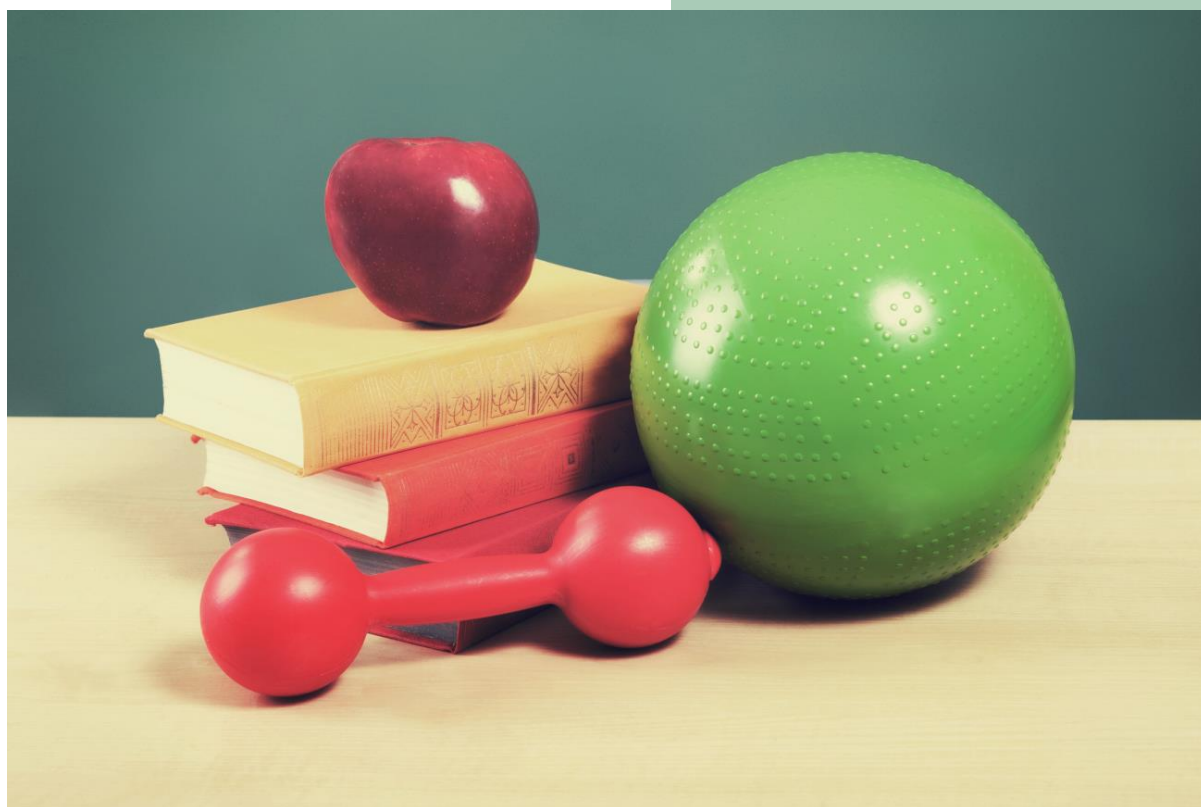


Criteria for authorising campaigns for food promotion, nutritional education or the promotion of sport or physical activity in kindergartens and schools, with the aim of fostering healthy eating habits, encouraging physical activity and preventing obesity



The NAOS Strategy, the initials of which stand for Nutrition, Physical Activity and Prevention of Obesity, is the response from the Ministry of Health, Social Services and Equality from the Government of Spain to the problem of obesity. Coordinated by the Spanish Agency for Consumer Affairs, Food Safety and Nutrition (AECOSAN), the NAOS Strategy aims to make the population aware of the problem that obesity represents for health, to promote health through healthy eating habits and physical exercise, and to bring together and promote those public or private initiatives that help to ensure that the public, in particular children and adolescents, adopt these healthy eating habits throughout their life.

For further information on the NAOS Strategy, the Observatory of Nutrition and of the Study of Obesity and the activities of AECOSAN please see our web page:

http://www.aecosan.msssi.gob.es/AECOSAN/web/subhomes/nutricion/aecosan_nutricion.shtml



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PROCESS FOR THE JOINT DRAFTING OF THE DOCUMENT

On 17 October 2013 during the meeting of the AECOSAN-REGIONAL COMMUNITIES working group on nutrition, physical activity and the prevention of obesity, agreements were made to put into action article 40.7 from the Food Safety and Nutrition Law of July 2011, forming, for this purpose, a sub-working group with the Regional Communities wishing to take part on a voluntary basis: Asturias, the Canary Isles, Castilla-La Mancha, Catalonia, the Valencia Community, Galicia, Madrid, Murcia and the Basque Country.

The work of this sub-working group was organised using web-based technology, through audio-conferences, and in September 2014, the first version of the document “Criteria for authorising campaigns for food promotion, nutritional education or the promotion of sport or physical activity in kindergartens and schools, with the aim of fostering healthy eating habits, encouraging physical activity and preventing obesity” was submitted to the members of the Board of Management for AECOSAN.

In November 2014, the draft copy of the document was sent to the Educational Authorities, through the National Centre for Educational Research (CNIIE) of the Ministry of Education, Culture and Sport, receiving answers until March 2015 from the Education Councils in the 11 Regional Communities.

Subsequently, on 7 May 2015, the document was reviewed by the whole AECOSAN-REGIONAL COMMUNITIES Working group on nutrition, physical activity and the prevention of obesity, and was submitted to the Board of Management for AECOSAN on 13 May 2015.

On 27 May 2015 it was presented in the Institutional Commission.

During the months of work and on several occasions during the drafting in order to reach an agreement, in addition to the Health Regional Councils forming part of the working group and subgroup, the Education Regional Councils were expressly consulted through the National Centre for Educational Research and Innovation (CNIIE) and the opinions of the Federation of Food and Drink Industries (FIAB) were also considered. All of the above, without prejudice to the information in the different drafts provided to all the members of the governing bodies and collegiate bodies of the AECOSAN (Board of Management, Institutional Commission, the Scientific Committee and Advisory Forum), in which the MAGRAMA, FEMP and representatives of the different sectors, consumers and administrations, etc. have an interest.

Lastly, it was submitted before the Inter-territorial Council of the National Health System where it was approved on 29 July 2015.

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NAOS STRATEGY-REGIONAL HEALTH REGIONAL COUNCILS
Working group - Art. 40.7
Law 17/2011, of 5 July, on Food Safety and Nutrition

**CRITERIA FOR AUTHORISING CAMPAIGNS FOR FOOD PROMOTION, NUTRITIONAL
EDUCATION OR THE PROMOTION OF SPORT OR PHYSICAL ACTIVITY IN
KINDERGARTENS AND SCHOOLS, WITH THE AIM OF FOSTERING HEALTHY EATING
HABITS, ENCOURAGING PHYSICAL ACTIVITY AND PREVENTING OBESITY**

PRESENTATION

The Law 17/2011, of 5 July on Food Safety and Nutrition establishes a basic common legal framework applicable to all the activities related to food safety and the achievement of healthy lifestyles and nutritional habits. This law falls under and must be applied within a decentralised legal framework, and therefore, as stated in the preamble to said Law, the measures established in the law must always be agreed and developed on the basis of mutual respect and coordination between the administrations.

Chapter VII addresses one of the basic pillars of the Law, a healthy diet, physical activity and the prevention of obesity (NAOS Strategy). This chapter, in its article 40, considers special measures directed at minors, particularly in schools, and declares **schools and kindergartens to be publicity-free zones**, such that any promotions or campaigns carried out in schools may only take place when the educational authorities, in coordination with the health authorities, consider that the activity would be of benefit to the interests of the minors.

In this way, article 40.7 of Law 17/2011, of 5 July, is drafted as follows: *Kindergartens and schools are protected publicity-free zones. Campaigns for the promotion of diet, nutritional education or the promotion of sport or physical activity in schools and the sponsorship of teams and sports events in the academic environment shall be previously authorised by the competent educational authorities, in accordance with the criteria established by the health authorities with the objective of fostering healthy exercise and nutritional habits and preventing obesity.*

The health authorities have still to establish criteria to serve as a basis for informing the competent educational authorities, who are the authorities responsible for authorising these initiatives in schools.

The mandate of the Law is to consider the schools as “places” (campus/setting/environment/areas) and to “confine” a specific protection to the children in these places. That is, it refers to the *school setting or environment*.

The concept of considering the “school environment” as a place with special protection from all types of publicity is, moreover, promoted by different international

institutions, as part of their health policies, including the World Health Organisation (WHO) and the European Commission.

In this respect, the WHO document below must be mentioned: [Set of recommendations on the marketing of foods and non-alcoholic beverages to children \(2010\)](#), and in particular recommendation 5.

According to the WHO, schools, kindergartens and other educational establishments are privileged institutions acting *in loco parentis* and nothing that occurs in them should prejudice a child's well-being. Therefore, the nutritional well-being of children within schools should be paramount and the foundation stone for children's well-being at this formative age. This is also consistent with the recommendation made in the Global Strategy on Diet, Physical Activity and Health that urges governments to adopt policies to support healthy diets in schools.

In addition, the WHO-Regional Committee for Europe, among the strategies of their [“European Food and Nutrition Action Plan 2015-2020”](#), prioritises: *“Reducing the impact on children of all forms of marketing of foods high in energy, saturated fats, trans fats, sugar or salt”* and *“Improving the ability of citizens to make healthy choices, taking into account the needs of different age groups, genders and socioeconomic groups. Pre-school and school settings represent excellent entry points...”*

Similarly, the European Commission (European Union), in the [“Action Plan on Childhood Obesity 2014-2020”](#), defines eight key areas for action, including: *“Promoting healthier environments, especially in schools and pre-schools”,* and *“restricting marketing and advertising to children”*. In this Plan, the European Union considers schools to be an essential environment to consider when tackling overweight and obesity in *children and young people*.

In light of the above, in the context of the technical Working group with the Regional Communities, created under the framework of the NAOS Strategy in January 2008, at the meeting held on 17 October 2013, it was agreed to develop article 40.7 of the Food Safety and Nutrition Law, and consequently, to develop the Agreement in certain *“Harmonised criteria agreed by all the Regional Communities, without prejudice to their authorities in terms of Health”*.

In order to prepare the first draft, a subgroup was created, formed of the following Regional Communities: Asturias, the Canary Isles, Castilla-La Mancha, Catalonia, Galicia, Madrid, Murcia, the Basque Country and the Valencia Community. This Working subgroup held three audio conferences in June, July and October 2014.

In addition in September, the AECOSAN Board of Management, governing body for said Agency, formed of the leading agents or sectors, public or private, involved in this area, were consulted.

Subsequently, the subject was discussed by the Working group formed by all the Regional Communities, during the meeting held on 28 October, and lastly during an audio conference held on 24 November 2014.

Lastly, the WG agreed to develop in an initial phase, criteria for authorising campaigns for food promotion, nutritional education or the promotion of sport or physical activity in kindergartens and primary schools, with the aim of promoting healthy eating habits and encouraging physical activity and preventing obesity. Leaving for a second phase, the development of the criteria for the authorisation of the sponsorship of teams and sports events in schools, also included in article 40.7.

Given these criteria have to be applied by the relevant educational authorities, it was considered necessary and appropriate to collect the opinions of the regional educational authorities. For this purpose, collaboration and support was sought from the National Centre for Educational Research (CNIE), belonging to the Ministry of Education, Culture and Sport, in order to consult the opinion of the regional educational authorities with the aim of agreeing a final text that would subsequently be submitted for approval to the Institutional Commission of the AECOSAN. On completion of this process, said criteria were finally submitted for approval by the Inter-territorial Council of the National Health System Plenary meeting.

INTRODUCTION

Article 40.7 of Law 17/2011, of 5 July, on food safety and nutrition, states: *Kindergartens and schools are protected publicity-free zones. Campaigns for the promotion of diet, nutritional education or the promotion of sport or physical activity in schools and the sponsorship of teams and sports events in the academic environment shall be previously authorised by the competent educational authorities, in accordance with the criteria established by the health authorities with the objective of fostering healthy exercise and nutritional habits and preventing obesity.*

In an initial phase, it has been agreed to develop, in this document, criteria for authorising campaigns for food promotion, nutritional education or the promotion of sport or physical activity in kindergartens and schools centers, with the aim of promoting healthy eating habits and encouraging physical activity and preventing obesity

In a second phase, the criteria will be developed for the authorisation of the sponsorship of teams and sports events in schools, also included in article 40.7.

BASIC PRINCIPLES

- To recognise the right of school children and the duty of the administration to implement the integral preventive protection of health.
- To guarantee that kindergartens and schools centers are protected publicity-free zones.
- To promote and ensure in the school environment education in healthy lifestyles linked to nutrition, healthy eating habits and physical activity.
- To guarantee and promote the rights of minors in the event of concurrency and/or clashes with the rights or interests of individuals or entities, given the special vulnerability of the school population.

- To recognise the function of the promotion of health, and the special potential preventive element of the education system and the educational community.
- To promote healthy lifestyles among minors, and the specific education of the same, based on true information and the stimulation of their critical capacity.
- To carry out actions in line with guidelines from international institutions and organisations, from the NAOS Strategy and from other regional policies, putting into practice the multifactor, inter-sector and multidisciplinary approach required for the adequate prevention of obesity.

OBJECTIVE, SCOPE AND PROCEDURE IN ACCORDANCE WITH ARTICLE 40.7 OF THE FOOD SAFETY AND NUTRITION LAW 2011

Objective:

To guarantee that kindergartens and schools are protected publicity-free zones.

For this purpose, the health authorities shall establish criteria which will serve as a reference for the educational authorities for the authorisation in schools of campaigns for food promotion, nutritional education or the promotion of sport or physical activity with the aim of fostering healthy eating habits, encouraging physical activity and preventing obesity.

Scope:

Kindergartens and schools centers regardless of their ownership (*).

(*). Kindergartens and schools centers are understood to be the following (Law 2/2006, of 3 May on Education):

- Kindergartens: public centres offering preschool education.
- Primary Schools: public centres offering primary education.
- Secondary Schools: public centres offering compulsory secondary education, baccalaureate and basic professional training.
- Private centres offering preschool, primary school, compulsory secondary school education, baccalaureate and basic professional training, regardless of their designation.

For the application of these criteria, educational centres which offer university education, intermediate or higher professional training, intermediate professional education in art and design, intermediate sports education and language, art, and sports education which are considered to form part of the special education system are not considered.

Procedure:

Prior authorisation from educational authorities in accordance with criteria established by the health authorities.

CAMPAIGNS FOR FOOD PROMOTION, NUTRITIONAL EDUCATION OR THE PROMOTION OF SPORT OR PHYSICAL ACTIVITY IN KINDERGARTENS AND SCHOOLS CENTERS

This refers to those campaigns and/or programmes, the purpose of which is to educate, train, foster and/or promote awareness of healthy eating habits and/or physical activity, directed at the school population, and which are carried out in the defined school setting, promoted and/or financed by public or private entities.

If, in the context of these campaigns or programmes carried out in schools, different types of complementary activities are included, the development of which is carried out outside the school grounds, the criteria listed in this document remain applicable.

CRITERIA FOR ASSESSING THE AUTHORISATION FOR CAMPAIGNS FOR FOOD PROMOTION, NUTRITIONAL EDUCATION OR THE PROMOTION OF SPORT OR PHYSICAL ACTIVITY IN SCHOOLS.

- No advertising of any commercial brand shall be carried out, nor shall any products, incentives or gifts be distributed containing brands, logotypes or publicity references, during any activity or as part of the material, in the context of the educational programmes carried out in the school setting.
- In the context of these educational programmes developed within the school setting, the distribution or sampling of foods such as fruit, vegetables and or others considered appropriate in the scope of each regional community is permitted, giving priority to the foods that, based on the available evidence and on the specific consumption of the region in which the campaign is being carried out, are likely to be included in the context of a healthy diet.
- Where the organisational or food safety conditions or the school facilities permit, the food or beverages used in the campaigns promoted by the business sector, the administrations or schools, shall not contain any brand names and shall be placed for consumption and/or sampling in recipients or bowls without any special marking.
- The management team, through the School Council or the specific equivalent body at the centre or the participation channels governing private centres, shall inform all members of the educational community (teachers, family, students and administration and services personnel) about the campaign or programme that, in the event of approval, is to be developed at the respective centre, together with the name of the company or organisation promoting and/or funding the programme. For this purpose, and with a supplementary nature, an informative note or leaflet may be attached containing the main features of the programme and the information about who is promoting and/or funding it, as stated in the section concerning the report. In particular, the families of the students at the centre shall be notified using the means considered as the most effective (Parents' Associations, web page, notice board, etc.), of the development of the campaign or programme and of the possible ways to be involved and jointly responsible.
- No campaign, activity and/or material included in the authorised initiative may be misleading, ambiguous or deceptive.

- The health authorities shall publish these criteria on their web page, as the criteria shall serve as reference for the campaigns for food promotion, nutritional education or the promotion of sport or physical activity.

REPORT REQUIRED FOR THE ASSESSMENT

In order to facilitate the assessment of the campaign or programme, the promoter shall submit a report, as established by each Community, containing the following:

- Description and justification of:
 - The purpose and objectives of the campaign or educational programme, which shall be in line with those of the NAOS Strategy and with the corresponding strategies of the regional communities.
 - The resources allocated to the same.
 - The different teaching materials used (texts, leaflets, audiovisuals, games...).
 - The activities or actions to be carried out within the school, indicating:
 - ✓ Value and educational and training content.
 - ✓ Adaptation to age and diversity of the students.
 - Activities complementary to the programme which, where applicable, are carried out outside the school grounds.
 - Professional training and profile of the instructors or professionals teaching any part of the programme or campaign, where applicable, and where different to the teachers at the schools.
 - The monitoring and results assessment indicators.
 - Participation of individuals involved from the school, the teaching staff, students, and families.
 - Participants external to the school: health centre, sports centre, etc.
 - Length of campaign and justification of time.
- Summary information (leaflet or any other format) listing the most relevant aspects of the programme or campaign, including, at minimum, the objectives, resources, most relevant actions, time and stages of implementation and the company or organisation promoting or funding the activity.
- The forecast for the final campaign report.

TYPE OF INFORMATION USED

The information written in texts or other material, or graphic or verbal information supplied in these campaigns or programmes:

- Shall not mislead or confuse the school children.
- Shall respect the ethical standards considered in the PAOS 2012 Code.
- Shall be based on scientific evidence. Shall be updated and coherent with the nutritional and physical activity recommendations of the NAOS Strategy, Health Regional Councils of the Autonomous Regions, or other regional policies aimed at the promotion of a varied, balanced and moderate diet, and at fostering the practice of physical activity in order to contribute to the prevention of obesity.
- Shall not promote the consumption of salt, saturated fats, *trans* fats or added sugars.

- Shall consider aspects relating to diversity (of gender, race, possible disabilities, socioeconomic status...), equality, respect, cultural and environmental aspects, food sustainability, reflecting the plural and contemporary society of today. In addition, it shall not contain images which may lead to discrimination due to weight.

PROCEDURE FOR APPLICATION AND AUTHORISATION.

- To carry out a campaign or programme for food promotion, nutritional education or the promotion of physical activity or sport with the aim of fostering a healthy diet, promoting physical activity and preventing obesity, the prior authorisation is required of the educational authorities based on the criteria established by the health authorities.
- For this purpose, an efficient procedure shall be established between the competent regional education and health authorities, in the format established by each of the regional communities, easy-to-access, efficient and transparent in the process (computer tools).
 - The promoter of each of the campaigns or programmes shall send an application, together with the required report, to the competent education authority in each Regional Community who, in turn, shall submit a copy of the same to the health authority for their assessment based on the criteria established in this document.
 - The health authority shall assess each application (report and documents) and create a report for the educational authority confirming their approval, or where applicable, giving reasons for their disapproval.
 - The education authority is the authority to finally authorise or not, with consideration for the report from the health authority, the development in the school of the campaign or programme, and notifying the applicant accordingly.
 - The joint work between Health and Education in this area can be streamlined and coordinated in different ways, based on the different experiences in the Regional Communities (Education-Health Technical Commission, or mixed working groups, web-based technologies...).
 - The procedure established and the criteria finally agreed must be accessible to the interested parties.
- The education authority shall inform the schools in their Regional Community of the campaigns they authorise, the specified manner, and the companies or organisations promoting or funding these initiatives. Similarly they shall advise them of the unauthorised applications.
- Each request shall be accompanied by an assessment report (from Health) and an authorisation (from Education), where applicable.
- For those campaigns or activities that are requested on a regular basis and that are the same or similar to previously authorised campaigns, more abbreviated procedures may be established.
- These criteria are applicable to campaigns or programmes promoted by other administrations and the different public and private bodies.
- This document is applicable from six months after its approval by the Inter-territorial Council of the National Health System plenary meeting.