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LAW NO. 20,606

ON THE NUTRIENT COMPOSITION OF FOOD AND ITS ADVERTISING

Considering that the H. National Congress has approved the following bill, initiated in motion of the Honorable Senators Mr. Guido Girardi Lavin, Carlos Ignacio Kuschel Silva and Mariano Ruiz-Esqueda Jara, and the former Senator Mrs. Evelyn Matthei Fornet and Carlos Ominami Pascual.

Legislative Bill:

"Article 1. - The manufacturers, producers, distributors and importers of food must proceed in terms of production, import, processing, packaging, storage, distribution and sale of food for human consumption, in the manner and conditions for each case, depending on the nature of the product, required by the authority under the existing regulations. It is the responsibility of the manufacturer, importer or producer that the available information on the labels of products is complete and accurate. Likewise, they must guarantee that within the supply chain in which they are involved, the process of food elaboration complies with good manufacturing practices that ensure the safety foods.

Article 2. - The manufacturers, producers, distributors and importers of food must inform in their packages and labels the contained ingredients, including all additives expressed in descending order of their proportions, and nutritional information expressed in their percentage composition, weight units or the nomenclature indicated by the existing regulations.

The Ministry of Health, through the Food Safety Regulations, shall determine the shape, size, color, proportion, characteristics and content of the nutritional food labels and tags, guaranteeing that the information contained therein is visible and easily understood by the population.

The labeling referred to in the preceding paragraph will include, at least, the energy content, sugars, sodium, saturated fat and others that the Ministry of Health determines.

Article 3. – No ingredients or additives should be added to foods and prepared meals that could lead to errors, health damage, deceit or falsehoods, or that in any form are susceptible to create a misleading impression about their true nature, composition or quality, according to the established by the Food Safety Regulations.

No ingredients or additives should be added to foods in concentrations that might cause health damage, according to established regulations by the Ministry of Health.

Section 4. - Pre-school, elementary and secondary school establishments of the country should include, at all levels and types of teaching, educational and physical activities which contribute to the development of healthy eating habits and advise about the harmful effects of diets rich in fat, saturated fat, sugars, sodium and other nutrients that in determined quantities and volumes can pose a health risk.

The country's educational institutions should incorporate physical and sport activities, to encourage their students to have an active and healthy lifestyle.

Article 5. - The Ministry of Health will determine which foods, according to weight unit, volume, or portion size, have in their composition high nutritional content in calories, fats, sugars, salt or other ingredients determined by the regulations. These foods should be labeled as "high in calories," "high salt" or an equivalent designation, pertinent to each case.

The information listed above, including its content, form, size, messages, signs or pictures, proportions and other characteristics, will be determined in the Food Safety Regulations by the Ministry of Health. Likewise, it may also set limits on the energy and nutritional content of the foods referred to in the preceding paragraph.

The Health Authority, in exercise of its powers, may corroborate with their own analysis the information on the food labels, not affecting otherwise the exercise of its supervisory powers.

Article 6. - The foods referred to in the previous paragraph shall not be dispensed, commercialized, promoted and advertised in local nursery, elementary and secondary school establishments.

Likewise, offering or free distribution is prohibited to 14 year-old minors, and therefore all advertising aimed at them.

In any case, consumption in minors shall not be induced and therefore the practices that take advantage of children's natural credulity. The sale of foods targeted toward children may not take place through advertisement hooks that are not related to the promotion of the product itself, such as gifts, contests, games or other items that attract children.

All food advertisement made through mass media should carry a message, its characteristics determined by the Ministry of Health, to promote healthy lifestyles.

The labels of breast-milk substitutes should not discourage breastfeeding. Likewise, labels must include information concerning the superiority of breastfeeding and indicate that the product should only be used after consultation with health professionals.

The Ministry of Health shall provide, in conjunction with the Ministry of Education, a mandatory nutritional monitoring system for students in nursery, elementary and secondary schools, which will guide them to follow a healthy lifestyle.

Article 7. - The advertising of products described in Article 5, no may be directed to children under the age of fourteen.

For purposes of this law, advertising shall be understood as any form of marketing, communication, recommendation, propaganda, information or action intended to promote the consumption of a product.

Section 8. - The promotion of the food mentioned in article 5 shall not be performed using advertising hooks that do not relate to the product itself when directed to children under the age of fourteen.

Under no circumstance must adverting hooks such as toys, accessories, stickers, or similar be used as incentives.

Article 9. - The packages or labels of all food product that have been commercialized in Chile, containing

among its ingredients or that have used in its elaboration soymilk, peanut, egg, shellfish, fish, gluten or dried fruits, shall indicate it.

The specific regulations shall establish the requirements needed for the referred labels.

Article 10. – The violation of the stipulations stated in this bill shall be sanctioned according to the Tenth Edition of the Health Code.

Article 11. - The Ministry of Health must comply and implement the matters covered in this law, through the Department of Public Health, within one year from the date of its publication in the Official Gazette."

Having complied with the provisions established in No. 1 of Article 93 of the Constitution of the Republic, and since the H. National Congress has approved some of the comments made by the Executive and has rejected others; thus, enact and take effect as Law of the Republic.

Santiago, June 22, 2012. - SEBASTIÁN PIÑERA ECHENIQUE, President of the Republic. - Jaime Mañalich Muxi, Minister of Health. - Pablo Longueira Forestry, Minister of Economy, Development and Tourism.

Transcribe for your information Law No. 20.606/2012.- yours sincerely, Jorge Díaz Anaiz, Subsecretary of Public Health.

Constitutional Court

Legislation Bill on the nutrient composition of foods and its advertising (Bulletin No. 4921-11)

The Secretary of the Constitutional Court, which subscribes, certifies that the Senate of the Republic of Chile sent the bill indicated in the title, approved by the National Congress to enable the Court to exercise constitutional control over the rules contained in the regulations proper to the constitutional organic law, and that ruling on June 5, 2012 by Court Decision No. 2224-12-CPR.

Declares:

That this Court do not comment on the constitutionality of Article 4 of the Bill on the nutrient composition of foods and its advertising, Bulletin No. 4921-11, since it does not contain regulations proper to the constitutional organic law.

Santiago, June 6, 2012. - Marta de la Fuente Olguin, Secretary.