

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 9/27/2017

GAIN Report Number:

Peru

Post: Lima

Peru Publishes Warning Manual for Processed Product Food Labels

Report Categories:

Trade Policy Monitoring
Agricultural Situation

Approved By:

Casey E. Bean

Prepared By:

FAS Lima

Report Highlights:

Peru has published the “Warning Manual” for food labeling under the *Law on the Promotion of a Healthy Diet*. The manual establishes specifications for the inclusion of warnings on the front of package labels of food products that exceed the limits for salt, sugar, saturated fat, and trans-fats that were established in the *Law on the Promotion of a Healthy Diet*. Peru notified the Manual to the World Trade Organization (WTO), with comments being accepted until November 30, 2017. The U.S. Government will submit comments as well.

General Information:

The Ministry of Health published on August 18, 2017, the “Warning Manual” (the Manual) for food labeling under the *Law on the Promotion of a Healthy Diet*. The Manual establishes detailed specifications for the inclusion warnings on the front of package labels of products that exceed the limits for salt, sugar, saturated fat, and trans-fats that were established in the *Law on the Promotion of a Healthy Diet*.

The publication grants a 90-day comment period after which a final version will be approved by the Ministries of Health, Agriculture, Production, Trade, Social Inclusion, Economy and the Prime Minister. Then the proposal is approved through a Supreme Decree. The Manual will have an implementing period of six months after the publication of the final version. Peru also notified the Manual to the World Trade Organization (WTO), with comments being accepted until November 30, 2017. The U.S. Government intends to submit comments as well.

The draft Manual uses guidance from the Pan-American Health Organization (PAHO) and establishes a labeling regimen that is very similar to that of Chile’s junk food labeling requirements. The manual establishes an octagonal format in red, white and black. Warnings must include:

HIGH IN SODIUM (SUGAR, FAT OR CONTAINS TRAN-FATS)

Avoid Excessive Consumption

Ministry of Health

This requirement exceeds the requirements laid out in Article 10 of the *Law on the Promotion of a Healthy Diet*, as the law does not stipulate the inclusion of “Ministry of Health” on the warning label. Moreover, the regulation establishes nutritional parameters per one hundred grams instead of per serving size.

Peruvian industry representatives have expressed concerns that the regulation discriminates against processed industrial products and would encourage informal production, unemployment, and hamper economic growth. The food industry in Peru accounts for 27 percent of the industrial GDP.

A translation of the text of the warning manual is found below.

MANUAL ON ADVERTISING WARNINGS PURSUANT TO THE REGULATIONS OF THE LAW 30021, LAW ON THE PROMOTION OF A HEALTHY DIET FOR CHILDREN AND ADOLESCENTS

1. OBJECTIVE

Provide the technical specifications to include advertising warnings in processed food items and the media pursuant to the Regulations of Law 30021, Law on the Promotion of a healthy diet for children and adolescents, approved by Supreme Decree 017-2017-SA.

2. SCOPE

The provisions included in the Manual of Advertising Warnings hereof shall apply nationally, regionally and locally, and both to the public and private sector. Furthermore, they reach all natural and legal persons manufacturing, trading, importing, supplying and advertising processed food within the national territory. Advertising spots targeting a market other than the Peruvian shall be excluded from the Manual hereof.

3. JUSTIFICATION

Globally, studies show that nutritional information available on food products' labels is hard to be found and understood. This has an impact on the consumers when they use it to choose healthy products. Lately, we have observed that advertising warnings located in the frontal side of processed products make it easier for consumers to make informed decisions when choosing to buy healthy products. These warnings provide simple and easily understandable information on critical nutrients such as sugar, saturated fats or sodium contained in processed food.

Regulations of the Law 30021, Law on the Promotion of a healthy diet for children and adolescents, approved by Supreme Decree 017-2017-SA, states that processed food shall carry advertising warnings. Article 15 of the abovementioned regulations indicate that advertising warnings shall apply to processed food, which sodium, sugar, saturated fat and trans fat content exceeds the technical parameters.

The Second Complementary and Final Provision of Regulations to the Law 30021, Law on the Promotion of a healthy diet for children and adolescents, provides that the Ministry of Health shall prepare the Manual on Advertising Warnings for labeling stating "high in sodium", "high in sugar", "high in saturated fats" or "trans fat content". Moreover, it says that advertising warnings shall be clear, legible, prominent and understandable in the frontal side of the product's label.

Within this context, the Ministry of Health made a qualitative research study offering elements to prepare the Manual on Advertising Warnings. The study was conducted through focal groups, aiming at getting information on the participants' perceptions, attitudes and practices on a healthy diet, as well as form, color and content elements considered by advertising warnings that are easily understood and accepted by the audience within the framework of the Regulations of the Law 30021. Male and female adolescents participated, as well as parents from schools in Lima, Trujillo, Cusco, and Tarapoto. The Manual on Advertising Warnings is based on the findings of this study, among which the ignorance of the law 30021 and the acknowledgement of the significance of having warnings on unhealthy products stand out. The support and trust generated when mentioning the Ministry of Health in the advertising warnings also stands out, within the framework of the Ministry of Health's role: protecting people's health. This Manual of Advertising Warnings includes technical specifications to incorporate such warnings in processed food items and the media.

4. TECHNICAL PARAMETERS

Technical parameters to be considered when applying the Manual hereof are stated below, and they will enter into force with the approval of the Manual on Advertising Warnings referred to in the Second Complementary and Final Provision of the Regulations of the Law 30021, Law on the Promotion of a healthy diet for children and adolescents.

Technical parameters	Entry into force	
	6 months after approval of the Manual on advertising warnings	39 months after approval of the Manual on advertising warnings
Sodium In solid food	Greater than or equal to 800 mg/100g	Greater than or equal to 400 mg/100g
Sodium in beverages	Greater than or equal to 100 mg/100ml	Greater than or equal to 100 mg/100ml
Total Sugar In solid food	Greater than or equal to 22.5g/100g	Greater than or equal to 10g /100g
Total Sugar In beverages	Greater than or equal to 6g/100ml	Greater than or equal to 5g/100ml
Saturated Fats In solid food	Greater than or equal to 6g/100g	Greater than or equal to 4g/100g
Saturated Fats In beverages	Greater than or equal to 3g/100ml	Greater than or equal to 3g/100ml
Trans fats	Pursuant to the laws into force	Pursuant to the laws into force

5. ON ADVERTISING WARNINGS' CONTENT

Advertising warnings shall be applicable to processed food items which content of sodium, sugar, saturated fats and trans fats exceed the technical parameters, pursuant to article 4 of the Regulations of the Law 30021, Law on the promotion of a healthy diet for children and adolescents.

The content of advertising warnings is the following:

<p>HIGH IN SODIUM Avoid excessive consumption Ministry of Health</p>

<p>HIGH IN SUGAR Avoid excessive consumption Ministry of Health</p>
--

<p>HIGH IN SATURATED FATS Avoid excessive consumption Ministry of Health</p>

<p>TRANS FAT CONTENT Avoid consumption Ministry of Health</p>
--

6. ON THE ADVERTISING WARNINGS FORMAT IN PROCESSED FOOD

Advertising warnings should be clear, legible, prominent and understandable in the frontal side of the product's label, according to the following specifications and details included in Annex 1:

- Shape: Octagon
- Color: Red, black and white
- Font: Helvetica LT Std – Bold
- Inside the octagon:
 - a. For processed food exceeding the technical parameters referred to sodium, sugar and saturated fat content, the text “HIGH IN” , followed by: “SODIUM” , “SUGAR” , “SATURATED FATS” , in one or more independent symbols, accordingly, as it may correspond. Include “Ministry of Health” below the text.
 - b. For processed food exceeding the technical parameters referred to Trans Fat content, the text “TRANS FAT CONTENT” shall be included. Include “Ministry of Health” below the text.
- Under the octagon, and inside a rectangle framed with a black line and with a white background:
 - a. For processed food exceeding the technical parameters referred to sodium, sugar and saturated fat content, the following text shall be included:
AVOID EXCESSIVE CONSUMPTION
 - b. For processed food exceeding the technical parameters referred to trans fat content the following text shall be included:
AVOID CONSUMPTION

7. ON THE LOCATION OF ADVERTISING WARNINGS

- Advertising warnings shall be located in the upper right area of the front side of the package, containing or surrounding the product unit.
- In the event that the processed product requires more than one warning, the order below shall be followed from left to right and top to bottom:
 - a. High in sodium.
 - b. High in sugar
 - c. High in saturated fats.
 - d. Trans fats content.
- If the total area of the package's front side is up to 20 cm², the warning shall be included in the package that contains it.

8. ON THE SIZE OF ADVERTISING WARNINGS

There are four sizes for advertising warnings, which shall be decided based on the total area of the package's front side or main side, as established in the table below:

Package's front or main side area	Size of advertising warnings
Up to 20 cm ²	3 cm wide x 3,72 cm high (in a package containing the product)

From 20 to 40 cm ² of area	1,5 cm wide x 1,86 cm high
From 40 to 100 cm ² of area	2,0 cm wide x 2,48 cm high
From 100 to 200 cm ² of area	2,5 cm wide x 3,10 cm high
Larger than 200 cm ² of area	6,0 cm wide x 3,72 cm high

- For cylindrical packages, the area of the rectangle formed by the diameter and the cylinder height shall be considered as the front side area.
- Only for warnings that require an area of 1,5 cm wide x 1,86 cm high, the wording Ministry of Health may be replaced by its acronym MINSA.

9. ON HOW TO INCLUDE THE WARNINGS IN THE MEDIA

9.1. ON THE CONTENT OF PROCESSED FOOD ADVERTISING WARNINGS IN THE MEDIA

Advertising messages of processed food with advertising warnings presented in the media shall include the corresponding advertising warning content

HIGH IN SODIUM
Avoid excessive consumption
Ministry of Health

HIGH IN SUGAR
Avoid excessive consumption
Ministry of Health

HIGH IN SATURATED FATS
Avoid excessive consumption
Ministry of Health

TRANS FAT CONTENT
Avoid consumption
Ministry of Health

- Fixed and moving images in all types of advertising displayed in the media, referred to processed food and including warnings, shall clearly show these warnings in front of the camera, so that the consumer is able to see them and know it is a product with warnings.
- Processed product's advertising including warnings shall not use elements targeting people under the age of 16, such as child-appealing characters, child figurines, accessories, toys, cartoons, etc.

9.2. ON ADVERTISING ON PRINT MEDIA

Advertising on print media, on billboards in the streets and Internet ads shall include legible warnings in an area covering up to 15% of the ad, according to the scale below:

- Products with one warning: 7.5% of total ad size.
- Products with two warnings: 7.5% of the total ad size for each warning

- c. Products with three warnings: 5% of the total ad size for each warning.
- d. Products with four warnings: 3.75% of the total ad size for each warning.

9.3. ON ADVERTISING IN RADIO AND AUDIOVISUAL MEDIA

- Advertising in radio and audiovisual media (video, TV and films) shall include clear, prominent and understandable warnings, as add-ons after the commercial advertising piece.
- The audio warning of ads displayed in radio and audiovisual media (video, TV or films) shall be played back at the recording speed.
- In audiovisual media, add-ons shall include voice-over audio and a video displaying the corresponding warning.
- In the event that there are more than one warning referred to sodium or sugar or saturated fats, the audio shall comprise the following variations:

HIGH IN SODIUM AND SUGAR
Avoid excessive consumption
Ministry of Health

HIGH IN SODIUM AND SATURATED FATS
Avoid excessive consumption
Ministry of Health

HIGH IN SUGAR AND SATURATED FATS
Avoid excessive consumption
Ministry of Health

TRAHIGH IN SODIUM, SUGAR AND SATURATED FATS
Avoid its consumption
Ministry of Health

- If a warning on trans fats had also to be included, the following variations apply:

HIGH IN SODIUM
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SUGAR
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SATURATED FATS
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SODIUM AND SUGAR
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SODIUM AND SATURATED
FATS
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SUGAR AND SATURATED FATS
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

HIGH IN SODIUM, SUGAR AND
SATURATED FATS
Avoid excessive consumption

TRANS FAT CONTENT
Avoid its consumption

Ministry of Health

10. Other complementary considerations

- a. An independent warning shall be used for each critical nutrient exceeding the established parameters pursuant to article 4 of the Regulations.
- b. The warnings shall be indelibly included in the label and shall not be partially or totally covered by any other element.

- c. Warnings shall be in compliance with the Second Complementary and Final Provision, which states that advertising warnings shall adjust to the laws into force and aiming at implementing accessible means and formats for communicating them to people with disabilities, pursuant to the Regulations of the Law 29973, General Law on people with disabilities, approved by Supreme Decree 002-2014-MIMP.

The mechanisms ensuring communication to people with disabilities include: sign language, Braille system, tactile communication, Macrotipo, text visualization, multimedia devices, written language, hearing systems, simple language, digitalized voice media, augmentative or alternative communication means, and others.

ANNEX 1
CHARACTERISTICS OF ADVERTISING WARNINGS

1. On the format of the four advertising warnings

Example of elements in the description: “HIGH IN SUGAR”

HIGH IN SUGAR
Ministry of Health

AVOID EXCESSIVE CONSUMPTION

2. Advertising warnings’ proportions

Example: “HIGH IN SUGAR”

Proportions of the warning “HIGH IN SUGAR”

HIGH IN SUGAR
Ministry of Health

AVOID EXCESSIVE CONSUMPTION

Example: “HIGH IN SODIUM”

Proportions of the warning “HIGH IN SODIUM”

HIGH IN SODIUM
Ministry of Health

AVOID EXCESSIVE CONSUMPTION

Example: “HIGH IN SATURATED FATS”

Proportions of the warning “HIGH IN SATURATED FATS”

HIGH IN SATURATED FATS
Ministry of Health

AVOID EXCESSIVE CONSUMPTION

Example: “TRANS FAT CONTENT”

Proportions of the warning “TRANS FAT CONTENT”

TRANS FAT CONTENT

Ministry of Health

AVOID CONSUMPTION

3. Space between advertising warnings
4. Color: All symbols in the warning are comprised by color

White

Printed Format

0 R: 255

Digital Format

G: 255

W: 255

Red

Printed Format

PANTONE

Color bridge

Coated

185C

Uncoated

185U

Digital Format

R: 225

G: 6

W: 19

Black

Printed Format

PANTONE

Color bridge

Coated

Process Black C

Uncoated

Process Black U

Digital Format

R: 0

G: 0

W: 0

5. Location

HIGH IN SUGAR

Ministry of Health

AVOID EXCESSIVE CONSUMPTION

HIGH IN SODIUM

Ministry of Health

AVOID EXCESSIVE CONSUMPTION

HIGH IN SATURATED FATS TRANS FAT CONTENT

Ministry of Health

AVOID EXCESSIVE CONSUMPTION

Ministry of Health

AVOID CONSUMPTION

HIGH IN SUGAR

Ministry of Health

AVOID EXCESSIVE CONSUMPTION

HIGH IN SODIUM

Ministry of Health

AVOID EXCESSIVE CONSUMPTION

HIGH IN SATURATED FATS

Ministry of Health
AVOID EXCESSIVE CONSUMPTION

One advertising warning

Two advertising warnings

Three advertising warnings

Four advertising warnings

6. Font

The font used in the warning is Helvetica

ABCDEFGH
IJKLMNOPQRSTU

Minimum size

Whenever the label requires to include the smallest warning (minimum size), that is 1.5 cm wide by 1.86 cm high, the wording “Ministry of Health” may be replaced by “MINSA” .

HIGH IN SUGAR
Ministry of Health
AVOID EXCESSIVE CONSUMPTION

HIGH IN SUGAR
MINSA
AVOID EXCESSIVE CONSUMPTION