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Letter to the Editor

Re: Evaluation of compliance with the Spanish Code of self-regulation of food and drinks advertising directed at children under the age of 12 years in Spain

Dear editors of *Public Health*,

Recently, an article written by León-Flández K, Rico-Gómez A, Moya-Geromin MÁ, et al. Evaluation of compliance with the Spanish Code of self-regulation of food and drinks advertising directed at children under the age of 12 years in Spain, 2012. *Public Health* 2017; 150:121–9.

The main conclusion of this article is that ‘The trend plotted by self-regulation in Spain across the period 2008–2012 is clearly negative, and the degree of compliance with the PAOS Code is extremely low in most of the dimensions analysed.’

We would like to make some clarifications in this regard, speaking as the proponents of the above mentioned PAOS Code¹ for coregulation of the advertising of food and beverages directed towards children in Spain, along with AUTOCONTROL (association for the self-regulation of commercial communications) and FIAB (Spanish Federation of Food and Drink Industries).

The authors consider that if 100% of advertising content does not comply with all the rules/regulations/standards, the Code is working poorly. This conclusion does not seem faithful to reality, according to the results presented. Of the 25 standards listed in the PAOS Code, 19 of these have resulted in compliance from 80% or more of advertisements broadcast. This piece of information seems to reflect a significantly high level of advertising quality. Regarding the six remaining standards, we believe that it is necessary to make some clarifications. For two of these standards, compliance was greater than 70%. In three others (16, 18, and 19), the number of advertisements studied was very low compared with the rest of the standards. For example, only three advertisements were studied in respect to standard 19. With such a small sample size, it is impossible to extract meaningful generalities. The last standard, standard 8, was also evaluated using a sample that was much smaller than the rest, as well as using a high degree of subjectivity.

It is important to note, as included in the data of the study itself, that the standards prohibiting the promotion of unhealthy habits or lifestyles (23, 24, and 25), have rates of compliance at 98.8%, 84.0%, and 99.6%, respectively. This allows us to deduce that the PAOS Code is indeed effective at avoiding the promotion of unhealthy habits and lifestyles among children. For this reason, we believe, and will objectively demonstrate, that this analysis regarding supposed non-compliance has been blown out of proportion.

The authors consider ‘uncertain compliance’ to mean that the message, without directly or expressly coming into conflict with one of the regulations analysed by the study, indirectly fails to comply or does not comply with ‘the spirit.’ This seems to be an assertion that is relatively difficult to determine, making it a subjective assessment.

Although the authors recognise that there is a high degree of subjectivity involved in their evaluation of the standards, this is not taken into account when it comes time to establish their conclusions, which we believe are equally subjective.

The study took place over two months, from January to April of 2012. These data are out-of-date, given that 5 years have passed. It was precisely in the year 2012 that the PAOS Code was reformed, modified, and expanded. Therefore, the assessment was carried out regarding the old Code and should not be kept in account concerning the current Code.

In respect to the comparison made between the rates of compliance with the PAOS Code during two periods of time analysed (2008 and 2012), we believe that there are several methodological differences that may put the conclusions arising from this comparison into doubt.

Regarding the selection of advertisements for evaluation, the authors mention that they were broadcast between 8 in the morning and 12 at night, excluding holiday periods. They justify the inclusion of the period from 10 PM to 12 AM alleging that this is when children watch television. We feel it is our duty to disagree with this conclusion. This time period is not considered to be within the times established for children's programming. We certainly believe that this is not the time when children should be watching television, and in fact do

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not believe that this is the case. It is for this reason that this period is not considered to fall under protections geared towards children's programming. This means that the advertisements broadcast during this period do not have the obligation of complying with the PAOS Code, and therefore introduce a significant bias that leads us to question the legitimacy of these conclusions.

Nor has the study considered a fundamental aspect of the PAOS Code, which is the prior consultation or 'copy advice' system: the advertising companies that have signed the Code submit their advertisements before being broadcast to the company AUTOCONTROL. This organization examines each advertisement to evaluate whether it complies with the Code and issues a verdict, which may be positive, request modifications, or negative. This means that there are advertisements that have not been broadcast due to having received a negative report. In 2016, there were a total of 724 prior consultations, of which 556 were positive, 103 in which modifications to the advertisement were recommended, and 65 received a negative report discouraging their broadcast. Among the advertisements that required modification or were rejected, 79 of them received this evaluation since they included the presence and participation of celebrities. All of this indicates that the PAOS Code is indeed effective, but the authors did not consider this information.

Furthermore, the effectiveness of the PAOS Code should be evaluated considering the advertisements of companies that have signed the Code. Although this includes a majority of companies, companies that have not agreed to the Code do exist and therefore have no reason to comply or submit themselves to the copy advice system before being broadcast. It could be argued that it is necessary that all companies subscribe to the Code, a matter than AECOSAN is permanently working on. We agree on the importance of this issue, but in no way believe that the Code is ineffective.

Due to all the above, we believe that the conclusions found in the study do not correspond with reality due to the

methodology employed to arrive at them. We are aware of the fact that, like almost everything, the coregulation system regarding food and drink advertising directed to children could be improved, as it was done in 2012. However, we believe that evaluation of this Code should be carried out with the highest degree of objectivity possible, and including all the relevant information.

REFERENCE

1. Spanish Agency for Consumer Affairs, Food Safety and Nutrition. *Code of co-regulation of advertising for food products and beverages directed to children, prevention of obesity and Health (PAOS Code)* [Internet]. 2012. Available from: http://www.aecosan.msssi.gob.es/AECOSAN/docs/documentos/nutricion/Nuevo_Codigo_PAOS_2012_ingles.pdf.

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