
Colombia: Constitutional Court awarded for defending consumer rights

This campaign highlights the amount of sugar consumed through drinking sugar-sweetened beverages © Educar Consumidores / Vital Strategies

A 2017 ruling by the Constitutional Court of Colombia defending the right of consumers to information about the effects of sugar on health has won the Global Freedom of Expression Award, presented by the University of Columbia. In its decision the court also lifted a ban on a TV ad produced by the organisation Educar Consumidores, which warned about the health effects.

In December 2015, Educar Consumidores, which participates in the NCD Alliance network in Latin America, began working on a public information campaign about the adverse effects on health of consuming sugary beverages.

Among other dissemination and advocacy strategies, Educar Consumidores produced a television spot that immediately provoked a strong, negative reaction by industry, while the main television networks refused to broadcast it. Postobón, the country's largest beverage company, soon filed a legal complaint against the piece on the grounds that it disseminated misleading information.

This complaint was accepted by the Superintendence of Industry and Commerce, which prohibited Educar Consumidores from discussing any issue related to the consumption of sugary drinks through any communication media or social network.

In response Educar Consumidores, and the other organisations that belong to the civil society body Aliansa de Salud Alimentaria, launched legal action on the basis of protecting fundamental rights such as freedom of expression.

The case rose to the Constitutional Court, which ruled that consumers' right to information had been violated and ordered that censorship of the information be revoked. According to the court, the audiovisual piece created by Educar Consumidores, far from being a commercial message, was intended as a public health campaign to warn about the health risks of excessive consumption of sugar-sweetened beverages.

For that ruling, the University of Columbia bestowed the Global Freedom of Expression Award on the Constitutional Court of Colombia. The award is the first in the world to recognise judicial decisions and legal services that strengthen freedom of expression by promoting international standards.

The awarding committee stated that the court's decision could not be more important in view of the current global epidemic of obesity and diabetes, and should be recognised as guaranteeing the right of consumers to access information about the products they consume.

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Tags: [SSB](#) [1]

[nutrition](#) [2]

[campaigns](#) [3]

[Colombia](#) [4]

[human rights](#) [5]

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[1] <https://ncdalliance.org/taxonomy/term/733>

[2] <https://ncdalliance.org/category/tags/nutrition>

[3] <https://ncdalliance.org/taxonomy/term/682>

[4] <https://ncdalliance.org/taxonomy/term/734>

[5] <https://ncdalliance.org/taxonomy/term/136>

[6] <https://ncdalliance.org/news-events/news/civil-society-atlas-spotlights-national-and-regional-initiatives-to-tackle-ncds>