisles
- Special offers, promotions, tasting samples, vending machines in schools

Q. If advertising occurs where children can see it, is that restricted or non-compliant?

Advertising is not considered non-compliant simply because children may see it, unless generally children make up more than 30% of the audience

Q. Is non-compliance determined by the intent, creative content, placement, or audience exposure of the advertising and promotional material?

Yes, advertising must be directed at children in its intent or content to be considered non-compliant. Determination is based on criteria outlined in Clause 40(4).

Q. If advertising is clearly directed at adult shoppers, but children may see it incidentally (in-store, newspaper, radio, or social media), would that be considered non-compliant?

Advertising clearly directed at adult shoppers (e.g., in-store, newspapers, radio, or social media) is not considered non-compliant, even if children may see it incidentally.

Q. Are standard retail merchandising practices permitted where no child-directed imagery is used, including:

- Shelf talkers
- End caps
- Dump bins
- Gondola displays
- Price specials

Standard retail merchandising practices are permitted if no child-directed imagery is used, including:

- Shelf talkers
- End caps
- Dump bins
- Gondola displays
- Price special

Q. Can supplier-led tastings and activations continue if not directed at children?

Tastings and activations are allowed if not directed at children under the age of 18

Q. Are prize draws or promotions permitted where entry is strictly 18+?

Prize draws or promotions limited to 18+ are permitted.

Q. Does restricting access to certain content, products, or services based on a user's age satisfy compliance requirements?

Yes, restricting access to certain content, products, or services based on a user's age is considered compliant.

Q. Are supermarket newspaper price advertisements permitted where they are clearly directed at adult shoppers? EG Muesli Bars, Chips?

Supermarket newspaper price advertising directed at adult shoppers is permitted.

Q. Are social media posts considered advertising to children because the platform allows users aged 13+?

Social media posts advertising the designated products that are intended to appeal to children are restricted. This falls under marketing restrictions in Food Regulations 2014, Regulation 40(5)(c).

Q. If paid campaigns on Facebook are restricted to 18+, is this compliant?

Facebook paid campaigns restricted to 18+ audiences are compliant.

Q. Are pre-recorded in-store radio considered advertising to children simply because children may be present in the store?

Pre-recorded in-store radio is not considered advertising to children simply because children may be present in the store

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