[DE] Broadcasting Commission criticises federal ministry's proposed ban on high-sugar food advertising

IRIS 2023-5:1/27

Dr. Jörg Ukrow
Institute of European Media Law (EMR), Saarbrücken/Brussels

On 27 February 2023, the *Bundesministerium für Ernährung und Landwirtschaft* (Federal Ministry of Food and Agriculture – BMEL) presented the key elements of a proposed bill prohibiting the advertising of foods with high sugar, fat or salt content. The BMEL's initiative follows the discovery that food advertising aimed at children very often promotes highly processed foods that contain excessive levels of these ingredients. Excessive consumption of such foods contributes to diet-related diseases (e.g. obesity, diabetes) that have high societal costs. Food advertising has a lasting impact on the eating habits of children under 14 years of age, who are particularly receptive to advertising. Parents have little opportunity to protect their children from advertising and lifelong nutritional behaviour is decisively shaped during childhood.

In order to protect children, take the pressure off parents in everyday life and contribute to a better nutritional environment, advertising in all relevant media for foods with a high sugar, fat or salt content should, according to the BMEL, no longer be aimed at children. Previous voluntary commitments and industry rules have not been able to effectively protect children from negative advertising influences.

Under the BMEL's initiative, advertising aimed at children under 14 for foods high in sugar, fat or salt will no longer be allowed. The advertising ban will cover all media relevant to children, including influencer marketing. Based on the advertising environment or other context, advertising of such food will also be prohibited (1) if it is broadcast on television and radio between 6 a.m. and 11 p.m. and it is therefore consciously accepted that it will be regularly seen or able to be seen by children, and (2) if it is broadcast in the context of content aimed at children. Sponsorship of such products aimed at children will also be prohibited. The assessment of high sugar, fat or salt content will be based on the requirements of the World Health Organization's nutrient profile model.

In a resolution dated 8 March 2023, the *Rundfunkkommission* (Broadcasting Commission) of the *Länder* stated that the BMEL's proposals concerned media regulation issues that fell under the legislative and supervisory remit of the *Länder*. In view of current legislative responsibilities, rules at national and European levels, including Article 6(7) of the *Jugendmedienschutz-Staatsvertrag* (state treaty on the protection of young people in the media), adopted by the

© European Audiovisual Observatory (Council of Europe) 2026

Länder to implement Articles 9(4) and 28b(2) of the EU's Audiovisual Media Services Directive, and existing monitoring and self-regulatory structures, the Broadcasting Commission urged the BMEL to seek dialogue with it before taking any further action.

Pressemitteilung des BMEL vom 27. Februar 2023

https://www.bmel.de/DE/themen/ernaehrung/gesunde-ernaehrung/kita-und-schule/lebensmittelwerbung-kinder.html

BMEL press release, 27 February 2023

Beschluss der Rundfunkkommission vom 8. März 2023

https://www.rlp.de/fileadmin/rlp-stk/pdf-Dateien/Medienpolitik/Beschluesse_der_Rundfunkkommission/2023-03-08_Beschluss_RFK_TOP_5_BMEL_Suessigkeitenwerbung.pdf

Broadcasting Commission decision of 8 March 2023

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026