

Spain facing the challenge of regulating unhealthy food advertising

In 2022, the Spanish Ministry of Consumer Affairs drafted a Royal Decree to regulate food and beverage advertising aimed at children. This proposal is the first one with legal rank to take into account the nutritional profile of the advertised products, and it represents a great advance in the protection of children and adolescents' rights in Spain, which are undermined by the advertising of food and beverage products high in saturated fat, salt, or sugar.

Specifically, the right to health, truthful information, education (concerning healthy habits), privacy (by personalised online advertising), and non-discrimination are affected, because children and adolescents are still developing their cognitive abilities and are thus vulnerable.¹ Children are unable to identify advertising until they are aged 6–12 years, and they are oblivious to its persuasive intention until late adolescence. The issued policy was based on the recommendations of UNICEF,¹ WHO,² and scientific societies and professionals in public health, nutrition, and paediatrics. Furthermore, a recent survey found that the proposal has the support of almost the entire Spanish population.³

The regulation of unhealthy food advertising is one of the main priorities of the Spanish National Strategic Plan for the Reduction of Childhood Obesity 2022–2030, prompted by the Presidency of the Government.⁴ The plan has been coordinated by the High Commissioner against Child Poverty, with the Gasol Foundation as a strategic ally and with an intersectoral alliance of scientists, business organisations, civil society, and public institutions and organisations, including the participation of 15 ministries of the Spanish

Government. However, the Royal Decree has not been contemplated in the Government's Annual Regulatory Plan for 2023, despite the proposal having broad support, being at an advanced stage of processing, and having the mandatory endorsement of the National Markets Competition Commission. The unfavourable reports from some of the ministries who participated in the National Strategic Plan for the Reduction of Childhood Obesity 2022–2030 are impeding the progress of the regulation processes against unhealthy food advertising. The Ministry of Agriculture, Fisheries, and Food has been publicly in favour of self-regulation (ie, the position always defended by the food industry⁵) despite the fact that, according to scientific evidence, self-regulation is ineffective in protecting children and adolescents from exposure to unhealthy food advertising.⁶ This situation entails a blockage for the achievement of the objectives established in the National Strategic Plan for the Reduction of Childhood Obesity 2022–2030, and therefore these ministries should work to reach a consensus based on the draft published by the Ministry of Consumer Affairs, so that the royal decree can ultimately be approved.

As members of public, scientific, non-governmental, and civil society organisations who have actively participated in the National Strategic Plan for the Reduction of Childhood Obesity 2022–2030, we ask the Spanish Government to approve as soon as possible the Royal Decree that regulates unhealthy food and beverage advertising aimed at children. Not only does this policy have solid ethical and scientific foundations, but it also has the mandatory legal guarantees to be approved. The decree will contribute substantially to the protection of children and adolescents' rights and the promotion of public health.

We declare no competing interests. The content of this Correspondence is the sole responsibility of the authors and does not necessarily represent the point of view of their institutions.

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- 3 Cavero Esponera C, Fernández Sánchez-Escalonilla S, Royo-Bordonada MÁ. Public opinion on food policies to combat obesity in Spain. *Int J Environ Res Public Health* 2022; **19**: 8561.
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- 6 Kovic Y, Noel JK, Ungemack JA, Burleson JA. The impact of junk food marketing regulations on food sales: an ecological study. *Obes Rev* 2018; **19**: 761–69.

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