

Food labelling legislation - not just about compliance



By [Odette van der Haar](#)

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The requirements of the new '[food labelling](#)' legislation presents an enormous opportunity for the advertising profession.

The legislation has been passed into law - effective 1 March 2012. There's been a lot of talk about the complexity of how labels would look - if they did comply with legislation. It is, therefore, essential that advertising agencies should become familiar with the requirements of the legislation or should, at the very least, have access to a consultant that can advise on the technicalities of legislative requirements - in order to advise clients effectively.

Our special advisor at the [Association for Communications and Advertising](#) (ACA), [Prof Piet Delport](#), tells us that the regulations will completely alter the way in which food products are presented to consumers.

Wording for packaging, marketing material and advertising

With the new legislation, wording used on packaging, in marketing material and in any form of advertising should not hint at health benefits that cannot be substantiated. Commonly used descriptive words such as 'wholesome' and 'nutritious' are now illegal on labels and ads. With regards to fortified foodstuffs, food labels can only make nutritional claims if the packaging is in line with separate fortified foodstuffs regulations.

Our assessment is that, at present, at least 90% of food advertising contains some sort of health claim. In addition, if labels and adverts make comparative claims - such as 'low fat' or 'high fibre' - the product must first comply with a specific set of requirements.

So, where does this leave advertising in this sector? Well, in my view, it allows us as advertising professionals to access a real opportunity to offer clients creative solutions for difficult business problems.

Creative advantage

In complying with legislation, we forget that a creative advantage can translate into a competitive advantage in the marketplace. So yes, there's work to be done, from a label redesigning and product branding perspective.

But what if a clever marketing manager took it one step further and used advertising campaigns to educate the market about aspects of the food labelling classifications and in so doing, gained competitive advantage?

Let's take a product that focuses on educating diabetics about their illness. It is a [strategy](#) that the pharmaceuticals sector

(which isn't allowed to advertise specific brands of medicine) has used very effectively.

Opportunity to generate more work

Therefore, if managed correctly, it is an opportunity not simply to generate more work by offering creative rebranding but a chance to add value directly to the business by creating a competitive advantage, thereby aiding the business case for advertising. It is also a chance for the product (and the advertising sector) to win the trust of consumers by building credibility.

We all know that consumers are as confused as ever by the claims that different products made. This situation is made worse by the health sciences which, over the years, have made claims and counter-claims with regard to the merits of food categories. Think of the butter-vs-margarine-vs-butter debate.

The intent of the legislation is to help consumers make wise food choices and the advertising sector should be positioning itself aggressively as a profession that can aid compliance with the legislation but that can also, more importantly, achieve the intent of the legislation by educating the market and building trust between the product and its consumers.

ABOUT ODETTE VAN DER HAAR

Odette van der Haar joined Publicis as the MD from 1 September 2019, before which, she was the CEO of JWT Jhb. She was also CEO of the Association for Communication and Advertising (ACA) (www.acasa.co.za), the industry body of the SA advertising and communications sector, and previously headed up Sentechn's Advertising, Events and Sponsorships portfolio...

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