

Full title of law or regulation Code of Co-Regulation of Advertising for Food Products and Beverages directed to children, prevention of obesity and health (PAOS Code). Selected clauses related to Audiovisual communications. Full code below:

<http://www.gregsregs.com/downloads/SPMinorsPAOSCode2012EN.pdf>

Title of relevant section Various. The clauses shown have been selected from the full PAOS Code as representing those that apply to AV. See the full code for all content provisions

Identification of Advertising (A.VIII – Art. 16)

- Food and beverage commercials directed to children under 12 years of age must be clearly separated from the programmes. Situations, scenes and styles reminiscent or evocative of the programmes must not be used in such a way that might confuse children or prevent them from clearly distinguishing the advertising content of the programming.
- Commercials should not be referred to as “programmes - *programas*”. Expressions including “news flash - *avance informativo*” and the use of individuals who normally present the news or other programmes must not be used in advertising in order to avoid confusing the child about the commercial nature of the advertising.
- Food and beverage commercials that parody programmes are only acceptable provided that it is obvious that the commercial is merely a parody / spoof and that the people involved are not those who appear in the programme in question.

Endorsement and promotion through characters / personalities and programmes (A.VII; Arts 14 and 15)

- Under no circumstances may food and beverage commercials directed to children under 12, exploit or take advantage of the special trust which these children have in their parents, teachers or other persons, such as professionals from children’s programmes, or characters (real or fictitious) from films or TV series.
- *Note: This is to prevent well known individuals or characters admired by such children from giving a testimonial / endorsement or appearing in advertisements directed to children which exert undue influence over them in a manner that might spur them to request the purchase of the advertised food product, not so much for the specific characteristics of the product, but rather, simply due to the testimonial or endorsement from the character / personality appearing in the advertisement.*
- The age of the children to whom the commercial is directed shall be a variable / factor to be considered when checking compliance with this rule. To this end, special caution will be required in advertisements directed to children under 12 years of age.
- The advertising of licensed food products will be subject to the same rules. For these purposes, licensed food products are understood to mean those products which include in their commercial/ trade name, the name of real or fictitious characters from films, series or children’s programmes, or the name of famous characters who enjoy a high degree of popularity or standing among children.

To the effect of the above paragraphs:

- In food and beverage commercials aimed at children under 12 years of age, those characters particularly close to this audience such as, for instance, presenters of children’s programmes, characters – real or fictitious – from films or TV series, or others, must not take part or appear in them
- Nevertheless, food and beverage commercials directed to children under 12 years of age, may show images which reproduce scenes from certain children’s programmes, films or series while they bear a direct relation to the promotion being carried out (for example, a gift of a DVD from a children’s programme for the purchase of a particular food product or beverages). However, when reproducing such scenes, no reference can

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be made, whether directly or indirectly, to the product being promoted, nor can it appear on the screen. Once these scenes come to a close, and with a clearly defined separation, the advertised product can be shown and information about its characteristics can be provided, however never using the image or the voice of the characters from the mentioned programmes, spaces or films

- Nonetheless, fictional characters which have been especially created for advertising purposes related to the product being promoted and which, consequently, are known by child audiences exclusively as a result of the character's participation in the advertising of the product, may be shown (Art. 14.3)
- Food and beverage commercials directed to children under 12 years of age must not feature famous characters or those well known by the general public who enjoy a high degree of popularity among child audiences (Art. 14.2)
- Notwithstanding the above, in any event, real or fictitious persons or characters who enjoy a high degree of popularity among child audiences may take part in public health and educational campaigns sponsored or promoted by food product companies with the specific aim of promoting healthy eating habits and physical exercise among children. In these public health or educational campaigns there may appear a particular reference to the name or logo of the company sponsoring or promoting said campaign (Art. 14.3)

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#### Tele-promotions

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- Tele-promotions of food products or beverages must not be carried out during programmes directed to children under 12 years of age. This is in order to prevent the exploitation of the special trust which children have in the presenters or fictional characters taking part in said programmes through this type of advertising, and to prevent children from confusing or not clearly distinguishing advertising content from editorial content and programmes
  - In spite of the above, presenters or fictional characters who take part in children programmes may appear on these programmes in clearly differentiated public health or educational spots or "moments", with the specific aim of promoting healthy eating habits and physical education among children. In these educational or public health spots, a special reference may be made to the name or the logo of the company promoting and paying for the campaign. (Art. 15)
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