

## Notes on the PAOS Code/SPAIN

The Spanish Self-Regulating Code for Food Advertising Aimed at Children, PAOS, was signed on 9th June 2005 between the Ministry of Health and FIAB, the Food and Drink Industry Federation (Federación de Industrias de Alimentación y Bebidas) and came into force on 15th September 2005. To date 35 companies have signed up including: Coca-Cola, Bimbo, Campofrío, Danone, Ebro, Gallina Blanca, Leche Pascual, Nestlé, Pepsico, Pescanova and Kellogg's.

The code forms part of the NAOS Strategy framework recently launched by the Spanish Ministry of Health and whose objective is to reduce the prevalence of excess weight and obesity and their consequences for public health and their social repercussions, an objective shared by European institutions and the WHO (World Health Organization).

Childhood obesity is a multifactoral problem that demands a coordinated answer from all the agencies involved, which include not only the food industry and the advertising sector but also health authorities, parents, teachers etc. In this context we should emphasize that a sedentary lifestyle where energy is not burnt off due to new habits and behaviour in our modern society, play an important role in the increase in excess weight and obesity and the food industry or its advertising cannot be held entirely responsible. Thus the FIAB is committed to playing a key role in the fight against obesity by establishing high levels of social responsibility in its advertising activities, especially when aimed at children so that they can contribute towards promoting the adoption of healthy diets and physical activity.

As well as the above the Spanish Self-Regulating Code for Food Advertising Aimed at Children (PAOS) comes into force which is aimed at helping companies manage their messages aimed at minors, especially children under the age of 12 since their influence on the aforementioned group is marked. The coming into force of the PAOS Code means, amongst other things, that thereafter any person, in an individual capacity or through a consumers' group, can make a complaint free of charge to the Self-Regulation Committee in relation to food product advertisements. Similarly those subscribed have agreed that before airing the advertisement they will consult the Committee about the self-regulation of the commercial message and correction in the event.

The code's application areas are the following:

- 1. The rules of the code** are applied according to the age of the target audience. The younger the target audience of the advertisement, the more protection is claimed.

## **2. Product Presentation:**

- 2.1. The advertising must not mislead children suggesting that the promoted food product possesses special characteristics when all similar products possess such characteristics.
- 2.2. The advertisement of food or drinks should not mislead children about the benefits derived from the consumption of the product.
- 2.3. The advertising cannot mislead about the characteristics of the promoted product.
- 2.4. In advertisements aimed at children images that could frighten them should be avoided and precaution should be taken not to exploit the imagination of the child

## **3. Sales pressure:**

- 3.1. The advertising should not make a direct reference for the children to buy the advertised product exploiting their inexperience or innocence. Neither should it encourage them to ask their parents or other people to purchase this product.
- 3.2. Prices should be expressed clearly and exactly.
- 3.3. Benefits attributed to the food or drink product must be inherent to its use.
- 3.4. It should not give the impression of immediate results or exclusivity.

## **4. Support and promotion using famous people and programmes:**

Advertisements cannot use parents, teachers or other people such as professionals in children's programmes or real or fictitious people from films or series based on fiction or presenters of children's programmes. Neither can people who are famous or well-known to the public that are popular amongst children be used. Nor can images that reproduce scenes from a children's programme, film or series be shown if they are directly related to any promotion that is being carried out. Television advertisements of food and drink products will not be aired coinciding with programmes aimed at under 12's.

**5. Identification of the advertising:** food and drink advertisements aimed at minors must be clearly separated from the programmes and the advertisements must not refer to themselves as "programmes"

**6. Comparative presentations:** comparative presentations must be done in such a way that children can clearly understand them

## **7. Promotions, prize draws, competitions, and children's clubs:**

- 7.1. An advertising message that includes a promotion must be designed so that as well as transmitting a message regarding the promotional incentive, it clearly shows the advertised product.
- 7.2. The essential conditions of the promotional offers must be set out in the advertising simply and clearly so that they are easily readable and understandable for minors.
- 7.2. In order to avoid misleading children, references to children's clubs can only be made in food and drink advertisements if they fulfil the following requirements:
  - **interactivity:** The minor must carry out some activity that is considered an intentional incorporation into the club and receive something in exchange.
  - **continuity:** There must be a continued relationship between the club and the child.
  - **exclusivity:** The activities derived from the fact of belonging to the club must be exclusive for its members and not the mere fact of purchasing a product.

## **8. Safety:**

- 8.1. Advertisements must avoid scenes, images or messages that encourage dangerous or inadequate use of the advertised product
- 8.2. The advertisement of food and drink must not encourage children to enter strange places or talk to strangers.
- 8.3. No product should present itself as a substitute for any of the three main meals.
- 8.4. The importance of a healthy lifestyle such as a balanced and varied diet or physical activity should not be discredited.
- 8.5. Advertising messages for food and drink should not promote or present unhealthy food or lifestyle habits such as eating or drinking immoderately, excessively or compulsively. Neither should it promote, approve or present complacent sedentary lifestyle habits.

**9. Sanctions:** Companies associated to the code that does not comply with these rules can be sanctioned with fines of between 6,000 and 180,000 Euros.

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