FINAL REPORT-POLMARK SPAIN:
REGULATORY CONTROLS AND POLICY OPTIONS FOR MARKETING OF FOOD AND BEVERAGES TO CHILDREN

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Assessment of POLicy options for MARKeting food and beverages to children
- POLMARK-

http://www.polmarkproject.net/
http://www.ua.es/webs/opps/webs_informes/INFORME_POLMARK.htm

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Alicante, 22 March of 2010
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First Phase

"Review of regulatory controls on the marketing of food and drink for the child population in Spain" - WP4

Researchers responsible WP4-Spain:

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Dolores Fernández
Rocio Ortiz Moncada
1. CONTEXT

In 2005, from the Spanish Ministry of Health and Consumption, and through the Spanish Agency for Food Security and Nutrition (Agencia Española de Seguridad Alimentaria y Nutrición, AESAN), starts the Strategy for Nutrition, Physical Activity and Obesity Prevention (Estrategia para la Nutrición, Actividad Física y Prevención de la Obesidad, NAOS Strategy). The overall objective of this strategy is to "raise awareness of the problem that obesity poses to health, and encourage all initiatives that help to ensure that citizens, especially children and youth adopt healthy lifestyles mainly through a healthy diet and regular practice of physical activity." In the framework of the NAOS platform, it is determined that the business, the family, the school and the health environment are critical to improve the problem of overweight. In particular, and although it would be necessary to increase the scientific evidence to examine the direct relationship with obesity, Spain, among other actions, undertake a review of regulatory frameworks relating to food and beverage marketing aimed at children, stating that certain restrictions on such marketing are necessary. However, and since the word "marketing" is very generic meaning, in line with the established by World Health Organization (WHO) in its document production Food Marketing to Children: the Global Regulatory Environment (2004: 5), "marketing" is here restricted advertising and promotion, with particular attention to the techniques of television, Internet, sponsorship, product placement, sales promotion and marketing in schools.

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1. Studies on advertising media establish traditionally two categories: conventional means (above the line) and non-conventional means (below the line). While this division regarded as the first major investment because they represented the largest advertising today, unconventional means reach to overcome the first ones in investment. However, must be noted also that the recent inclusion of the Internet in the first group favors in terms of investment into the mainstream, where it would fit just as TV advertising, leaving, in the second category, the remaining four techniques. Of these, television advertising is the best known, and has generated more studies and debate, and, likewise, is the most regulated, the rest was just in Spain, subject to control.

2. The Internet instrument has become in few years, in one of the most popular. Its characteristics - economic, speed, immediacy, ability to connect directly with the public and the advertiser-are causes of its strong growth, and their prompt regulation. Thus, the Law 34/2002 of services of information society and electronic commerce in the articles referred to the protection of youth and childhood.

3. The sponsorship is part of the integrated communication to the consumer, in the broadest sense, generally refers to wide cultural and (or) sports. When the focus is cultural, there is talk of patronage, while if it is a sporty approach, it is often called Sponsorship.

4. The product placement is the product or brand placement in films, TV series, etc., So that they become part of the script of the play.
To ensure the monitoring of the first five previous techniques, the NAOS strategy marks explicitly down a rigorous application of a code of good practice in the "advertising to children. In this context, Spanish Federation of Industries of the Food and Beverages (FIAB), national organization in this sector, acquired a number of commitments for the prevention of obesity, among others, establishing a set of rules that will guide companies stick to the development, implementation and dissemination of advertising aimed at minors, which is reflected in the so-called Self-Regulation Code for Advertising of Food aimed to Children, Prevention of Obesity and Health (Código de Autorregulación de la Publicidad de Alimentos Dirigida a Menores, Prevención de la Obesidad y Salud, PAOS Code). PAOS code came into force on 15 September 2005; initially thirty-three companies belonging to FIAB joined the code. The number was later expanded to thirty-six, including two not attached to FIAB (such as Mc Donalds and Burger King) and Ferrero Iberica SA, with a commitment to respect, in terms of their advertising directed at minors, the standards contained in PAOS code. With the recent signing agreement of the Ministry of Health and Social Policy and the television networks including — FORTA and UTECA —, on the 7th September 2009, all advertisers making use of television are also subject to it.

In line with what has happened in other European Union (EU) countries (with exceptions such as Finland or Ireland), for the introduction of controls on food promotion to young audiences, Spain opts for the co-regulation. So, with this formula,

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5 Sales promotion is used to support advertising and personal selling, generally, uses short-term incentives aimed at consumers, vendors... to increase the purchase or sale of a product or service. Given the ability to increase, through promotions, the attractiveness of a product in the minors, PAOS code includes several rules regarding promotional activities.

6 Marketing in schools can be made through vending machines (also called vending) and cafes located within schools, in them, foods and beverages are dispensed, which may be consumed by students. In May 2005, and within the framework of the NAOS strategy, the Ministry of Agriculture, Fisheries and Food has signed an agreement with the Spanish National Association of Automatic Distributors (ANEDA) to make healthier food supply for the school and the vending machines located in areas not easily accessible to students in kindergarten and primary.

7 The list of companies adhering is available at http://www.naos.aesan.mspes.es/naos/empresas/publicidad/publicidad_codigo00001.html

8 The Ministry of Health and Social Policy and the television networks have signed an agreement to regulate food advertising to children available http://www.aesan.msc.es/AESAN/web/notas_prensa/firma_regular_publicidad.shtml

9 The basic mechanisms for ensuring fairness in the exercise of advertising (whose respective margins of action have arisen, at times, some controversy) are two (Boddewyn, 1988):
conjuncturally the industry is designated by the Government to develop, implement and strengthen the NAOS strategy in business communication. However, if after a period, the implementation of PAOS is estimated not satisfactory, the opportunity to support the strategy of policy initiatives provided.

Currently, PAOS is promoted by FIAB and is sponsored by the Ministry of Health and Social Policy and operated by Commercial Communication for self-regulation Association (AUTOCONTROL). This association, since 2005, is responsible for the resolution of complaints relating to advertising of the companies affiliated to PAOS and application of sanctions. The implementation of the Code by AUTOCONTROL also implies task performance (“copy advice”) on the advertising of food and beverage companies adhering to PAOS directed to children up to 12 years by subjecting it to review before the issue by participating companies.

is born almost by the hand of the first advertising practice that, early in the twentieth century, began to raise a moral concern in society. This is adding to unease, until in the thirties, and partly due to the omnipresence of advertising, generally creates a climate of opinion conducive to the enactment of the first laws restricting the advertising activity (Fox, 1997).

2-The second of the alternatives for the regulation of advertising is internal control, or self-control, in theory, should aim to ensure a straight and moral communication. As noted by Aznar (1999: 11), "the legislation establishes the lowest common denominator that everyone should respect and comply / ... / but between this minimum and a communication guided by ethical values and higher ethics, subtraction ample space". Both formulas are to be understood not as exclusive, but complementary. However, the trend, as discussed in the EU and some

Centralized systems of autocontrol group companies belonging to different professional groups and different market sectors, including foreign institutions (consumers or government representatives who act as experts) so they are much more representative. As a result of the above, often have greater financial resources and sectoral systems have infrastructures that help to make more effective decisions within it. Ideally, centralized systems of self-control must get the trust and loyalty of entities outside the profession by "concerted actions to control (Boddewyn, 1988: 6). The concert can be in various forms are not mutually exclusive:

a) The coadoption, which supposes that the industry voluntarily involve people from outside (as government representatives, experts or members of organizations) in the development, implementation or strengthening of standards. One example is the mandatory inclusion of consumer representatives on the jury of Autocontrol in Spain.

b) The negotiation, which implies that the industry voluntarily negotiates the development, implementation or strengthening of standards with some external body (such as a government department or a consumer association). An example of this are the guidelines applied for a long time by the Consumer Ombudsperson in Sweden.

c) The co-regulation or mandate, which implies that the industry is designated by the government to develop, implement or strengthen a rule. This is the trend in the EU where, in order to simplify the legal control, the executive estates have invested heavily in implementing and monitoring standards (eg PAOS strategy for WHO. Martin Llaguno and Hernandez Ruiz, 2009).
2. OBJECTIVES

The overall objective of this report, framed in the Polmark project, is to improve understanding of controls on food marketing in the EU member states.

The proposed objective is to develop a document to review:

a. In general, the provisions concerning the regulation of food marketing communication directed to children;

b. More specifically, the rules contained in the PAOS Code and its application.
3. METHODOLOGY

This is a descriptive study based on documentary review of legal texts and ethics in relation to the regulation of food and beverage marketing aimed at children nationally in Spain. The search was conducted via Internet on specialized websites of national agency dedicated to this subject. Many of the documents were also obtained through the strategy of "snowball". Search descriptors were established in Spanish, including: "Children and Minors: protection of certain interests" and "food". Later, there was a textual analysis of the writings.

In order to meet the above objectives we have followed a systematic procedure. Regarding the revision of the provisions concerning the regulation of food marketing communications aimed at children, and in order to have an overview of the legal texts existing in Spain and conduct that may affect our public and our work order, first, an initial search in the database of all documents of Autocontrol measures that provide commercial communication based on a specific audience: children. Thus, inserting the marker "Children and Minors: protection of certain interests" in the "type of advertising," we obtained 138 registers. After an initial review, we have selected those texts (in essence, codes of conduct), which by their special uniqueness require to be mentioned.

Secondly, the search was sieved using two conditions: that the "type of advertising" affects the "children and minors" and that the product or services covered by the regulation are "food". Table 1 shows the results of the documents identified in the database of AUTOCONTROL.

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10 Available at: [http://www.autocontrol.es/](http://www.autocontrol.es/)

11 Among others, 41 references concerning regional, national and community advertising legislation, 2 regulatory projects, 3 records of jurisprudence, 5 codes of self-regulation, 11 resolutions of the Plenary of the Jury, 63 resolutions of Sections of the jury, 6 articles in the magazine, 4 gray literature texts and 3 mediations.
Table 1. Texts on the marketing of food and protection of children in the database of AUTOCONTROL

<table>
<thead>
<tr>
<th>Legislation</th>
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<tbody>
<tr>
<td>ROYAL DECREE 820/1990 of 22 June, by transposing Directive 87/357/EEC, which prohibits the manufacture and marketing of any food product that by its deceptive appearance could endanger the health or safety of consumers.</td>
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</table>

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<tr>
<th>Codes</th>
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<tr>
<td>’Self-regulatory code on advertising of food to children, prevention of obesity and health (Code PAOS)’ May</td>
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<tr>
<th>Jury resolutions of the plenary</th>
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<tr>
<td>Plenary Resolution 14/12 / 2006 Users Association vs. Communication. Peñasanta Food Corporation, SA “Central Milk Dairy Asturiana”</td>
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<tr>
<td>Resolution of the House, 15/03/2002: Cantabria. European School vs Consumers. Resolution of the Third Section of 19 February 2002 (‘New Oreo’)</td>
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<th>Jury resolutions of the section</th>
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<tbody>
<tr>
<td>Section 2 Resolutionª 25/6/2009, AUC vs. Kraft Foods España, S.L.U (Príncipe)</td>
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<tr>
<td>Section 1 of Resolution 16.4.2009 Spain Mcdonald’s Systems, Inc. “1x1 Ricky Rubio”</td>
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<tr>
<td>Section 1 of Resolution a 21/11/2008: Particular vs. Corporación Alimentaria Peñasanta, S.A., (‘Central Lechera Asturiana’)</td>
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<tr>
<td>Section 2 of Resolution 25/09/2008: Private vs. Casa Tarradellas, SA, (‘Epetec’)</td>
</tr>
<tr>
<td>Section 1 of Resolution 17/07/2008: Private vs. Ferrero Ibérica, S.A, (’Kinder Joy’)</td>
</tr>
<tr>
<td>Section 2 Resolution 10/04/2008 : Users Communication Association vs. Ferrero Ibérica, S.A. “Kinder Sándwich de Leche”</td>
</tr>
<tr>
<td>Section 1 of Resolution 27/9/2007 Users Communication Association vs. Burger King “Whooper”</td>
</tr>
<tr>
<td>Section 2 Resolution 12/9/2006 Users Communication Association vs. Pescanova Alimentación, S.L. “Pesquitos Pescanova”</td>
</tr>
<tr>
<td>Section 1 Resolutionª 27/4/2006 Users Communication Association vs. Danone, S.A. “Natillas Danet”</td>
</tr>
<tr>
<td>Section 4 of Resolution 26/01/2006 Users Communication Association vs. Ferrero Iberica SA, (‘Kinder’)</td>
</tr>
<tr>
<td>Section 4 of Resolution 07/04/2005: Studies’s Institute of Sugar and Beetroot vs. Chupa-Chups, S.A. (‘Creamy Chupa-Chups’)</td>
</tr>
<tr>
<td>Section 1 of Resolution 14/10/2002:Section 1 of Resolution 14/10/2002: Private vs. Mc Donald’s, (’Your dreams come true’)</td>
</tr>
<tr>
<td>Section 3 of Resolution, 19/02/2002: Cantabria. European School Consumers vs. United Biscuits Iberia, S.L., (New Oreo’)</td>
</tr>
<tr>
<td>Resolution Section 5, 22/05/2001: National Association of Industrial Fluid Milk and Dairy Long Duration vs. Panrico, SA, (‘milky Bosleyco’)</td>
</tr>
<tr>
<td>Section 2 of Resolution 04/05/1998: Users Association Communication vs. Burger King, (’Kid Club Pack’)</td>
</tr>
<tr>
<td>Section 1 of Resolution 26/05/1997: Individuals vs McDonald’s, (’Happy Meal’)</td>
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After analyzing the previous output, we determined to make a textual analysis, in addition to the codes selected in the first step, all national references included in the PAOS, to constitute, thematically, the text focuses on the objectives of this study and, and the last regulation developed in our country (see table 2).

**Table 2. Legal texts that affect food advertising aimed at children contained in PAOS**

<table>
<thead>
<tr>
<th>Legal Text</th>
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<tr>
<td>Law 34/1988 of November 11, General Advertising.</td>
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<tr>
<td>Royal Decree 1334/1999, of July 31, approving the General Standard for Labeling Presentation and Advertising of Foodstuffs.</td>
</tr>
<tr>
<td>Royal Decree 1907/1996 of 2 August, about advertising and sales products promotion, activities or services with intended purpose health.</td>
</tr>
<tr>
<td>Principles of Marketing of Food and Beverages &quot;(&quot; Principles of food and beverage product advertising &quot;)&quot; approved in February 2004 by the Confederation of Agro-Food Industries of the EU (CIAA) and the&quot; ICC Framework for Responsible Food and Beverage Communications &quot;of the International Chamber of Commerce, approved in July 2004.</td>
</tr>
</tbody>
</table>

Source: Código PAOS

We analyzed the specific terms "food advertising and children" in previous texts reviewing legislative search engine of public bodies (http://www.aesan.msc.es/), websites of ministries (Health and Social Policy and the previous one called Health and Consumer Affairs, Ministry of the Presidency, Ministry of Industry, Tourism and Trade) as well as private organizations in the food industry, including:

- CIAA: Agri-food industries Confederation of the EU
- FIAB: Spanish Federation of Industries of the Food and Beverages
- AUC: Communication Users Association
4. RESULTS

4.1. Provisions affecting the regulation of food marketing communications aimed at children

4.1.1. Spanish Legislation

Despite the suggestion that "To ensure that advertisements or messages sent to or issued under the programming directed to children, they are not moral or physical harm, may be governed by special rules" referred to in the Organic Law 1 / 1996\(^\text{12}\) of 15 January, of legal protection to the minor, has not been enacted in Spain any special and specific law regulating food and beverage advertising directed to minors. The absence of specific and explicit rules does not mean that these messages remain unregulated in our legislation.

The rule that is governing in its entirety (generality) the advertising business in Spain is the Act 34/1988 (November 11, 1988)\(^\text{13}\), General Advertising which, amended by Law 29/2009 although updated with Community law contains no article concerning the publicity of food and drinks directed to children, however, this law lays the foundation of the duties that must respect and rights that the commercial communication must serve in general in our country.

It's the Law 25/1994\(^\text{14}\), of 12 July, which incorporates into Spanish law of Directive 89/552/EEC "Television without Frontiers that explicitly recognizes the special protection required for minors in the commercial communications, in particular, by television: "To defend the legitimate interests of users and, in particular, minors in order to preserve their correct physical, mental and moral development "(Article 1, Section 5). This rule provides in its Article 10 that advertising and teleshopping for alcoholic beverages grads graduation of twenty or less: "Cannot be directed specifically to minors or, in particular, depict minors consuming these drinks "(Article 10, 2a). The same Act, in its article 16 seeks to protect minors from advertising and teleshopping, however, contains no reference to food and beverage advertising directed to minors.


Significantly, nowadays, the Law 25/1994 of television without boundaries is being adapted to Community law. For their relevance to the purpose of this study should be noted that among the requirements to incorporate (as reflected in the text that has passed the Senate for final processing) is the art. 3e 2. of the Directive, specifically applicable to the food and beverage advertising aimed at children population, which states: “2. Member States and the Commission shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication accompanying children’s program or included in them, foods and beverages containing nutrients and substances with a physiological effect, particularly those such as fat, trans fatty-acids, salt sodium and sugars, which do not recommend excessive consumption in the overall diet. In any case, the communication service providers in Spain (TV operators) are anticipated to comply with the EU mandate to sign the Code PAOS.

In the same line with the Law on Television without Frontiers, Law 34/2002 of 11 July, services of information society and electronic commerce stated in paragraph d) of Article 8 (Restrictions on the provision of services) the protection of youth and children with a large articulated.

With regard to the regulation of food advertising in general in our country there is a large and complex linkage which can be grouped into three sets: the rules related to health foods, those concerning nutrition and health claims on foods and those relate to the product labelling.

Among the first ones we can mention for example: *the Royal Decree 956/2002 of 13 September 2002*, by which approving substances that may be added for specific nutritional purposes in food preparations intended for particular nutritional uses (dietetic) subsequently amended by *Order PRE/3520/2004* of 29 October, first and by PRE/1275/2007 and the Order of 8 May 2007 or the *Order SCO/3858/2006* of 5 December 2006, by which regulating certain aspects of diet products provided of the national health system.

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It is worth mentioning for their relevance and relationship with our object of study, the contribution the Law 44/2006 of 29 December\textsuperscript{20} make improving the protection of consumers and users. Although not explicitly consider children does refer to food and nutrition and notes that “the Spanish Agency for Food Security and Nutrition advertiser may request the termination or rectification of the illegal advertising affecting the collective interests of consumers and users both in the field of food safety for human consumption as directed in reference to nutrition “(Paragraph 4, final disposal 8th).

\textsuperscript{18} Available at: http://www.aesan.msc.es/aesa/web/AesaPageServer?idcontent=8110&idpage=61
\textsuperscript{19} Available at: http://www.aesan.msc.es/aesa/web/AesaPageServer?idcontent=985&idpage=61
\textsuperscript{20} Available at: http://www.boe.es/boe/dias/2006/12/30/pdfs/A46601-46611.pdf.
4.1.2. Self-regulatory codes

One could say that the development of some controls on commercial communication is being developed in Spain for years by promoting self-regulation.

Thus, in terms of child protection, regardless PAOS, there are some other relevant codes that exist in our country: 1993 is the code of ethics for advertising to children\(^{21}\) made and approved by the Spanish Association of Toy Manufacturers (AEFJ) and the Consumers Union of Spain (UCE), and being Autocontrol, since 2003, the agency charged with its enforcement\(^{22}\).

The advertising code of conduct, approved on 19 December 1996 and amended on 3 April 2002\(^ {23}\) by Autocontrol, includes a section (E) under the heading "Protection of children and adolescents" and another (F) "protection for health ", to avoid advertising that promotes unhealthy patterns. Also the self-regulatory code on television content and childhood\(^ {24}\), dated 9 December 2004, agreed by the government and operators of television TVE, Antena 3, Tele 5, Cuatro, Forta, Veo, Net TV and The Sixth look for protecting minors in televisions, content, reinforcing the system of classification and marking children's programs on television. This code indicates that, under an agreement (dated 13 June 2002), the body responsible for settling claims against television advertising, is the Autocontrol Jury.

Also cover the secondment of the Spanish Association of distributors and publishers of entertainment software (ADESE) the Code of Conduct for European industry of interactive software on the age classification, labeling, promotion and advertising of products interactive software (Good Practice Guidelines advertising of interactive software).


As for food advertising, there is also a list of ethical rules that directly or indirectly affect to this specific purpose. For example, the interpretative agreement on making public the properties of foods in relation to health\textsuperscript{25}, accepted and ratified by FIAB and the General Direction of Public Health, Ministry of Health and Consumption. Despite being relative to food advertising, the document makes no specific reference to minors. Other self-regulatory codes of practice and various partnerships, which reveals the concern in Spain for self-regulate advertising activities relating to food are: The ethics of the Spanish Association of Manufacturers and producers of enteral nutrition\textsuperscript{26} (AENE) of May 1, 2006; the advertising self-regulatory code of brewers in Spain\textsuperscript{27} 2003, the advertising self-regulatory code of the Spanish Federation of spirits\textsuperscript{28}, created in 1999 and updated in 2008, or the self-regulatory code on advertising wine and commercial communications\textsuperscript{29} 2008.

4.2. The PAOS Code and its application

4.2.1. Specificities

Despite the volume of rules that directly and indirectly affect the advertising, childhood and food separately, as explained, the document PAOS\textsuperscript{30} is the key in Spain in terms of regulating the promotion of food products aimed to children, in its specificity and timeliness. It is the only specific legislative text on food, shopping and child communication and inserted into the framework of the NAOS Strategy\textsuperscript{31}, Ministry of Health and Consumption, with the goal shared by the WHO and EU institutions, to "reduce the prevalence of obesity and overweight and its consequences in the field of public health as on its social impact.

The overall PAOS objective is to achieve a high level of social responsibility in the advertising directed especially to children to promote healthy habits and diets.

\textsuperscript{25} FIAB and Ministry of Health and Consumption. The interpretative agreement on making public the properties of foods in relation to health. Available at: http://www.autocontrol.es/pdfs/pdfs_codings/cod0012.pdf.
\textsuperscript{26} The ethics of the Spanish Association of Manufacturers and producers of enteral nutrition (AENE). Available at: http://www.autocontrol.es/pdfs/pdfs_codings/Cod.%20(AENE).pdf.
\textsuperscript{27} The advertising self-regulatory code of brewers in Spain. Available at: http://www.autocontrol.es/pdfs/pdfs_codings/cod0036.pdf
\textsuperscript{28} The advertising self-regulatory code of the Spanish Federation of spirits. Available at: http://www.autocontrol.es/pdfs/pdfs_codings/cod0017.pdf.
\textsuperscript{29} The self-regulatory code on advertising wine and commercial communications. Available at: http://www.autocontrol.es/pdfs/pdfs_codings/CODIGOFEV.pdf.
\textsuperscript{31} NAOS Strategy. Available at: http://www.naos.aesan.msps.es/naos/estrategia/que_es/.
Promotional marketing techniques, including marketing in schools, are in the scope of the Code PAOS. The code leaves therefore beyond its influence on labelling and product packaging and other promotional marketing techniques such as marketing in schools. However, its scope includes all advertisements of any food or drink made in media (both conventional and unconventional) whose target audience are children under 12 years. To determine the latter point, the code points to be considered that an advertisement is targeted at this age primarily in response to the following criteria:

a. The type of food promoted: this refers to targeting children under 12 years of advertising that promotes a foodstuff objectively (*) for a majority of the public of such age (*) Measured by Dym or Homescan Panel

b. The design of advertisement: it is considered intended for children less than 12 years that advertising designed so that it's content, language and / or images, objective and mostly suitable for a special way to attract attention or interest of the public in such age.

c. The circumstances in which it is carried out the dissemination of the advertisement message: it is considered aimed at children up to 12 years, within a support run, aimed objectively in a majority way to that public of the age mentioned before, or in a general communication media when inserted into slots, programming blocks, sections or areas aimed at children up to age 12 and with a great majority of children up to 12 years (**) Measured for Sofres.

Unlike other similar European codes, PAOS includes in its articles both general and specific restrictions guides. Among the former, the Code refers to the authenticity, veracity, honesty and loyalty of advertising, and the moderation in sales pressure. Among the latter presented the explicit prohibition of specific sites for product and use of celebrities and special characters that interact with the product and encourage its use in advertisements directed at children.

The implementation of the Code has been carried out through Autocontrol, whose jury is responsible for reviewing claims submitted by consumers, advertisers or other institutions. However, mechanisms are also envisaged strengthening including:

a. The assumption of commitment by all firms adhered PAOS to submit each and every one of their ads by the Technical Office of Autocontrol to an analysis prior to its publication (copy advice) compulsory and binding;
b. The creation of a Monitoring Committee, of mixed composition, consisting of the Spanish Food Safety Agency (EASA), the Council of Consumers and Users, IFLA, AEA and Autocontrol, to periodically evaluate the implementation of the Code in connection with the proposed objectives by the NAOS Strategy. The Commission also made proposals for improvement and revision of PAOS, and may submit claims and assess complaints to determine whether they could be reviewed by the Jury of Autocontrol.

c. Contemplation of the claims settlement transfers (cross borders complaints)

d. Contemplation of the imposition of financial penalties (between 6,000 and 180,000€) that have been allocated to follow-up actions and momentum of the PAOS Code itself.

4.2.2. Application

The last year.

Since 1 January to December 31 of 2008, 355 Copy Advice was issued regarding the Code; of those, only 118 (33%) modifications were recommended, and 6 (2%) were not allowed. The reasons for the rejection or correction were mainly to include the "Presentations sound, visual ... that may be misleading about the characteristics of the product (Standard 3)" (32%), sales pressure, "direct appeal to children to acquire the product or encourage them to persuade parents ... "(16%) and" Restrictions on the presence and participation of celebrities (Rule 13) (15%). See table 3.

As for the claims to the jury, in 2008 only three complaints came along, from which two were not admitted by the jury after review on the grounds that there had been no breach of the Code and one resolved by mediation. The basis of the claims was, in one case, the commercial use of celebrities / celebrities in advertising, in another sample of unbridled immoderate, excessive or compulsive consumption situations / sedentary lifestyle, and, finally, to show the product being promoted as a substitute for the main meal (Breakfast, lunch, dinner).
Cumulativa Score:

Since July 2005 until December 2008 (according to data available on the website of AESAN), there have been 1435 requests for review prior to Autocontrol (1331 since September 2005 when PAOS enters into force) and 13 claims to the jury by alleged violations of the Code PAOS since PAOS enter in force. See table 3.

Table 3. Requests for Prior Consultation and Complaints to Autoncontrol by PAOS according to available data

<table>
<thead>
<tr>
<th>Period</th>
<th>Prior consultation (copy advice) (%)</th>
<th>Claims (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>July-September 2005 (before PAOS)</td>
<td>104 (7%)</td>
<td>0</td>
</tr>
<tr>
<td>September 2005-December 2006</td>
<td>582 (41%)</td>
<td>9 (69,23%)</td>
</tr>
<tr>
<td>January 2007-June 2007</td>
<td>204 (14%)</td>
<td>0</td>
</tr>
<tr>
<td>July 2007-September 2007</td>
<td>88 (6%)</td>
<td>1 (7,69%)</td>
</tr>
<tr>
<td>October-December 2007</td>
<td>102 (7%)</td>
<td>0</td>
</tr>
<tr>
<td>January 2008-December 2008-</td>
<td>355 (25%)</td>
<td>3 (23,08)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1435 (100%)</td>
<td>13 (100%)</td>
</tr>
</tbody>
</table>

Source: Prepared from REPORT ON CONTROL AND ENFORCEMENT food advertisements aimed at children, IN CONNECTION WITH THE COMMITMENTS OF THE CODE OF ILFA PAOS

From the copy Advice issued, overall, 5% were negative, 24% required some modification and in 71% of cases determined that the advertisement did not violate the code. See table 4.
Table 4. Results of prior consultation requests by PAOS as data available:

<table>
<thead>
<tr>
<th>Period</th>
<th>Positive (No disadvantages appreciate in the content of the advertisement)</th>
<th>With modifications (Changes Recommended)</th>
<th>Negative (not recommended for dissemination)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2005-December 2006</td>
<td>424</td>
<td>118</td>
<td>40</td>
<td>582</td>
</tr>
<tr>
<td>January 2007-June 2007</td>
<td>154</td>
<td>37</td>
<td>13</td>
<td>204</td>
</tr>
<tr>
<td>July 2007-September 2007</td>
<td>64</td>
<td>18</td>
<td>6</td>
<td>88</td>
</tr>
<tr>
<td>October 2007-December 2007</td>
<td>70</td>
<td>29</td>
<td>3</td>
<td>102</td>
</tr>
<tr>
<td>January 2008-December 2008-</td>
<td>231</td>
<td>118</td>
<td>6</td>
<td>355</td>
</tr>
<tr>
<td>TOTAL</td>
<td>943</td>
<td>320</td>
<td>68</td>
<td>1331</td>
</tr>
</tbody>
</table>

Source: Calculations based on the reports of the Monitoring Committee of PAOS
5. SPANISH KEY FINDINGS

— In Spain has not enacted any specific law governing food and beverage advertising aimed at minors. The absence of specific and explicit rules does not mean, however, that these messages are arranged in our legislation.

— PAOS is the only specific legislative text on food, shopping and child communication that is inserted into the NAOS strategy.

— PAOS focuses on the regulation of five of the six techniques of marketing and promotion of foods mentioned by the WHO (leaving out the marketing in schools) and applies to all stations that transmit messages whose target audience is under 12 years.

— PAOS provides recipes and techniques in marketing (product placement, promotions, and children’s clubs) that have not been included in many other codes.

— In line with other EU countries for the introduction of controls on food promotion to young audiences, Spain opts for co regulation. So, with this formula, the industry is designated by the Government of juncture to develop, implement and strengthen the NAOS strategy in business communication. However, if after a period, is estimated that implementation of PAOS strategy is not satisfactory, an opportunity to support policy initiatives to the strategy is provided.

— PAOS has established mechanisms of reinforcement, namely: The requirement of prior reports (copy advice), creation of a Monitoring Committee, of mixed composition, provision for fines, and cross-borders.

— The prior inspection (copy advice) has been the most widely used since its entry into force and has made very few complaints are received.

— Through the system of copy advice has been detected and corrected those projects of ads in some way that contravened the Code, thanks to the implementation of the Code and its prior checks. There have been significant advances in areas such as: a more fair and understandable food and beverage advertising aimed at children up to 12 years, a decrease in selling pressure on them, the renunciation of the use of
celebrities and direct encourage to their purchase, greater simplicity and clarity of presentation of the conditions of promotional offers, among others.
6. REFERENCES


Código deontológico para publicidad infantil, de 14 de diciembre de 1993. Disponible en:
http://docs.google.com/gview?a=v&q=cache%3AnKTJ0nWaMZoJ%3Awww.copianos.com%2Fes%2Fcontent%2Fdownload%2F1340%2F7184%2Fversion%2F1%2Ffile%2Fcode0005.pdf+C%C3%B3digo+deontol%C3%B3gico+para+publicidad+infantil&hl=es&gl=es&pi=1 (pp. 1-11).

El código deontológico de la Asociación española de fabricantes y productores de nutrición enteral (AENE). Disponible en:

Código de autorregulación publicitaria de cerveceros de España. Disponible en:

Código de autorregulación publicitaria de la Federación española de bebidas espirituosas. Disponible en:

Código de autorregulación del vino en materia de publicidad y comunicaciones comerciales. Disponible en:

Código de autorregulación sobre contenidos televisivos e infancia. Disponible en:

Código de conducta publicitaria. Disponible en:
http://www.autocontrol.es/pdfs/Cod_conducta_publicitaria.pdf

Código PAOS. Disponible en:

Convenio entre la Asociación española de fabricantes de juguetes (AEFJ) y la Asociación para la autorregulación de la comunicación comercial (Autocontrol). Disponible en:

Estrategia NAOS. Disponible en:
http://www.naos.aesan.mspes.es/naos/estrategia/que_es/.


http://www.plane.gob.es/ley-general-audiovisual/.


Assessment of POLicy options for MARKeting food and beverages to children
- POLMARK-

Second Phase
“Stakeholders Views on Policy Options for Marketing of Food and Beverages to Children in Spain” – WP5

Researchers responsible WP5-Spain:
Mª Carmen Davó Blanes
Rocío Ortiz Moncada
7. CONTEXT

Obesity continues to increase in Spain. It is identified as a public health problem in the European Region. The scientific literature reveals the existence of determinants that influence the nutritional health of children and young people. These determinants correspond to multiple factors, both intrinsic and extrinsic to the individual, leading to an interaction between biological and social factors (Bray & Champagne 2005). External factors are the social and environmental determinants of obesity. These include the family socioeconomic status, gender, age, educational level of parents, birth weight, the policies that influence consumption and spending, as well as the availability of food - and access options to the same - prices, among others- (Ortiz-Moncada, 2009).

The quantity of advertising on children's television appears to be related to the prevalence of excess body weight among children. Furthermore, the content of the advertising appears to have a specific effect. The findings justify the need for taking precautionary measures to reduce children's exposure to obesogenic marketing practices (Lobstein & Dibb 2005). Therefore, the Ministerial Meeting of the European Region of 2006, compared to the challenge of obesity has identified the food and beverage marketing to children as a public health problem that needs to be regulated (WHO, 2006).

In Spain the prevalence of obesity and overweight at age 2 to 18 years according to studies reported had increased since 1984. There are some difficulties in defining indicators for measuring the prevalence of overweight and obesity, particularly in that it has not reached consensus on the cutoff point and BMI percentiles. However, some studies have considered the cutoff point values for the 85th percentile (overweight: BMI ≥ 25 kg/m²) and 95 percentile and 97 (obesity: BMI ≥ 30 kg/m²) by age and sex specific. (Hernandez et al, 1988; Serra-Majem et al 2001, Alvarez-Dardet et al, 2006).

The trend of childhood obesity from 1980 to 2000 according to the percentile (p) 95 BMI. The increase was more marked in males and in prepubertal ages (6 and 10 years) and girls ages pospuberales (18 years). It is lower in preschool (2 years) which even decreases. (Serra-Majem et al., 2003). The study in adolescent and child population in 2000 indicated a prevalence of obesity and overweight of 4% and 12% respectively, being higher in boys than in girls, especially in the pre-puberty between 6 to 13 years of age (Serra-Majem et al., 2001). Recent data estimated from the National
Health Survey 2006 shows that obesity was 8.9% and overweight was 18.7% of child population (Ortiz-Moncada MR et al., 2009).

The Enkid study about Spanish population from 6 to 18 years shows that individuals with higher socioeconomic levels exceed 50% above the recommendations for daily physical activity - at least 60 minutes of daily moderate PA-, with the men who cover the percentage more - 70% - of the recommendations of physical activity. This same study shows that when the mother is less educated children watch television for more hours, which in turn is related to the sedentarisme. It also shows that childhood obesity is associated with a lower frequency of consumption pattern of meals, especially breakfast, in line with studies that show that obese children have less satisfactory breakfast habits than non-obese (Serra-Majem & Aranceta 2000).

Rodríguez-Martín et al. (2008) explored the relationship between the educational level, occupation, employment status and income level to the prevalence of obesity and overweight in Spanish adults. They found that this was greater in men, people with education levels and socio-lowest in unskilled at housewives and retirees. Likewise, differences were observed between the different regions of the country, with a greater prevalence of obesity in communities of the south.

In this regard it is noteworthy that the child population in the socioeconomic and geographic variables follow the same pattern as in the adult population, with higher prevalence of obesity in the lowest educational levels and socio-economic backgrounds, and north to south (Serra-Majem et al. 2001; Serra-Majem et al. 2003).

The control of marketing communication in Spain may have two sources: the Government through the enactment of laws, and self-regulation done by a private industrial associaton.

In the first case, the rule which governs the whole advertising business in Spain is the General Law on Advertising of 1988 \(^{32}\), which has no provisions concerning the advertising of foods and beverages to minors. Subsequently, the Law 25/1994 incorporated, for the first time into Spanish law, the Directive 89/552/EEC "Television without Frontiers" - recently amended by Directive 2007/65/CE- so that the children can

be recognized as a group to be protected. The same law seeks to protect minors from advertising and teleshopping, but contains no reference to advertising of foods and beverages.

An important advance in the regulation is the Law 44/2006 on the improvement of the protection of consumers and users. Although not explicitly considered children and youth, it states that "the Spanish Agency for Food Safety and Nutrition may request the termination or rectification of the illegal advertising affecting community interests of consumers and users, in regard with both food safety and health claims". The law 34/2002 of the information society and electronic commerce addresses the protection of youth and childhood. Finally, the Organic Law 1/1996 of legal protection to minors provides that "to ensure that advertisements and messages directed to them or broadcasted in programmes aimed at them, does not adversely affect them, it may be governed by special rules. However, it has not been enacted any law or the special rule in Spain governing advertising to children or food and beverage advertising aimed at them.

In the case of the self-regulation, the only source on food, communication and children is the PAOS code: code for self-regulation on food advertising targeting children, the prevention of obesity and health, in 2005. The PAOS code is part of the NAOS Strategy of the Ministry of Health and Social Policy, which is aimed at "reducing the prevalence of overweight and obesity and its consequences, both from the Public Health sector and other social fields of influence. The PAOS code has been promoted by FIAB - Federation of Industries of Food and Beverages- and seeks to achieve a high level of social responsibility in advertising targeted to children to promote healthy diets and habits.

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37 Estrategia NAOS; [accedido 19 julio 2009]. Disponible en: http://www.naos.asean.msps.es/naos/estrategia/que_es/

Finally, there are other codes in Spain covering the protection of children in terms of television content and children. The code of advertising conduct of 1996 - amended in 2002 -, approved by the Association for self-regulation of communication, includes a section on "Protection of Children and Adolescents" and another section on "health protection" to avoid advertising that promotes habits harmful to health\(^\text{39}\).

8. OBJECTIVES

General:

Improved understanding of stakeholder views on the opportunities for policy development.

Specific:

- To have the opinion of stakeholders regarding the relationship between advertising and obesity, as well as the influence of TV.
- To explore the views of stakeholders on the model of regulation of food marketing.
- Identify the policies of the institutions or organizations through stakeholders on the marketing of food.
- Knowing the views of stakeholders regarding the influence that different organizations can have on the development of government policies on marketing to children.
9. METHODOLOGY

9.1. Design and type of study

Qualitative observational design consisting of an descriptive study of raw data obtained in in-depth interviews through a cross-sectional semistructured survey using the stakeholders methodology. This way, data on the perception of the current controls on advertising of foodstuffs to children was collected through the views of stakeholders. The results will contribute to the review of controls on marketing in 2010 by the European Commission.

9.2. Population and sample

9.2.1. Selection and recruitment of stakeholders in PolMark study

Different types of organizations involved in the marketing of food and drinks to children were identified to build the population of study. The selection of stakeholders includes government agencies, advertising industry, food industry organizations, parents organizations, consumer groups, and public health organizations. The selection of the stakeholders was made on the basis of their institutional affiliation or association with the marketing and advertising of foods and drinks targeting children. They represent different points of view: economic, political, institutional, and the different disciplines and specialities.

Therefore, the central units of analysis in the PolMark project are public policy options related to the marketing of food and drinks to children. We identified groups of stakeholders who had a direct interest and/or influence over the broad range of public policy options relevant to the marketing of food and drinks to children. The selection of groups of stakeholders was based on the methodology used in PorGrow, from a list elaborated by the research team, based in turn on an analysis of networks of relevant organizations and institutions. The criteria for inclusion of preselected stakeholders in the proposed list was to have an influence and interest in the issue of marketing food and beverages to children and its control. The list specified institutions and socio-political associations that the coordinating research team considered applicable in all eleven partner countries.
In the summer of 2008, the coordinator of PolMark project carried out a generic transnational analysis of the networks of institutions with influence over the networks of policies for marketing food and beverages to children and obesity policies. Taking into account all the considerations on the inclusion criteria of possible groups of key players, a first list was circulated and then developed through discussions among the eleven research partners. Eventually, a single list featuring 8 categories was defined, as showed in table 5.

**Tabla 5. Stakeholders categories.**

<table>
<thead>
<tr>
<th>1. Academic experts, government advisors (Obesity research societies)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Consumer advocates (National consumer associations)</td>
</tr>
<tr>
<td>3. Public health and health professional advocates</td>
</tr>
<tr>
<td>4. Food producers, caterers and retailers</td>
</tr>
<tr>
<td>5. Advertisers and advertising advocates</td>
</tr>
<tr>
<td>6. Government officers and regulators</td>
</tr>
<tr>
<td>7. Children, family and school advocates</td>
</tr>
<tr>
<td>8. Media Organisations (e.g. broadcasting federation, newspaper association, or something similar)</td>
</tr>
<tr>
<td>9. Other possible interviewees: Economists, government treasury departments</td>
</tr>
</tbody>
</table>

Each of the eleven partner countries was expected to interview a minimum of 10 stakeholders. It was aimed a minimum of 100 stakeholders for the whole sample. The coordinator team passed the list of all 8 categories with examples to the other members of the project so that it could serve as a selection pattern.

The stakeholders selected for each category in each country were contacted by national research teams.

**Selection and recruitment of stakeholders for Spain**

The Spanish PolMark team proceeded to the selection of stakeholders such as institutions and associations for each category. Using Google as a search engine, from 2 to 4 institutions were pre-selected for each category of stakeholder. The research
team set priorities for selection, in the frame of the inclusion criteria defined in the project methodology. Some categories were discussed with expert representatives from government (Ministry of Health and Consumer Affairs), government and public health, public health and nutrition, and using the snowball method. A final list of 14 stakeholders whom belong to 13 organization, as shown in table 6.

Table 6. Stakeholder categories and their representatives in Spain.

<table>
<thead>
<tr>
<th>Stakeholders categories</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Academic experts, government advisors (Obesity research societies)</td>
<td>1. Spanish Society for the Study of Obesity (Sociedad española para el estudio de la Obesidad -SEEDO-)</td>
</tr>
<tr>
<td>2. Consumer advocates (National consumer associations)</td>
<td>3. Communication Users Association (Asociación de usuarios de la comunicación -AUC-)</td>
</tr>
<tr>
<td>3. Public health and health professional advocates</td>
<td>4. Spanish Society of Public Health and Health Management (Sociedad Española de Salud Pública y Administración Sanitaria -SESPAS-)</td>
</tr>
<tr>
<td>4. Food producers, caterers and retailers</td>
<td>7. Spanish Federation of Food and Beverages Industry (2 stakeholders) (Federación Española de Industrias de la Alimentación y Bebidas -FIAB-)</td>
</tr>
<tr>
<td>5. Advertisers and advertising advocates</td>
<td>8. AUTOCONTROL</td>
</tr>
<tr>
<td>7. Children, family and school advocates</td>
<td>10. Spanish Association of Social Paediatrics and the Institute of Madrid for Children and Family (Asociación Española de Pediatría Social)</td>
</tr>
<tr>
<td>8. Media Organisations</td>
<td>11. Save The Children – Spain</td>
</tr>
<tr>
<td></td>
<td>12. El País (Newspaper)</td>
</tr>
</tbody>
</table>
9.3. Data collection and tools used

9.3.1. Stakeholder interviews

All stakeholders were contacted personally by telephone. They were explained the objectives and the content of the project. The consent for the interview and anonymity were negotiated, as was the date of the interview.

Afterwards, each participant would receive the documentation prior to the interview via e-mail, with enough time for reading. The documents were translated into Spanish. The documentation sent consisted of the following:

a. Letter of presentation specifying the written information provided by telephone in relation to the project. See Appendix 1.

b. Summary brochure of PolMark: general objectives, contribution to public health and expected results of PolMark project, coordinator of the project, partners, Spanish research team, sources of funding and credit. See Appendix 2.

c. Technical Documents. Three documents were attached: (A) news on several voluntary proposals of some food companies to limit their marketing activities; (B) is a summary of the industry code suggested by the International Chamber of Commerce; and (C) consists of examples of rules applied in some countries on advertising. See Appendix 3.

d. The PAOS code for the self-regulation of food advertising directed at minors, prevention of obesity and health. It was sent as a .pdf document. Website: http://www.aesa.msc.es/aesa/web/AesaPageServer?idpage=8&idcontent=5788

Interviews were conducted in the head offices of each institution, ranging in length from 2 hours and 2,5 hours. In each of the institutions selected 1 interview was done, except for an institution where 2 stakeholders participated. However, these were coded and analyzed as independent interviews.

In-depth, semi-structured interviews to the representatives were recorded. The interview sessions were conducted between December 2008 and February 2009 by the same researcher in a convenient place for the stakeholder, with the support of a laptop. In addition to the documents sent by e-mail prior to the interview, the researcher handed in to the stakeholder a folder with the documentation on the day of the
interview. Conversation was both registered into the computer and recorded on a tape recorder for further transcription and analysis. During or at the end of the interview stakeholders had the chance to go back and improve or correct any aspect of its opinion and valuation. When required, the questions were placed in a card so that the interviewee could provide independent assessment of the different aspects.

9.3.2. Design of the questionnaire

For the in-depth surveys to stakeholders, data collection was conducted through a personal face-to-face interview, following the protocol of the questionnaire. The protocol consists of 25 semi-structured questions where open answers are admitted. The questionnaire was build in English with the consensus of all research teams. It was led by the coordinator research team, during the summer-autumn of 2008. The variables used in the questionnaire are based on actions related to Controls on food and drink advertising in connection with: Stakeholder views on the relationship between marketing and obesity and the influence of TV, marketing policies for food and beverages to children of the participating institutions and organizations, and the influence they may have over the development of government policies on marketing to children, according to the views of stakeholders. The questionnaire also contains a set of questions related to the Health Impact Assessment (HIA), used for analysis in other part of the study.

In the Spanish section, the draft questionnaire was translated from English into Spanish, adapting the questions to the Spanish context, and taking into account both technical and colloquial terms used in the country without altering the original layout. The final questionnaire was agreed by the Spanish research team.

9.4. Analysis and processing of results

To facilitate this process, the coordinating team of the project developed a database (spreadsheet interview coding) in Excel in order to code the data from each partner country for further analysis. It also designed a database summary of all results from the interviews that each partner country filled (Country Summary Record - The results of all interviews). A descriptive analysis of the results was made.
10. RESULTS

10.1. Stakeholders view on the relationship between marketing and obesity. Childhood obesity in Spain and the influence of TV

The majority of interviewees (n=11) recognized a relationship between the rates of obesity and the advertising of foods and drinks rich in fats and sugars. Only one stakeholder of groups of experts and academicians considered that this association is also strong.

Specifically, 9 of the stakeholders thought that the prevalence of child obesity in Spain is above the EU average and only 2 of the interviewees think it is similar to the European average. Moreover, almost all (n=13) saw a worsening of child obesity in Spain.

When asked about the possible influence of TV on children in the purchase and/or consumption of food, 8 of 14 stakeholders considered that TV influences both the purchase and the consumption of food in children.

My experience with my children is that they increase the consumption of things they have not eaten before. Not only to change brands, but they wanted to consume this and that brand, so, increasing consumption, which means, children suddenly demand to consume things they did not know that existed when they see them on television they want to consume. Do not ask you to substitute the milk with another chocolate milk, they want to consume milk chocolate and other cookie if it goes further, they would not say no I do not want corn flakes I want cookies, no, they say I want cornflakes and also cookies. I think it increases the consumption.

From all interviewees, 3 recognized the influence of television food marketing in the choice of brands, but not in its influence on purchasing them. Similarly, one of them stood out that this depended on age, as children do not have the same autonomy for purchase as adolescents have. None of the stakeholders found any influence of television on children neither on the purchase nor the consumption.

For me, it’s not the same a child and a teenager. A child of 8-10 years does not have the same autonomy than a boy of 16-17 years. Psychologically they are different. A boy of 16 years has money and can buy, but a boy of 8 years may have an influence on his parents but will not determine the purchase himself. For me, a child
under 10 years would choose the second one. And if we talk about a teenager it would be the last option.

The stakeholders valued from 0 to 10 the impact of promotional activities on the purchase of certain foods and beverages, mainly in this direction by highlighting the impact of TV (Table 7).

Table 7. Assessment of the stakeholders of the impact on some promotional activities in the child population in relation to the purchase of food and beverages.

<table>
<thead>
<tr>
<th>Activity</th>
<th>0-4</th>
<th>5-7</th>
<th>8-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tv fase food ads</td>
<td>1</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Internet Site</td>
<td>1</td>
<td>10</td>
<td>3</td>
</tr>
<tr>
<td>School football shirts</td>
<td>0</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Free puzzle cereal</td>
<td>2</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Soft drink brands in films</td>
<td>6</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Cartoon-imaged Sweets</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Logo in school exercise book</td>
<td>2</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Sms for fast food offer</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
</tbody>
</table>

On the other hand, there was a variety in the views of those interviewees in relation to the findings of a study showing that 25 minutes of TV per week could increase the intake of a snack per week – approximately-. In some cases, they seemed skeptical with this information (n=3). One of them argued that it could determine the replacement of food, but not the increase of total consumption. Others felt that this was not enough information to make an objective assessment.

I do not think you can further increase the consumption of food; we can substitute a food with another one, but no further increase food consumption.

First of all I do not believe it, I think maybe can happen in a special campaign.

Its scientific background is dubious, I need more data.

Only 4 of the stakeholders considered probable this information. 2 of them strongly agreed this information and another 2 believed that this figure underestimated the impact.

That may be true. There are many studies demonstrating a clear relationship between hours of TV and obesity in both children and
adults. And therefore no wonder, because apart from watching television we are sitting and if you drive it to eat, even worse. This is true. More ads, more consumption.

It is short, I think we have sinned by default, and the impact is greatest, i.e., the consumption is increasing much higher if the advertising is higher during weeks.

The stakeholders indicated the quantity of goods which, in their opinion, could increase consumption depending on certain promotional activities. Advertising shirts, SMS and TV promotional actions, according to participants, could increase the number of products consumed in 3 to 4 units per week (Table 8).

Table 8. Increased consumption of products in various promotional activities.

<table>
<thead>
<tr>
<th>Activity</th>
<th>0</th>
<th>1/2- 1</th>
<th>1 1/2- 2</th>
<th>3-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tv face food ads</td>
<td>0</td>
<td>4</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Internet Site</td>
<td>0</td>
<td>6</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>School football shirts</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Free puzzle cereal</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Soft drink brands in films</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Cartoon-imaged Sweets</td>
<td>0</td>
<td>7</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Logo in school exercise book</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Sms for fast food offer</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

10.2. Views of stakeholders on the model of regulation of food marketing

Seven stakeholders (n=7) considered that the regulation of food advertising was not enough, while 6 of them considered that it is. By comparing the regulation of advertising between our country and that conducted in other countries, the majority (n=8) believed that the regulation in Spain is similar to the average, and the rest of them felt that it was lower (n=4). In addition, half of the stakeholders (n=6) claimed knowing other countries where advertising to children on TV or other media is greater than in our country, and other 6 said the know countries where advertising to children is lower than of our country.
When asked about options for controlling the marketing of food, the stakeholders found that in our country the main option available is the industry self-regulation (n=10). Some of the stakeholders highlighted statutory regulation as an option, stating that they only knew this option. Other stakeholders stated that the other options do not work. Some of them said that self-regulation is just another marketing strategy, while others also added that it was a mistake to replace the statutory regulation for self-regulation.

The Statutory Regulation is the only one in use today. Self-regulation is done to encourage the marketing of products of companies, but not because they have the will, but to adhere to certain companies is a form of marketing. The priority of the company is selling, and according to that, they do anything to meet their objective.

In Spain, when some sectors do not want regulation, they propose self-regulation, but the failure is greatest. Even with regulation, often, the problem is when no one complies with.

In the meanwhile, those stakeholders that pointed self-regulation as the main option, justified their opinion by indicating that it is something new in our country whose effects may be checked in the future.

I believe that Spain has done a very important bet for self regulation, and now are waiting to demonstrate that is better than the legal model of hard legislation chosen by Britain for example.

In addition, some pointed out that self-regulation is a step that also leaves the door open to other measures such as legislation.

The controls are mostly volunteers. The available measures of self regulation currently are rather voluntary, but I know that the health administration intends that if the numbers of obese children do not improve, they will take greater measures.

Actually, In Spain there is a group of companies that have voluntarily acceded to the PAOS Code and not all companies. There are approximately 85% and of course we, always, have the option of legislation.

Most of the stakeholders believe that regulation and control of almost all marketing activities for which they were asked, is insufficient. Only logos in educational materials and messages on mobile phones were identified as being too controlled. However, these two promotional activities were assessed in another question as not applicable in Spain (table 9).
Table 9. Assessment of the stakeholders regarding the regulation and control of marketing methods.

|                               | Not enough control |   |   |   | Enough control |   |   |   | Too much control |
|-------------------------------|--------------------|--|--|--|----------------|--|--|--|--|------------------|
|                               | 0-4    | 5-7 | 8-10|
| Tv fase food ads              | 8      | 6   | 0   |
| Internet Site                 | 10     | 2   | 0   |
| School football shirts        | 9      | 5   | 0   |
| Free puzzle cereal            | 8      | 6   | 0   |
| Soft drink brands in films    | 9      | 4   | 0   |
| Cartoon-imaged Sweets         | 10     | 4   | 0   |
| Logo in school exercise book  | 4      | 7   | 2   |
| Sms for fast food offer       | 9      | 1   | 2   |

Moreover, according to the stakeholders, the type of regulation that should be applied to these marketing activities is the statutory-regulation of the industry (table 10).

Table 10. View of the stakeholders on the type of regulation for different marketing options.

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>Voluntary regulation</th>
<th>Industry self-regulation</th>
<th>Statutory regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tv fase food ads</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Internet Site</td>
<td>0</td>
<td>3</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>School football shirts</td>
<td>0</td>
<td>2</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Free puzzle cereal</td>
<td>0</td>
<td>3</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Soft drink brands in films</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>Cartoon-imaged Sweets</td>
<td>0</td>
<td>5</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Logo in school exercise book</td>
<td>1</td>
<td>3</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Sms for fast food offer</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>9</td>
</tr>
</tbody>
</table>

However, there isn’t divergence of views among different sectors. Representatives of advocacy organizations for children, families and schools reported industry statutory-regulation as the best option for all actions. However, we also identified discrepancies between the options and comments used to explain their choices. For example, a stakeholder noted self-regulation, but his comment spoke of the importance of the legislation.
The law is law, then the industries themselves should have their own codes of ethics and self-regulate. Obviously if you know that a product can hurt, you’re the first one who had to take it from the market and not sell it. There should not be ads for children at certain times, it is not ideal to make indiscriminate advertising for children. There must be an enabling legislation for children. Self-regulation.

Most of the stakeholders believed that voluntary action is an ineffective method of regulating. They provided many different reasons for this view. Some said that although it is a measure that is making progress, it is not enough. Others said that it requires a selfless commitment of the company that is not easy to achieve. Some expressed that voluntary action consists of a cultural change achieved in some Nordic countries, but still developing in our country. Finally, they also mentioned the need for a legal framework to serve as a basis of these voluntary actions by industry.

I think most of the industry has little desire to change things, because it still sees the purchaser as a customer and not as a citizen, then the interest is low, they make them up but everything remains as before.

It would be very effective, but I think it is difficult for the industry to launch a voluntary regulation if it is not a threat of a fine or something behind.

My opinion is that it would be very inefficient or completely ineffective, because I draw on the experiences that exist, the self-regulation can not be effective, because each one will be waiting to see what the other is doing, and nobody is going to put self-regulation or put self restrictive measures.

In the Nordic countries double than southern countries. The effectiveness of self-regulation in countries with a tradition of self and civic engagement of citizens in those countries who have a culture, such as flounder, self-regulation can be effective. In Latino culture, self-regulation is increasingly effective, and indeed we are trying to build this culture, but are still insufficient.

Those who believed that voluntary action was an effective method, claimed that compared to other methods of control, voluntary action is done with the conviction of the companies and that an external control is difficult to be undertaken.

We think that is the most effective because at the end the companies participate and they act with conviction. The other way, we may talk about imposition and should make a control on it and this one may fail. It is much more effective a self-regulation monitorised by the company or even within the administration itself.
The control is complicated, and then who will control all the products. It would be good if it were complied. It is being good in the reformulation of food. In Spain, it is working very well towards advertising.

Moreover, the stakeholders identified various options to ensure that industries comply with voluntary codes. Some noted the need for a legislative framework, and others suggested that there should be an external surveillance system. Some also suggested monitoring between the companies themselves, and others proposed to carry out public commitments by the companies.

It is very difficult for the industry to determine this, that’s why there must be a legal framework that favors companies that are subject to the self-regulation code, better if they are volunteer.

With a system of surveillance and monitoring, not with oversight committee.

Using public commitments

As for the support that stakeholders give to the statutory controls for certain marketing activities, the majority said that for all marketing actions, they would strongly support this control or support under certain conditions. The stakeholders believed in the need of protecting the children from the influence of these actions, as children spend a lot of time alone and are not prepared to make decisions. Only 4 of them are openly opposed to the ban on advertising fatty and sugary food between 6 and 9 pm (table 11).

I think it is not just food. I am against discrimination of sugary foods. For me the problem is in protecting children from advertising, not just what types of food. Why only sugary foods? I think the site and the middle are important, I do not care what they advertise, either fast food or beef steak.
Table 11. Support for statutory controls to certain marketing activities.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Strongly support</th>
<th>Support in certain conditions</th>
<th>Oppose behind the scenes</th>
<th>Oppose openly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ban on fatty sugary food ads in child attractive TV shows between 6pm and 9pm</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Ban on fatty sugary food branded Internet site with games and prizes</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Ban on fast food branding of school football shirts</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Ban on the use of free puzzle or games in sugary cereal packages</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Ban on product placement of soft drink brand in a children’s cinema movie</td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Ban on sweets and snacks placed at checkouts of a supermarket</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Ban on branded logo on educational materials, eg in school exercise book</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Ban on commercial SMS texts of food advertising knowingly sent to children</td>
<td>7</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

10.3. Policies of the participating institutions and organizations for the marketing of food and beverages to children.

Stakeholders were asked if the institutions or organizations they represented had a policy for food and beverages marketing to children, to which the vast majority (n = 10) responded that they actually have any of these policies in their organization. They were also asked to assess the best approach to preventing childhood obesity: physical activity, diet, or both together. The stakeholders generally chose physical activity (n = 6) and physical activity combined with improvements in diet (n=7). Only 1 of them confirmed that the diet is more important.

*This is a personal opinion. I would put much more emphasis on physical activity. I believe that physical activity can compensate for these excesses in the diet.*

*All are important, there is no point in having a healthy diet if they do not make any exercise, and conversely, if we give greater importance to physical exercise at the expense of eating healthy food and drink, is probable that we do not reach any desired effect.*

The stakeholders that recognized the implementation by their institution or organization of any campaign to promote physical activity were representatives from academia, public health, food and beverage industry, government, media, and associations advocacy for children, families and schools (n=7). However, it was slightly larger the number of stakeholders which stated that their organization had carried out promotional...
activities for healthy eating in children (n=9). The representatives of an association of food distribution, the representative of the advertising industry, the association for the defense of children, family and school, and a representative of communication and a partnership of public health professionals (n=5) admitted that their organizations had not carried out any campaign for the promotion of healthy diet for children.

According to the stakeholders, the view held by the organizations they represent on the types of products that should be removed from the market, some said that their organization would opt for removing the foods that are high in fat, sugar or salt or those that can be harmful to health. Others said that their organization would choose not to remove such food in the market for several reasons: the free market, because they can be included in a balanced diet or are already controlled by legislation. In contrast, there were those who argued that the problem is not the type of food being sold, but how it should be advertised.

*Foods with high fat content, all the industrial bakery, all the crap the kids eat, I would withdraw them from the market. I would withdraw them from the market because they have a very high content in fat, because fat tends to be unhealthy, highly saturated fat and therefore detrimental from the point of view of health.*

*I believe that if law approves them, legislation should decide. I think that any food, already controlled, should not be withdrawn from the market. Making or not advertising is different. I do not agree that are to be withdrawn.*

*We believe that within a varied and balanced diet we can eat all the products if they are safe and can be consumed.*

Regarding the restrictions on TV advertising, part of the stakeholders (n=4) felt that restrictions were not acceptable. Others (n=9) stated that it is acceptable to apply restrictions on all programs. Only 2 stakeholders felt they were acceptable in programs with large audiences of children and 2 thoughg that restriction would be acceptable in programmes broadcasted before 9 pm.

*I think there is an outstanding education for consumption. Since very young all around children, advertising and marketing making pressure for the consumption. So if the authorities prohibit this pressure these things would not happen.*

As for the age range of children that should be protected, there were no agreement of the stakeholders. Of these, 4 think children should be protected up to 16 years; 3
stakeholders considered protection until the age of 18, and 4 think that it should be 12 years.

10.4. Influence that different organizations may have in the development of government policies on marketing to children, according to the opinion of stakeholders.

Amongst all the participating stakeholders, the vast majority (n=11) felt that the media and the Ministry of Health can exert a strong influence on government policies in marketing for children. 10 of them also assessed the influence of the major heavyweight papers. 9 stakeholders highlighted national consumer associations and 8 considered a very influential association of food-producing industries (table 12).

Table 12. Stakeholder’s ratings on the influence of national organizations on government marketing policies for children.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>No influence 0</th>
<th>Little infl. 1-3</th>
<th>Moderate 4-6</th>
<th>Much infl. 7-9</th>
<th>Total influence 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviewee’s organisation</td>
<td>0</td>
<td>2</td>
<td>6</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Teachers union</td>
<td>1</td>
<td>4</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Journalist for major heavyweight paper</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Association for advertising agencies</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Association for supermarkets</td>
<td>0</td>
<td>2</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Association for food companies</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Media and broadcasting companies</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>National consumer association</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Ministry of Health / Government Food Agency</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>Ministry of Finance/Treasury</td>
<td>0</td>
<td>0</td>
<td>8</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Parent and child organisation</td>
<td>0</td>
<td>1</td>
<td>11</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>National church body</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Public health doctors group</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

Stakeholders assessed what in their opinion people think about the possible influence that a group of organizations can exert these agencies. They consider that the Ministry of Health (n=12), the media companies (n=9), the National Association of Consumers (n=9) and the major heavyweight papers (n=9) are the organizations that population
trust most. Also, stakeholders thought that people would estimate a moderate influence on parents and children organizations (n=11), the associations of supermarkets (n=8) and the associations for advertising agencies (n=8). See table 13.

Table 13. Perception that stakeholders have on which organizations population trust most.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>No influence</th>
<th>Little infl. 1-3</th>
<th>Moderate 4-6</th>
<th>Much infl. 7-9</th>
<th>Total influence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviewee’s organisation</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Teachers union</td>
<td>0</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Journalist for major heavyweight paper</td>
<td>0</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Association for advertising agencies</td>
<td>1</td>
<td>3</td>
<td>8</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Association for supermarkets</td>
<td>0</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Association for food companies</td>
<td>0</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Media and broadcasting companies</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>National consumer association</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Ministry of Health / Government Food Agency</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Ministry of Finance/Treasury</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Parent and child organisation</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>National church body</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Public health doctors group</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>2</td>
</tr>
</tbody>
</table>
11. SPANISH KEY FINDINGS

According to the stakeholders:

- The prevalence of obesity is increasing in Spain and it is higher than the European average.
- There is an association between advertising and obesity rates.
- Television influences the purchase of certain foodstuffs.
- There is a different opinion about whether it is sufficient the regulation of food advertising in Spain.
- The main options for the regulation of food and beverages marketing are: statutory regulation and industry self-regulation.
- Industry statutory-regulation is the preferred option for all marketing methods.
- The voluntary action of individual firms is an inefficient method of regulation that requires a legislative framework or external monitoring.
- The stakeholders would support statutory controls for specific marketing actions, although support for such action varies considerably, depending on the action concerned.
- Both physical activity and physical activity together with an improvement in the diet are the best choices for the prevention of obesity in child population.
- The media, major heavyweight papers and the Health Ministry are believed to be a big influence on government policies of marketing to children.
- The Ministry of Health, media and broadcasting companies, national consumer associations and major heavyweight papers could be the organizations perceived by population as the most influential on policies.
- In our country, the main measure available to control the marketing of food and beverages is the industry self-regulation.
- Physical activity along with improved diet is the best alternative for preventing childhood obesity.
12. REFERENCES


APPENDIX 1. Carta de Presentación

Alicante, Noviembre 24 de 2008

Estimado xxxx,

El Área de Medicina Preventiva y Salud Pública, del Departamento de Enfermería Comunitaria, Medicina Preventiva y Salud Pública e Historia de la Ciencia de la Universidad de Alicante, participa, junto con socios de 11 países europeos, en un proyecto de investigación sobre la publicidad de alimentos. Está co-financiado por la Unión Europea en el marco del Programa de Salud Pública, y su objetivo es el estudio de las Opciones de Política para la Comercialización de Alimentos y Bebidas dirigida a niños. (POLMARK - Assessment of POLicy options for MARKeting food and beverages to children).

El proyecto se enmarca en una de las áreas prioritarias de acción de la Comisión Europea sobre los determinantes de las enfermedades no-transmisibles y ofrece, a los actores principales en cada Estado Miembro, la oportunidad de participar en la evaluación de las opciones de políticas en la comercialización de alimentos y bebidas dirigida a niños.

La información generada por POLMARK contribuirá a la revisión de los controles de comercialización por la Comisión Europea prevista para el año 2010, tal y como se describe en el Libro Blanco "Una estrategia para Europa sobre la nutrición, el sobrepeso y la obesidad relacionados con cuestiones de salud" ("A Strategy for Europe on Nutrition, Overweight and Obesity related health issues").

Con este fin, invitamos a su organización a participar como actor principal para contar con su opinión sobre las oportunidades, amenazas, fortalezas y debilidades, de las diferentes opciones para la regulación en la comercialización de alimentos y bebidas a niños, tanto en cada país como en la Unión Europea. Estos resultados podrán proporcionar soporte en el diseño de estrategias de quienes formulan las políticas.

Nuestro equipo de investigación se encuentra actualmente planificando un cronograma de entrevistas personales, bien con usted o con un representante de su institución. La entrevista tendrá una duración aproximadamente de 40 a 45 minutos y será grabada. La entrevista será semi-estructurada y estará apoyada en una guía de preguntas, entre las que se incluirán aquellas relacionadas con las regulaciones actuales y futuras. Las entrevistas serán anónimas y en ningún caso se utilizará la identidad de ninguno de los participantes en la información recopilada.

Por último le estamos anexando a Usted unos documentos técnicos esenciales, los cuales le sugerimos sean leídos antes de la entrevista. Así mismo un pdf del Código PAOS. Para cualquier duda puede contactar conmigo al teléfono móvil 667491316.

Esperando su respuesta, agradecemos su atención y le saludamos atentamente

MARIA DEL ROCIO ORTIZ MONCADA
POLMARK coordinador del proyecto España
APPENDIX 2.

Objetivos generales

El objetivo general del proyecto es, por una parte, mejorar la comprensión de la influencia de la comercialización de alimentos y bebidas sobre las preferencias alimentarias de la población infantil, y por otra parte, contribuir a mejorar el estado nutricional de los niños y niñas en la Región Europea. Esto contribuirá a contrarrestar el problema de la obesidad y de las enfermedades no transmisibles.

Estrategia relevante y contribución a la Salud Pública

La Reunión Ministerial de la Región Europea del 2006, frente al desafío de la obesidad identificó la comercialización de alimentos y bebidas para niños como un problema de salud pública que requiere ser regulado. El Libro Blanco de la Comisión Europea «Estrategia sobre el sobrepeso y la obesidad» también reconoció este problema e instó a la industria a tomar la acción voluntaria, que se revisará en 2010. El proyecto “PolMark” está diseñado para proporcionar elementos de alto nivel para los planificadores de políticas con el fin de apoyar los objetivos de estas estrategias.

Metodología

El proyecto consta de tres partes orientadas a la consecución de los objetivos.

- La primera es revisar el estado del arte sobre los controles y normativa actual sobre la comercialización de alimentos y bebidas para niños en todos los Estados Miembros de la Unión Europea, a partir del informe realizado en 2005-06 por la Organización Mundial de la Salud.
- En una segunda etapa, se identificarán más de 100 informantes Clave (IC) interesados por la salud infantil y por la producción y promoción de alimentos y bebidas al menos 10 IC en cada uno de los 11 Estados Miembros. Los IC serán entrevistados para valorar su punto de vista y las posibles oportunidades y barreras que existen en la elaboración de políticas en este ámbito.
- En la tercera parte, y a partir de la información generada en las entrevistas, se espera ampliar los análisis disponibles a partir de la metodología de la Valoración de Impacto en Salud-VIS- (Health Impact Assessment –HIA-) de la promoción de los alimentos, de acuerdo con los juicios de los IC. Además, se cuantificará en forma de mapeo los datos que ilustran las valoraciones de los IC sobre el impacto en la salud. Su utilidad radica en la estandarización de técnicas para la VIS (HIA) como herramienta disponible para los planificadores de políticas.

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Grupo investigación: Rocio Ortiz M, Carlos Alvarez-Dardet, Mª Carmen Davó B, Diana Gil G, Marta Martín, Laura González Z, Naima Benachia Z, Virginia Acartuno, José M Martínez S.

Web:
http://polmarkproject.net/
http://ec.europa.eu/eha/projects/databases.html

Resultados Esperados del Proyecto POLMARK

Los resultados del proyecto ayudarán, por una parte, a promover la comprensión de las políticas actuales y las opciones de política en relación a los controles de la comercialización de alimentos y bebidas para niños y, por otra parte, servirá como base en el desarrollo de metodología para la Valoración de Impacto en Salud -VIS-.
APPENDIX 3. Documentos Técnicos

POLMARK - Assessment of POLicy options for MARKeting food and beverages to children (Spain)

Traducción: Equipo PolMark de España
Naima Benaicha Z, Mª Carmen Davó B.
Revisado Rocío Ortiz M

DOCUMENTO (A) SWEET SURRENDER
DULCE ENTREGA

Por Susan Levine y Lori Aratani
Washington Post personal de Escritores
Jueves, 22 de mayo de 2008; Página D01

Una industria denunciada en repetidas ocasiones durante la última década, por el sobrepeso de millones de niños americanos, está cambiando la forma de preparar los snacks, bebidas y otros alimentos para jóvenes consumidores.

Motivadas por la amenaza de medidas más duras de regulación de la publicidad y por el aumento del coste de las demandas, algunas de las empresas de alimentos más grandes del país han reducido la publicidad dirigida a niños de determinados productos altos en calorías. Kraft, ya no desempeña su clásico spot en el que dice que un "niño debe de comer en primer lugar la mitad de una Oreo," al menos no lo hace durante los programas dirigidos a niños. Hershey y Mars han retirado spots de dulces dirigidos a la población infantil menor de 12 años.

Otras empresas están haciendo hincapié para que los productores sustituyan los productos fritos favoritos de los niños por los alimentos horneados, en la reformulación de productos alimenticios, la reducción de sodio en algunas variedades de los menús y la reducción de azúcar y grasa en los cereales, como en los de Spider-Man 3.

Los restaurantes de comida rápida como McDonald's, ofrecen hoy en día, manzanas en rodajas, y como opción, el 1% ciento de leche en sus Happy Meals.

Y Disney, que está poniendo personajes icónicos como Mickey Mouse en productos como la leche, frutas y hortalizas, ha ido más lejos con su publicidad propagándola en sus parques temáticos en California y Florida.

Allí, la comida para niños viene acompañada de una bebida sana y una fruta. Los comensales no ofrecen refrescos ni patatas fritas.

Los críticos dicen que la industria puede hacer mucho más. Muchos alimentos siguen siendo poco saludables. Mejorándolos podría evitarse muchos daños, pero eso no significa que puedan ser, repentinamente, nutritivos. Sin embargo, mucha gente está dispuesta a mejorar.

"El progreso ha sido enorme y trascendental, en comparación a como éramos hace tan sólo dos años", dijó Stephen Gardner, quien encabeza los litigios en el Centro de “for Science in the Public Interés.”
"El hecho de que las empresas se hayan puesto de acuerdo para poner fin a la comercialización de sus alimentos perjudiciales para los más jóvenes es, increíble".

Funcionarios federales, que han empujado, pero no forzado la acción, consideran que están siendo un papel fundamental.

"Los esfuerzos se están intensificando, "dijo el Cirujano General Steven K. Galson. "Me gustaría verlos competir unos con otros para ver quien puede más", añadió.

La competencia podría ser mundial. Coca-Cola y Pepsi Co, las dos empresas de bebidas más grandes del mundo, anunciaron el martes que extenderían la prohibición de los anuncios de sus mercados internacionales orientados a los niños a finales de este año en EE.UU. La acción abarcará todos los lugares, desde SMS de móviles a los de Internet y de las películas donde las audiencias son de menores de 12 años.

En colaboración con el Consejo Internacional de las Asociaciones de Bebidas, ambas se comprometieron a revisar sus patrocinios, presentes en las escuelas y en las promociones de la tienda antes de finales de 2009. Coca-Cola dijo que incluirá todos los productos, no sólo las bebidas refrescantes.


♦ Los reclamos en los anuncios sobre los beneficios nutricionales para la salud deben ser acordes con las pruebas científicas.
♦ La publicidad de los alimentos y bebidas no debe fomentar el exceso de su consumo, y el tamaño de las porciones debe concordar con el etiquetado nutricional.
♦ La publicidad no debe menoscabar la importancia de los estilos de vida saludables, la promoción de una dieta equilibrada y sana, ni la importancia de una buena salud o de una vida activa.
♦ Los anuncios deben ser claros y no dar lugar a que el consumidor pueda equivocar la cantidad, el tamaño y los beneficios para la salud del contenido de los alimentos y bebidas.
♦ No deben utilizarse personajes de dibujos animados en la publicidad dirigida a niños para vender productos, primas o servicios, para que se pueda distinguir entre el programa, el contenido editorial y la promoción comercial.
♦ Los anuncios de alimentos y bebidas dirigidos a niños no deben provocar alarma, ni permitir una inapropiada minimización de precios.
♦ Cuando en la publicidad dirigida a niños y jóvenes se utilice la fantasía y la animación esta no ha de explotar su imaginación de manera que les induzca a error en cuanto a los beneficios nutricionales de los productos anunciados.
♦ Los anuncios de alimentos y bebidas no deben inducir a error a los niños y jóvenes sobre los beneficios de consumir el producto en relación con su bienestar, la popularidad entre sus compañeros, el éxito en las escuelas, el deporte, o con su inteligencia.
♦ Los anuncios de alimentos no deben menospreciar el papel de los padres u otros adultos responsables en la orientación de la dieta y del estilo de vida para el bienestar del niño.
♦ Los anuncios no deben hacer ningún llamamiento a los niños para que estos persuadan a sus padres u a otros adultos de que compren los productos anunciados para ellos.
♦ Las ofertas de ventas dirigidas a los niños debe garantizar las condiciones tanto de la promoción como de cualquier oferta anunciada.

Los Principios Generales de la Publicidad en el contexto de la Alimentación y Bebidas

1. Cualquier copia, sonido o presentación visual de los productos alimenticios debe representar, con precisión, todas las características del material de la publicidad -incluyendo el tamaño, el contenido, así
como la nutrición y sus beneficios para la salud- y no debe confundir a los consumidores en relación con cualquiera de esas características.
2. Las reclamaciones de la nutrición y los beneficios de la salud deben de tener una base científica sólida.
3. La publicidad de los alimentos y las bebidas no debe fomentar el exceso de consumo y el tamaño de las porciones debe coincidir con el etiquetado nutricional.
4. En caso de que el producto de un alimento o bebida se presente en el contexto de una comida, debe ser demostrada una variedad de alimentos con la finalidad de reflejar buenas prácticas dietéticas.
5. Los anuncios de alimentos y bebidas no deben socavar la promoción de una dieta saludable y equilibrada.
6. Los anuncios de alimentación y bebidas no deben socavar la promoción de un estilo de vida sano y activo.
7. Los anuncios de productos alimenticios que no son sustitutos de la comida no deben presentarse como si lo fueran.

Principios Adicionales de la Publicidad de Alimentación y Bebidas dirigida a los Niños

Los mismos principios que son aplicables a la publicidad en general, también se aplican a la publicidad dirigida a niños pequeños. Es en este sentido consideramos que la publicidad, también, es una fuente valiosa de información para ellos. Sin embargo, los anunciantes deben tener en cuenta que las capacidades de los niños son distintas en las diferentes etapas de desarrollo, y estas pueden determinar la comprensión de los mensajes.

1. Los anuncios no deben inducir a error sobre los posibles beneficios del consumo de un producto.
2. La publicidad de los productos alimenticios no debería traspasar el papel de los padres ni el de otros adultos sobre la orientación del suministro de alimentos.
3. Los anuncios no deben incluir ningún llamamiento directo a los niños a que persuadan a sus padres u otros adultos para comprar los productos anunciados para ellos.
4. Los anuncios dirigidos a los niños no deben crear un sentido de urgencia ni de alarma.
5. Cuando la fantasía, incluida la animación, es la apropiada en cuanto a la comunicación con los jóvenes y niños mayores, se debe tener cuidado para que no tenga mayor influencia sobre los niños de una manera que pueda fomentar pobres hábitos alimenticios.
6. Los productos relacionados al contenido de programa de televisión dirigido principalmente a los niños no debe ser objeto de publicidad durante oadyacentes a dicho programa.
7. La gente famosa no debe utilizarse para promocionar productos, primas o servicios de tal manera que dificulte distinguir entre el programa y el contenido editorial y promoción comercial. Por ejemplo, los comerciales o anuncios publicitarios con personajes de programas o publicaciones dirigidos principalmente a los niños no deben ser adyacentes a los programas o artículos en la que aparece el mismo carácter o personalidad.

DOCUMENTO (C): FRENCH SCHOOLS' NEW BÊTE NOIRE: VENDING MACHINES

BOURGES, FRANCIA - Francia tiene un grave problema con el Lycée Jacques Coeur. Es un colegio público, y según los funcionarios franceses, los colegios públicos hacen a los alumnos blandos. No será por normas de laxitud de los estándares académicos, diría usted. No, el problema con el “Lycée Jacques Coeur” radica en sus vidrieras del salón de estudiantes, donde una llamativa máquina expendedoras ha convertido el símbolo de un alarmante aumento de la obesidad infantil.

Este verano, Francia votó a favor de la prohibición de todas las máquinas expendedoras que venden dulces y refrescos en los colegios. Para el próximo año escolar, se estima que 8.000 máquinas deben ser eliminadas de los colegios e institutos de todo el país. Considerado, durante mucho tiempo, un fenómeno americano, el problema de sobrepeso entre los jóvenes está alcanzando la magnitud de crisis en Europa. Según un estudio de la Organización Mundial de la Salud (OMS), el número de sobrepeso y obesos se ha duplicado en Francia y Alemania en los últimos 10 años.
En respuesta a ello, el Parlamento francés votó a favor de imponer nuevos impuestos a los productores de comida basura si no contemplan las advertencias sanitarias, centrándolo en las máquinas expendedoras.

Según expertos, la controvertida medida marca un punto de inflexión en Europa. "El clamor de personas de todo el mundo a tomar medidas es fenomenal ", dice Neville Rigby, director del Grupo de Tareas de la política Internacional de la obesidad en Londres. Varios países europeos siguen el ejemplo de Francia.

El mes pasado, las autoridades prohibieron máquinas expendedoras en todos los colegios de primaria en Bruselas. En Alemania, las autoridades locales prohibieron quioscos de venta de dulces y refrescos cerca de los colegios. En Inglaterra se reparte una pieza de fruta a todos los alumnos de los colegios de primaria de entre 5 y 7 años.

Sin embargo, Francia ha ido más lejos aún. Ha hecho que una alimentación sana se convierta en una prioridad principal, impartiendo por ejemplo clases de nutrición en los colegios.

Las máquinas expendedoras en los colegios, es un fenómeno relativamente nuevo en Europa. Son frecuentes en Inglaterra, pero no existen en Alemania, y en Francia alrededor del 40% de los colegios las tienen.

Las máquinas ahora en vez de ofrecer un porcentaje de su producto a la escuela en sí, lo hacen a las organizaciones estudiantiles, las cuales podrían recibir miles de euros al año destinadas a actividades. Además, los incentivos de la comida basura están creciendo.

"La Coca-Cola está empezando a decir que están dispuestos a patrocinar equipos de colegio y esto es tentador ", dice Michel Richard, un encargado en Versalles, cerca de París.

**Reino Unido: Nuevas restricciones a la publicidad televisiva de productos alimenticios y bebidas destinadas a niños**

Ofcom ha publicado hoy detalles de las restricciones significativas previstas para limitar la exposición de los productos alimenticios y bebidas con alto contenido en grasa, sal y azúcar en la publicidad televisiva dirigida a niños.

Gran número del público sigue sus conclusiones a través de un programa detallado…

- Ofcom ha decidido que uno de sus objetivos de regulación es reducir, significativamente, la exposición de los niños menores de 16 años a la publicidad de los productos alimenticios y bebidas con alto contenido en grasa, sal y azúcar (HFSS).
- Ofcom pretenderá llegar a este objetivo y proporcionar medios posibles, equilibrando este objetivo contra sus funciones estatutarias para fijar programas televisivos de alta calidad y gran audiencia.
- Ofcom decidió también que las restricciones que se destinarán a la publicidad de los productos de HFSS emplearán el acuerdo de perfilado nutritivo corriente desarrollado por la agencia de normas Alimentarias.

Sobre el equilibrio de la evidencia, Ofcom cree que la mejor manera de lograr sus objetivos sería una prohibición total de anuncios sobre comida de HFSS y bebidas en todos los programas dirigidos a niños menores de 16 años, en cualquier momento del día, sea de día o de noche y en cualquier canal de televisión.

- Esto incluiría una prohibición total en la programación dirigida a niños en canales especiales, así como a programas orientados a jóvenes y adultos, una población que atrae a una significativa media superior a la proporción de los espectadores menores de 16 años.

- Como resultado de la decisión de Ofcom para orientar/contemplar la regulación/el reglamento para garantizar la protección de los menores de 16 años, en contraposición a los menores de 9 años, tal y
como se propuso por primera vez, habrá una breve y precisa consulta para recabar opiniones sobre la ampliación de las restricciones para proteger a estos niños pertenecientes a esa edad. Esto se cerrará antes de Navidad con la determinación final en enero de 2007.

♦ Además del contenido general de las normas que exige la responsabilidad de la publicidad dirigida a todos los niños en cualquier momento, Ofcom propuso también nuevas normas sobre el contenido de los anuncios dirigidos a alumnos de primaria. Estas normas prohíben la utilización/el uso de los famosos y personajes autorizados por terceros (tales como dibujos animados), de los reclamos promocionales (tales como los regalos gratuitos) y reclamos sobre salud o nutrición.

♦ Todas las restricciones sobre la publicidad del producto se aplicarán igualmente a los productos de patrocinio.

**Normas de advertencia sobre anuncios de alimentos en Francia**

Associated Press PARIS –

Menos grasa, menos azúcar, menos sal: Hasta los franceses están tomando medidas represivas/drásticas al respecto.

Ante la invasión de la comida rápida sobre las tradiciones culinarias francesas, el gobierno francés teme que los jóvenes se estén enfrentando a un creciente riesgo de obesidad.

Se advierte que hay que regular/controlar los anuncios sobre comida a domicilio, y fomentar el ser activo y comer frutas y hortalizas.

Esta movilización afecta a la publicidad de la televisión, la radio y los carteles publicitarios e Internet para alimentos y bebidas transformadas, edulcoradas o saladas. El Ministerio de Sanidad dice que ayudará a los niños a ser críticos ante los anuncios de alimentos.

Los anunciantes que se niegan a ejecutar los mensajes/anuncios, recibirán una multa del 1,5% sobre el coste del anuncio, que se abonará al Instituto Nacional de Educación para la Salud. En la actualidad, los anunciantes, tienen derecho a cuatro advertencias, que se actualizarán con frecuencia con el fin de mantener su eficacia, dijo el ministro de Salud, Xavier Bertrand:

- “Por su salud, coma al menos cinco frutas y verduras al día”.
- “Por su salud, haga ejercicio frecuentemente”.
- “Por su salud, evita comer demasiada grasa, demasiado azúcar, demasiada sal”.
- “Por su salud, evita comer/picar entre las comidas.”

**Irlanda prohíbe anuncios sobre comida basura dirigida a niños.**

El nuevo Proyecto de Ley de Radiodifusión anunció este mes, que el Ministro de Comunicaciones, Eamon Ryan, dio un golpe duro a los consumidores al anunciar propuestas para prohibir la publicidad de comida "Basura" dirigida a niños durante programas televisivos.

La ley prohibirá la publicidad de la comida basura durante los programas de TV dirigidos a niños. Apenas la legislación pueda distinguir entre comida basura y productos sanos, los publicistas podrán anunciarlos si los abogados demuestran que son saludables.
Third Phase

“Description of the variables on the organization for the Mapping for the Development of Health Impact Assessment, Spain”-WP6

Researchers responsible WP6-Spain:
Diana Gil González
Rocio Ortiz Moncada
13. Presentation

This report is a continuation of the first progress report of project results Polmark WP5 entitled "Stakeholder views on policy options for marketing of food and beverages to children in Spain".

The paper presented describes only the results for the organizational characteristics and institutional stakeholders, information not presented in the previous report. This information will be analyzed later to address the impact on health. The purpose of circulating this document is to contrast the information reflected with stakeholders and to receive suggestions and contributions to its content.
14. OBJECTIVE

Improved HIA stakeholder mapping methodology through the quantification of impact assessments, as applied to the marketing of foods and beverages to children.
15. METHODOLOGY.

This is a qualitative observational design, based on in-depth interviews using stakeholder's technique.

For the selection of stakeholders we identified stakeholder groups with direct interest and relevance and influence over public policy options relevant to food and beverage marketing to children, which were defined in 8 categories. In the Spanish case, we obtained a final list of 13 networks of organizations and 14 stakeholders (Table 14)

Table 14. Stakeholder categories and their representatives in Spain.

<table>
<thead>
<tr>
<th>Stakeholders categories</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Academic experts, government advisors (Obesity research societies)</td>
<td>1. Spanish Society for the Study of Obesity (Sociedad española para el estudio de la Obesidad -SEEDO-)</td>
</tr>
<tr>
<td></td>
<td>2. Spanish Society of Community Nutrition (Sociedad Española de Nutrición Comunitaria -SENC-)</td>
</tr>
<tr>
<td>2. Consumer advocates (National consumer associations)</td>
<td>3. Communication Users Association (Asociación de usuarios de la comunicación -AUC-)</td>
</tr>
<tr>
<td>3. Public health and health professional advocates</td>
<td>4. Spanish Society of Public Health and Health Management (Sociedad Española de Salud Pública y Administración Sanitaria -SESPAS-)</td>
</tr>
<tr>
<td></td>
<td>5. European Pharmaceutical Law Group (Grupo Europeo de Derecho Farmacéutico)</td>
</tr>
<tr>
<td></td>
<td>7. Spanish Federation of Food and Beverages Industry (2 stakeholders) (Federación Española de Industrias de la Alimentación y Bebidas -FIAB-)</td>
</tr>
<tr>
<td>5. Advertisers and advertising advocates</td>
<td>8. AUTOCONTROL</td>
</tr>
<tr>
<td></td>
<td>11. Save The Children – Spain</td>
</tr>
<tr>
<td></td>
<td>13. Spanish Ministry of Presidency: State Department for Comunication (Ministerio de la Presidencia: Secretaria de Estado de Comunicación)</td>
</tr>
</tbody>
</table>
The data collection was conducted through a questionnaire consisting of 25 semi-structured questions, with the possibility of open questions. The questionnaire was translated and adapted to the Spanish context, taking into account both technical and colloquial terms used in the country, without altering the original scheme of the same. Of all the questions, 10 corresponded to variables related to the Health Impact Assessment (HIA) which results described above are presented in the following report.
16. RESULTS.

16.1. Full-time employees at the central office (10A).

The question asked to the 14 stakeholders who participated in the study was related to the number of employees, the headquarters of the organization have, approximately. The heterogeneity of the organizations that acted as stakeholders is to show that range from not having any employees because they are essentially associations, or come to 1500, as shown in Table 15.

Table 15. Number of employees in the organizations surveyed.

<table>
<thead>
<tr>
<th>Number of stakeholders</th>
<th>Number of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>2-6</td>
</tr>
<tr>
<td>3</td>
<td>20-22</td>
</tr>
<tr>
<td>4</td>
<td>75-1500</td>
</tr>
</tbody>
</table>

16.2. Annual budget of all activities in the central office (10B).

In the same way as in the previous question, the diversity of the organizations showed very different results when asked what their annual budget is. Table 16 shows the results obtained.

Table 16. Annual budget of the organizations.

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Annual budget in euros.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>35000-70000</td>
</tr>
<tr>
<td>1</td>
<td>150000-200000</td>
</tr>
<tr>
<td>3</td>
<td>400000-600000</td>
</tr>
<tr>
<td>2</td>
<td>2 million</td>
</tr>
<tr>
<td>1</td>
<td>19 million</td>
</tr>
<tr>
<td>2</td>
<td>100-275 million</td>
</tr>
<tr>
<td>1</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
16.3. Budget allocations for the media or press department (11A).

Regarding the budget available to the organizations aimed at the media and press department, the responses obtained are shown in Table 17. Half of the organizations (n = 7) saw no case for its answer, in some cases because they are associations or because they are self media organizations.

Table 17. Budget allocations for the media or press department.

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Budget in euros</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8000</td>
</tr>
<tr>
<td>3</td>
<td>15000-60000</td>
</tr>
<tr>
<td>2</td>
<td>120000-30000</td>
</tr>
<tr>
<td>1</td>
<td>25-30 million</td>
</tr>
<tr>
<td>7</td>
<td>Unknown / Not applicable</td>
</tr>
</tbody>
</table>

16.4. Staff for the press media and communication (11B).

When asked about staff available in the department of media and press, the organizations results are diverse as shown in Table 18.

Table 18. Staff for print media.

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>1-6</td>
</tr>
<tr>
<td>1</td>
<td>200</td>
</tr>
<tr>
<td>2</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
16.5. Government requirements for the views of the organizations (12 A).

Organizations were asked if they offered their views when it is required by the government. All organizations responded affirmatively give their opinion about what the government requests. Some organizations specify this participation:

Some of the organizations specified:
“Permanently Therefore, because in Spain there is what is called the Center for Obesity which dependes on the central government and they permanently need us to discuss this topic. We are required once a month, monthly”.

Another organization said that his opinion was related to the legislation:
“3 or 4 months ago, the government requested our opinion because they are coming to change the law on health and wanted our views on who should provide this law with regard to our field of study (obesity). We responded sending a letter about what we think should be included in the new health law of obesity, both in prevention aspects (especially) and treatment.”

Other organizations explain are working to European entities:
“In Brussels, we work with EUROCOMMERCE. (...). A partnership covers the entire European business and is a very important connection point for the commission and the parliament. It is the voice of all trade and the committee asks for information on all labelling, nutrition, and we always have a lot in common. We also participate in health and nutrition strategy being undertaken by the commission”.

Another organization specifies the context of their participation:
“I have taken part in some committees of valuation(....).The Commission on Bioethics once a month, not always and exclusively deals with the topic of health. But we have spoken a lot about children's health in order to decide to what extent can children decide, parents are who have to decide, as a result of cases. For example a case recently in Spain of a child who was fed very poorly and the custody was removed to the parents, because parents were unable to feed and was in a degree of obesity that threatens his life. Cases like this one raise bioethical problems”
16.6. Participation in organizing public debates on health and / or policies of obesity (12 A).

All organizations less two of them report having participated in public debates on the subject. In addition, five organizations refer to the participation in forums or debates within the NAOS strategy and PAOS.

“Within the NAOS strategy within EROSKI Foundation, in the Forum CAIXA last year, so we have discussion forums, we are always there when we are invited”.

“We also participate in the process of hearing that the administration provides for any legislative initiative developing in this area, and also participate in Monitoring Committees for self-monitoring code existing in this market”.

Other organizations specify their participation, which generally refer to the following:

“Yes, in conferences organized by the Ministry of Health on this matter, ourselves are organizing a workshop for February. We not only participate but we also organize. Every year we organize a course dealing with publicity law, at least there is one meeting addressed to this matter”.

Finally, participation in international forums is manifested through two organizations:

“We participate when we are given the opportunity. Also through the public consultation launched by the European Union”.
16.7. Publications on obesity and on problems related to health (12B).

Twelve organizations claim to publish information on obesity and health through the document format (n = 7), newsletters and reports (n = 2), journals (n = 2), and websites (n = 1).

Two organizations said they did not have these publications, in one case because it was not appropriate for the characteristics of the organization.

16.8 Statements to the press about obesity or on matters related to this problem (12C).

Organizations were asked if they performed press statements on obesity. The heterogeneity of responses is shown in Table 19.

Table 19. Press statements on obesity by the organizations.

<table>
<thead>
<tr>
<th>Number of stakeholders</th>
<th>Press Statements</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Regular intervals (weeks)</td>
</tr>
<tr>
<td></td>
<td>Periódicamente (por semanas)</td>
</tr>
<tr>
<td>1</td>
<td>Twice a year</td>
</tr>
<tr>
<td>2</td>
<td>3 or 4 times a year</td>
</tr>
<tr>
<td>1</td>
<td>7 or 8 times a year</td>
</tr>
<tr>
<td>5</td>
<td>No</td>
</tr>
</tbody>
</table>

Organizations were asked if they performed public conferences on obesity. The diversity of responses shown in Table 20.

Table 20. Conducting public meetings.

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Public lectures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Twice a month</td>
</tr>
<tr>
<td>1</td>
<td>1 biennial</td>
</tr>
<tr>
<td>1</td>
<td>From 4 to 6 times a month</td>
</tr>
<tr>
<td>5</td>
<td>1-5 times per year</td>
</tr>
<tr>
<td>3</td>
<td>Not specified</td>
</tr>
</tbody>
</table>

One organization stated that they do not organize conferences, but participate in those that are of interest, but organized by other entities:

“We do not organise conferences, we participate in them. The frequency depends on when we are invited, we are quite often invited for training classes, when the administration organise working days, the industry itself, 4-5 times a year (as speakers or participating in panel discussions)”
16.10. Frequency in appointing its organization in the public media on the topics mentioned above (13).

Organizations were asked how often their organization is named in the public media on topics of interest. The different responses are shown in Table 21.

Table 21. Conducting public meetings.

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Frequency of appearance in the media</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Weekly</td>
</tr>
<tr>
<td>6</td>
<td>Monthly</td>
</tr>
<tr>
<td>1</td>
<td>Quarterly</td>
</tr>
<tr>
<td>6</td>
<td>Rarely or missing</td>
</tr>
</tbody>
</table>

16.11. Participation of the organization in the lobbying for the promotion of foods and drinks for pediatric population or in promotional activities specifically targeted to policy makers (14).

Regarding the question of whether the organization is involved in lobbying for the promotion of foods and beverages or promotional activities directed at the politicians in this area, seven of the organizations said no with reasoned justification at the very objectives of the organization:

“Other societies involved in more aspects of nutrition may do this, in any case we do not do this, and we take care of a very specific issue which a disease is called obesity. Companies dealing with nutrition are more dedicated to this”.

Seven of the organizations said that they do participate in this field. The organizations specify this commitment:

“(…) if we are speaking about lobbying activity that we can make as an association,

“Yes. Since we operate as a group of interest, we turn to the industry; we turn to the administration at European level and even to a Spanish level”.
“Yes. We work first with the central administration, then also with some autonomous administrations, and with some companies that have common interests (…)”

“Yes. Campaigns, workshops, nutrition education activities (lectures, workshops, tutorials)”

“Not for the promotion of products, but to improve the promotion of these products. Our main objective has always been the right of information to the public health”.

This last speech belongs to an organization which subsequently expresses its views on the control of advertising and the difference in this respect to information:

“In fact, the EU has not yet drawn a clear distinction between advertising and information, they are working on it, and we are giving all we can, when they do public consultations, we can always try to make our vision of where is the difference.(…) Yes, advertising is legal as long as is consistent with the regulations and companies can do and is something that is established, is their right. But I specifically respect the childhood, should be reduced enough to improve publicity and information, both to them and their parents, because they often do not have actual knowledge whether they are suitable or not”.
16.12. Estimated annual budget for the activities mentioned above (15).

When asked about the estimated budget for these activities, very different responses obtained by the organizations as shown in Table 22:

**Table 22. Annual budget for activities to participate in policy formulation and advocacy.**

<table>
<thead>
<tr>
<th>Number of organizations</th>
<th>Budget in euros</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>6000-30000</td>
</tr>
<tr>
<td>1</td>
<td>3 or 4 million of euros</td>
</tr>
<tr>
<td>1</td>
<td>Between 5% and 20% of the general budget</td>
</tr>
<tr>
<td>1</td>
<td>80% of the general budget</td>
</tr>
<tr>
<td>8</td>
<td>0/No specified</td>
</tr>
</tbody>
</table>
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WEBS
PolMar-Spain Proyect: http://polmarkproject.net/
Observatory for Public Policy and Health: http://www.ua.es/webs/opps/index1.html