

Self-Regulation in Food Advertising for Children through PAOS: An International Study

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Abstract

Children's lack of experience before advertising messages makes self regulation an important topic for diverse agents in the industry, in order to protect children against the potentially dangerous effects of ads. In Spain food advertising focused in children is self-regulated by PAOS Code. The aim of this article is to identify, by content analysis, similarities and differences between PAOS and other international codes. The results show the concern about this topic is not only expressed in specific codes for children, but also in codes for other audiences, and that discrepancies between codes are determined by requisites of the online advertising.

Keywords: *self-regulation; food advertising; child audience; Spain; PAOS.*

It can be said that the protection of children, in their material and cultural conditions, is an indicator of the level of civic development attained by a country. The production and distribution of leisure and entertainment content intended for children is a contemporary phenomenon based in the assessment of the child as a potential spectator/consumer, and whose origin can be traced back to the first attempts to educate on consumption, at the beginning of the 1980's. In the same period, the interest in issues of self-regulation began to consolidate in Spain, through ethics codes referred specifically to children audience, given the concern by the relationships established between them and the media in general, and with advertising in particular.

In this social and media context, children's advertising has become one of the most sensitive areas of debate about the protection of consumers. Given the characteristics of this audience, traditionally seen as more vulnerable to commercial impacts, perhaps a specific advertising treatment will be more suitable, one that is more careful and adapted to social requirements of dealing with children. This is why, from different areas, specific initiatives have been promoted to control and regulate advertising on products directly related to the child audience.

THEORETICAL FRAMEWORK

LEGISLATION VERSUS SELF-REGULATION

According to Martín and Hernández (2009, p. 4) there are two basic mechanisms to ensure straightness of the professional practice in the advertising field. On one hand is the *surveillance model*, which focuses essentially on providing laws that offer "basic formulas" to the activity and the profession of advertising, allowing it to pursue its objectives without infringing any fundamental rights. On the other hand is the *internal control or self control*, which, in theory, should aim to ensure a straight and moral communication.

From this initial perspective, one might think that self-control is another way to say self-regulation. In fact, both can match, but such similarity should not involve difficulties of definition or delimitation of objectives and responsibilities for both. However, Aznar (2005, p. 16) differentiates them because, for him, the term self-control fits better to specific situations in which there is an adjustment of the conduct, while self-regulation implies that the capacity of adjustment is not limited to an isolated situation, but is extended in time. This, in turn, implies the establishment and dissemination of guidelines to be followed, as well as the permanence of mechanisms for promoting its compliance. Thus, the continuity in the exercise of self-control corresponds to self-regulation.

The difference between legislation and self-regulation is that the latter tries to cover the distance between the law and the enforceable ethical ideal in a social activity in constant change, as advertising, favoring that each one assumes its share of responsibility (Aznar, 2000, p. 5).

In any case, self-regulation represents a shift in regulatory adjustment in a sector –in this case, the advertising industry (companies, clients, agencies and media) – and its legal and administrative regulation. It is through the free initiative of those who self-regulate, without any coercion –for example, of the State–that it is possible to increase the responsibility of advertising and the media in a wider way. It can also be assumed that self-regulation expressed through codes of ethics has a higher specificity than legal regulations, and sometimes also tries to cover possible legal voids, complementing the law.

This distinction is considered necessary since the present work focuses its object of study only in self-regulation of advertising aimed at children through the study of selected codes from different countries, and not in the existing legislation in each country on this matter.

Thus, self-regulation, despite its legal limitation, is postulated as a tool that provides consensus and topicality, as codes are usually agreed upon by both parties and their formulation and adoption tend to be faster, respectively, than the ones of the laws,. However, as established by Medina and Soontae (2012, p. 15) there are many authors (e.g., Baum, 1961; Levin, 1967; Stern, 1971) who indicate the limitations of these codes, stating that the industry can suggest the ideal practices, but companies and agencies are not required to comply them.

CHILD ADVERTISING AND FOOD

Practically since the origins of television, its influence on children has been tried to be measured. As noted by Dorr (1986, p. 66) studies on television have focused on the child's cognitive ability to decode language television, the educational potential of the media and the effects of advertising aimed at children, trend which remains currently. These studies, following Tur (2004), come mostly from disciplines such as sociology and psychology, with approaches that go beyond the areas of social communication and marketing.

In the specific area of food advertising directed at children, there is a frequent allusion to the lack of experience of the child against television content as a factor of risk to any powerful effects, and increased vulnerability. One of the first studies that tried to demonstrate the negative influence of food

advertising in the diet of children was carried out by Donohue (1975), and thereafter the investigations in this regard have been succeeding and increasing, especially with the entry into the new millennium.

Borzekowski and Robinson (2001) observed children aged between 2 and 6 years, who viewed a popular cartoon series; one group watch the series including ads and the other only watch the series; after the viewing, children were asked to recognize and choose different products they had seen in the spots. The results show that children exposed to films with advertising are significantly more likely to choose the advertised products.

Aktas (2006) conducted a study to measure the influence of food advertising on children from ages ranging from 3 to 8 years old. Results showed that from the 775 products indexed during the content analysis, 347 corresponded to the food industry, and among these prevailed the spots of sweets or chocolates (99), followed by French fries and derivatives (83). In the polls, 40.3% of the children admitted to frequently ask their parents to buy those products that they saw advertised on television rather than those who were not advertised.

Recently, the investigations conducted by Pérez, Rivera and Ortiz (2010), Kelly and others (2010), Effertz and Wicke (2010), Boulos and other (2012), Seville and Sotomayor (2012) also suggest the influence of advertising on the expectations and eating habits of children.

As a result, it is possible to postulate that advertising is currently considered as a relevant factor of socialization for children, and even an inductor of certain consumption patterns. In this context, and from an ethical perspective, it is reasonable to warn the importance of advertising responsibility with its potential consumers, children or not, and the need for rules both legal and of self-regulation to guide and adjust advertising.

The general objective of the present work is to describe the main existing self-regulatory codes on food advertising aimed at children in Europe, Latin and North America, and compare them with the Spanish PAOS code, establishing similarities and differences to propose actions and policies to improve the PAOS code.

THE PAOS CODE

The Self-regulation Code of Food Advertising Aimed at Children, Prevention of Obesity and Health (PAOS¹ by its Spanish acronym) is part of the NAOS strategy, of the Spanish Ministry of Health and Consumption, which aims to reduce the prevalence of obesity and overweight and its consequences both in public health and its social impact.

PAOS –which has been complied by 27 of the largest Spanish food companies, most of them multinational– is in line with the Principles of Food and Beverage Product Advertising of FoodDrink Europe (former Confederation of the Food and Drink Industries of the European Union, CIAA), approved in February 2004, and seeks to provide a set of rules that serve as a guide for food companies that have subscribed to it, both in the development as in the implementation and dissemination of its messages

¹ Available in www.autocontrol.es/pdfs/cod_%20Paos.pdf.3. <http://www.mediawatch.com>

aimed at minors. Its purpose: to avoid excessive advertising pressure and contribute to promote in the child and youth population healthy nourishing habits and physical exercise.

The code also is abided, since September 2009, by television stations through an agreement signed by FORTA², UTECA³, the Ministry of Health, FIAB⁴ and Self-control. Thanks to this agreement, television networks assume the commitment of complying with the ethical standards of PAOS, applying them to all advertisers, had they signed the agreement or not.

At the end of 2012, the code underwent an update and improvement, strengthening and complementing certain aspects which in its first draft were not taken into account or were not specifically covered. These improvements include the age of the audience considered in the scope of the code: it expands up to 15 years for Internet advertising, data processing and viral marketing.

METHODOLOGY

The methodology used in this study is based on content analysis, defined as "a technique of research for the objective, systematic and quantitative description of the communication content" (Berelson, 1952, p. 18). In this case the following codes are studied specifically, describing and noting similarities and differences, deficiencies and ambiguities:

- Ethical Code on Advertising and Children, created by the European Association of Communications Agencies (EACA) in 1999.
- Self-regulation Code of Good Practices related to Children, prepared by Unesda in 2006.
- Children's Food and Beverage Advertising Initiative (CFBAI), developed jointly by CARU and the United States BBB in 2007.
- Self-regulation Code of Food and Drinks for Children Audience (PABI, by its Spanish acronym) of Mexico, launched in January 2009.
- PAOS Code, concerning food advertising for children in Spain.
- Children Advertising Review Unit (CARU).

The selection of codes starts with a convenience sample that tries to cover different ways to self-regulate food advertising for children since its inception. Thus, the objects of analysis are codes assigned to the different selection criteria:

- **Pioneers codes**, which initiated the path of self-regulation on advertising for children (EACA and CARU codes).

² Federación de Radio y Televisión Autonómicas (Federation of Autonomous Radio and Television).

³ Unión de Televisiones Asociadas (Union of associated Televisions).

⁴ Federación Española de Industrias de la Alimentación y Bebidas (Spanish Federation of Food and Drinks Industries).

- Sectoral Codes, specifically targeting the self-regulation of food advertising for children (PAOS, Unesda Code, CBAI + CARU and PABI).

The variables used to analyze each code were the following: scope (general or sectoral); age of the child/minor covered by the code; promotion of nutritional values and/or healthy lifestyle habits; self-regulation of advertising on the Internet.

The study of each code is done attending these units of analysis and will be compared with PAOS, describing the differences and providing points of improvement for the Spanish code.

RESULTS

INTERNATIONAL SELF-REGULATION

The European Association of Communications Agencies (EACA) elaborated in 1999 the Ethical Code on Advertising and Children. The text states that both children, defined as persons under the age of 12, and minors, individuals less than 17 years old, are a target at potential risk of being impacted by advertising; that is why the development of such standards is believed suitable.

The EACA code consists of several sections, among which highlights the one centered on providing guidelines for the preparation and planning of advertising aimed at minors, and the one on new media advertising. As the same text establishes, "advertising promotions should adopt the above Guidelines and in addition should take care over certain other concerns, as per below (...)" (EACA, 1999, p. 4)

EACA displays an important concern about online advertising aimed at children; one of its sections is dedicated to establish rules for it. It is interesting to see how since the adoption of the Code, in 1999, there was already concern on the impact of new technologies on this issue.

EACA has not overlooked the special attention that must be taken in data protection and the minor, since many times the advertiser takes advantage of the creation of clubs, communities or contests to have the opportunity to ask children for data that can compromise their privacy (EACA, 1999, p. 5)

Another case of international advertising self-regulation is the guidelines promulgated by the Children's Advertising Review Unit, CARU⁵. Attached to CARU is The National Advertising Review Council, to which belong the Association of National Advertisers (ANA), the American Association of Advertising Agencies (AAAA), the American Advertising Federation (AAF) and the Council of Better Business Bureau (CBBB).

The main activities of CARU are to review and evaluate advertising aimed at children in all media. If a piece is misleading, inaccurate or inconsistent with the regulatory guidelines, CARU seeks a change in it through the voluntary cooperation of advertisers. Such self-regulation and monitoring is done using the Self-Regulatory Guidelines for Children's Advertising, self-created and which mission is to serve as a complement to the law in the country.

In the field of food products, CARU has signed a series of specific guidelines for the sector. One that has attracted a lot of attention is known as the "map of the balanced breakfast", in which it is specified that

⁵ www.caru.org.

cereals and other breakfast products should be displayed along with others that can contribute to a balanced diet. In addition, it stipulates that when an advertisement is linked to a particular food with energy contribution, this association should be reasonable (Schor, 2006, p. 60).

CARU has also encouraged agreements with companies of the sector parallel to self-regulatory standards. One of the latest initiatives, in July 2007, was an agreement with Better Business Bureau⁶ (BBB) called Children's Food and Beverage Advertising Initiative (CFBAI), which has the support of the main multinationals in the food and beverage sector, including Burger King Corp., Campbell Soup Company, The Coca-Cola Company, Kellogg Company, McDonald's USA and Nestlé USA.

The CFBAI, through its recommendations, seeks to promote healthy eating by advertising messages, identifying food suitable for the children and reducing the dissemination of those that have high levels of sugar or fat. Also, the advertiser is urged not to exploit the credulity of children through the abuse of licensing or the so-called below the line advertising, such as product placement. It is interesting to stress the attention that CFBAI keeps on online advertising, as happens with advergaming (online games with advertising purposes), and the emergence of advertising in schools.

Specifically in the field of self-regulation related to advertising aimed at children in the food sector, in February 2006 the Union of European Beverages Associations (Unesda), to which belong companies such as Coca Cola, Schweppes and Unilever, launched a code of self-regulation of new practices related to child audience. As stated by Jiménez (2006, p. 24), manufacturers of soft drinks associated with Unesda commit to respect restrictions such as not targeting children under 12 years in their marketing communications through print, audiovisual or electronic media. This text has recently undergone an expansion in order to encompass more digital platforms, such as SMS, games and instant messaging sites.

Mexico has been one of the last countries to go on the path of self-regulation on advertising for children and food. On January 1, 2009 the Code of self-regulation of food and beverage for children audience (PABI, by its Spanish acronyms) entered into force, prepared by the Self-regulation Council of Advertising Ethics and ratified by the main advertisers of food and beverage for children –Bimbo, Coca-Cola, Kellogg's and Nestle, among others– that aims to complement the existing legislation in that country⁷. The PABI focus its interest on establishing very specific guidelines in terms of nutrition, and promotion of healthy habits and physical activity.

COMPARISON WITH PAOS

In relation to the age, there is a common link observed in the revised texts: to protect children from ages equal or less than 12 years. It is observed that the EACA code makes a distinction between children (under 12 years old) and minors (individuals up to 17 years). The CFBAI text also follows the 12 year old criteria; however, on a voluntary basis some firms take the initiative of not advertising for children less than 6 years. PAOS establish two age ranges: generic (up to 12 years), for printed and audiovisual media

⁶ www.bbb.org.

⁷ Advertising aimed at children is legislated in Mexico by the Federal Law on Radio and Televisión (LFRT). This legislation is complemented by the General Health Act, the Regulation on Advertising and the Federal Law of Protection to the Consumer.

advertising, and specific (up to 15 years) when the advertising is inserted on the internet. Thus, it can be seen that there is a concrete and wider protection for children when it comes to online communication.

The promotion of healthy habits has been another analysis variable. Although PAOS –paragraph III, "Nutrition education and information"– mentions the need to avoid the promotion of unhealthy life habits, not to encourage immoderate, compulsive food and sedentary habits, and not to advertise a product as substitute for the three main meals (breakfast, lunch and dinner), PABI is much more concrete, calling on the advertiser to promote healthy lifestyles that should not be limited to the legends, but to include, to the possible extent, the promotion of physical activity and hygiene; not to encourage the over-consumption of the product; avoid imperative formats that persuade the consumption, and refrain from indicating the immediate loss or gain of weight and height⁸.

The CFBAI also has an interesting proposal: it urges the advertiser to offer the children a healthy alternative to the promoted product when it is advertised through an interactive game, just before the game starts. CARU, through its proposal of "breakfast map", does not only speak generically about healthy nutrition, but it also establishes that the advertising of a product must be accompanied by others to balance the diet (e.g., advertising of cereals with a generic product such as fruit or milk).

Internet advertising is another pending task for PAOS. Even when its update expands the scope of protection to minors under 15 years, specifically for online advertising, how to cover this type of messages is rather vague: it refers to self-regulating viral marketing, banning its use to capture data from third parties through the "friends or website forwarding" strategy; it adds a specific monitoring of advertising aimed at minors under 15 years for advertising specifically targeted for the Internet; it also covers the treatment of data protection as done by EACA.

In this section, we should note the initiatives carried out by Unesda that considers necessary to extend its scope to supports such as telephone, SMS, games and instant messaging. In addition, the signatories of the Unesda commitment will seek that creativity and content of their websites are not designed for children under 12 years.

But certainly one of the most complete codes in this area is CFBAI. In its effort to self-regulate most of interactive formats, it reiterates the protection that must be taken on the web and micro sites, PDAs and mobiles. In addition, it refers to how certain "interactive gaming" such as advergames should be configured, i.e., it especially comprises certain online formats. There is also a reference to licensing, also included by PAOS through its rule 14, which stands that its use should not undermine children's credulity.

The CFBAI also makes reference to product placement, requiring to the advertiser not to pay the media, program or series for placing their food or drinks. In Spain, product placement is legally prohibited in programs aimed for children (General Law on Audiovisual Communication, 2009, Art. 17.4).

⁸ The PABI information has been taken from a secondary source: <http://www.slideshare.net/SanaAsana/Carla-Avila-Code-PABI> (work prepared by Karla Ávila Jiménez).

CONCLUSIONS

According to specific international self-regulation for children advertising, generically, and the one linked to the food sector, specifically, we determined the differences of PAOS and its counterparts.

Firstly, there is a consensus in the age of the public whose protection is sought to regulate (12 years). Even so, depending on the code, there are nuances: EACA also speaks of minors (up to 17 years) and Unesda recommended prohibiting advertising aimed at children less than 6 years.

In second place, we observe how PAOS is limited in relation to internet advertising. While it is true that with the update it has expanded the protection up to 15 years for that media, there is a lack of specificity in the self-regulation of formats and specific contents of this media. In this regard, an important qualitative leap is provided by CARU and CFBAI, which focus on regulating food advertising directed explicitly to children, along with rules to regulate generic online advertising and emerging advertising formats such as advergames.

In this sense it would seem appropriate that PAOS self-regulates not only internet advertising formats, proposing rules to control its content and form, but also, specifically referring to advergames –knowing that they follow the format of a video game– catalogues them by age as well as conventional video games, according to the Pan-European PEGI format, showing through symbols not only the age required for the enjoyment of the game, but also the language used, the existence of violence, sex, scenes of fear, discrimination or drugs in its plot, or if you can play online. This information is useful to warn parents or guardians about the type of game that the child will be exposed to.

Thirdly, PAOS –through its rule XI– invites the advertiser to show the product along with a reasonable variety of foods, thus promoting a varied and balanced diet, avoiding also showing unhealthy habits, such as sedentary lifestyle. In comparison with other codes it is seen that this requirement may be complemented following the example of the Mexican code PABI.

Finally, it is worth remembering that, given its conditions, advertising is an area of development of social communication that constitutes a challenge to the institutions that seek to regulate it. This makes the effort being done by Spain, for example, valuable, since it tries to adapt self-regulatory standards to market demands, on one hand, and consumers' demands, on the other.

In addition, as noted by Villafañe (2010), the relevance of the implementation of PAOS lies in the adaptation of to the code that is being done by advertisers. This fact confirms the interest and concern of the advertiser to adjust to the standard. Even so, as stated by Martín, Fernández and Ortiz (2011, p. 37), the success of the code lies in being alert and adjusting to changes by a constant renewal, which must not only be subject to the changes occurred in the area of communication, but also through the reviewing, as has been done in this research, of other similar texts to incorporate, complement and enhance the already existing.

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