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Authors' Response

Re: Letter to the Editor of Public Health in response to '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'

We thank Robledo de Dios et al. for their interest and for providing an opportunity to further discuss some issues related to our work.¹ They do not share our conclusion regarding the lack of effectiveness of the PAOS Code because 19 out of 25 standards showed compliance over 80%. In fact, the standards reaching such level of compliance were 16 instead of 19 (15 if we do not disaggregate standard 13; see Table 2). However, close to 9 out of 10 advertisements did not meet at least one standard, and 67% of those failed to comply with three or more standards; 13.8% gave misleading information about the product; 18.5% exploited children's credulity; 79.4% did not meet the conditions for additional product information; 18.1% rewarded children for acquiring the advertised product or used terms to generate a feeling of urgency or exclusivity; 25% exploited children's special trust in adults, parents, and well-known persons; 16.8% included the participation of famous persons or characters; 95.3% did not meet the conditions of comparative presentations; 26% did not meet the presentation of essential conditions in the case of promotional offers; and so on. This is why we consider the Code is working poorly.

We evaluated each standard when it was required by the content of the advertisement. For example, standard 18 ('presentation of essential conditions in the case of promotional offers') was checked only in advertisements including promotional offers. Even so, the sample size was high enough to estimate with precision the percentage of non-compliance of all but one of the standards. Moreover, the sample size was more than enough to accurately estimate most of the standards' compliance as well as the overall compliance (see confidence intervals and *P*-values throughout the article).

We agree that the standards 23 (not to promote or present unhealthy eating habits or lifestyles), 24 (not to present the

product as a substitute for a meal), and 25 (not to underestimate the importance of healthy lifestyle habits) showed a high level of compliance. But deducing from this partial piece of information that 'the PAOS Code is effective at avoiding the promotion of unhealthy habits and lifestyles among children' is like diverting the attention from the overall picture or, at best, not being able to see the wood for the trees. Besides the disappointing PAOS Code compliance data presented in this study, it is hardly difficult, not to say impossible, to avoid the promotion of unhealthy habits in children when most advertised food products aimed at them are unhealthy, as we and many others have showed repeatedly.^{2–4} Furthermore, nearly two-thirds of the products advertised carrying nutrition or health claims were energy-dense and nutrient poor.⁵ This is the result of the PAOS Code being flawed from the onset because it fails to regulate the nutritional composition of the advertised products or the frequency of exposure, ignoring World Health Organization's recommendations.⁶

As pointed out in the article, we recognize that there is a 'certain' degree of subjectivity in the evaluation of some of the standards. For example, it can be sometimes difficult to determine if the advertisement is exploiting the children's credulity. Nonetheless, it does not follow from this limitation that our conclusions are subjective, as being claimed. First, most standards, particularly those with the highest levels of non-compliance, like the ones referring to the presence of famous persons or characters (standard 13) or to the conditions to be met for additional product information (standard 8), are much less or not at all prone to this kind of subjectivity. Second, to overcome this limitation we created a category of uncertain compliance, defined as 'any case where there was difficulty or lack of consensus in objectively evaluating compliance with a given standard'. And third, when we evaluated overall non-compliance, the 'uncertain compliance' diagnostic was considered into the 'compliant' category. So, we were conservative in determining non-compliance, in order

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to minimize any possible bias arising from this limitation. Furthermore, even if some bias still existed in the evaluation of some standards, it will not change the big facts showing that almost 90% of advertisements failed to comply with the Code, and two-thirds of them did not meet three of more standards.

The fact that the data were collected in 2012 has nothing to do with the validity of the study. The assessment was carried out with the Code in force at the time. However, had we used the Code currently in force, the results would have been identical, because the standards to be met in television advertising are exactly the same in both codes. The main novelty of the renewed Code, apart from regulating the treatment of personal data and viral marketing, was the inclusion of new standards regarding marketing for Internet. It was issued in application of the 2011 Food Safety and Nutrition Act,⁷ which required regulating food advertising aimed at children up to 15 years of age. Surprisingly, the current Code applies to children up to 15 years of age only in Internet media, and to children younger than 12 years of age in audiovisual and printed media, in clear contravention of the law.

Regarding the comparison between the levels of compliance in 2008 and 2012, there were differences in some of the channels, time slots and number of days surveyed. Hence, the comparisons must be assessed with caution, but we still believe that the data are comparable, because the advertisements broadcast are very similar in different days, channels and time slots, as showed in many studies.³

We included the 10:00 to 12:00 p.m. time slot not because of any personal felling or belief, but because of the existence of television audience data showing consistently that this period corresponds to the last daily child-audience viewing peak in Spain.⁸ To select the advertisements to be assessed, we followed the criteria established in the PAOS Code to consider an advertisement aimed at children aged below 12 years, according to the type of product promoted, the design of the advertisement, or the way in which the advertising message is disseminated. There is nothing in these criteria preventing from applying the Code to advertisements broadcasted in time slots other than those of special protection for children, provided that the advertisement is effectively aimed at children ('whenever it is transmitted') or the audience composed mostly of children aged below 12 years. Moreover, it is not surprising to find advertisements for children during that time slot when we realize that some popular programs for children are programmed in prime time, sometimes ending after midnight.

We did not consider the copy advice system (before broadcasting) because our aim was to evaluate the level of compliance of the advertisements being broadcasted. Indeed, the high level of non-compliance found in our study is a clear indication of the poor performance of this method of prior consultation.

Finally, the proponents of the PAOS Code argue that 'companies that have not agreed to the code do exist and therefore have no reason to comply'. However, the Federation of Regional Radio and Television Bodies and Free-to-Air Commercial Televisions voluntary endorsed the PAOS Code in 2009.⁹ Hence, all food advertisements broadcasted in television channels endorsing the code—like those included in our study—must comply with its standards, since then, whether the food company of the advertised product has signed the code or not.

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