

The Influence of Advertising in the Respect of the Right to Adequate Food: Some Notes regarding the Portuguese Legal Framework

Authors : Susana Almeida

Abstract : The right to adequate food is a human right protected under several international human rights treaties of universal or regional application. In addition, this social right is - as we intend to demonstrate - guaranteed under the Portuguese Constitution. Therefore, in order to assure the protection of this right, the Portuguese State must not only abstain from interfering with this human right (negative obligation) but also take action to secure the human right to adequate food (positive obligation). In this context, the Portuguese State has developed several governmental policies, such as taxing sugary drinks, setting the maximum amount of salt in the bread or creating the National Program for the Promotion of Healthy Food. Nevertheless, we intend to demonstrate that special attention should be given to advertising, as advertisements have an extreme influence on the consumers' decisions and hence on the food decisions. In this paper, besides explaining the cross construction of the human right to adequate food, we aim to examine the Advertising Portuguese Code and to study the several provisions that could be held by the Portuguese consumer to challenge some advertisements due to the violation of the right to health and the right to adequate food. Moreover, having in mind the influence of advertising on the food decisions and the serious problems that unhealthy food may bring (e.g., child obesity), one should ask if this legal framework should not be reviewed in order to lay out some restrictions on advertising, namely setting advices like in alcohol advertisements.

Keywords : advertising code, consumer law, right to adequate food, social human right

Conference Title : ICHPR 2018 : International Conference on Human and Peoples' Rights

Conference Location : Bali, Indonesia

Conference Dates : October 22-23, 2018