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MA Ortiz-Sobrino, C Fuente-Cobo, JM Martínez-Otero (2015): “Content rating and labelling in the main Spanish televisions”. *Revista Latina de Comunicación Social*, 70, pp. 468 to 489.

<http://www.revistalatinacs.org/070/paper/1055/25en.html>

DOI: [10.4185/RLCS-2015-1055en](https://doi.org/10.4185/RLCS-2015-1055en)

Content rating and labelling in the main Spanish televisions

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Abstracts

Introduction: This article examines the way Spanish television channels rate and label their programmes, and whether they comply with the requirements established by the Self-regulation Code on Television Contents and Childhood. It also analyses the opinion of a panel of experts on the problems faced by television operators to interpret the rating and labelling criteria established by the aforementioned Code. **Method:** The study is based on the case study method, which is complemented with a Delphi survey and interviews with a group of experts. **Results:** Although all Spanish television channels provide rating information on the TV screen, some of them do not offer this information in their EPG, websites, and broadcast teletext. There are also difficulties to interpret the rating and labelling criteria recommended by the code. **Discussion and Conclusions:** It is urgent to reflect on the guiding criteria of the Code in order to improve the rating information provided to users and the control over online audiovisual contents.

Keywords

Watershed; Self-regulation Code; TV content rating and labelling; childhood; audiovisual content rating; television.

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Translation by **Cruz Alberto Martínez Arcos**, Ph.D. (Universidad Autónoma de Tamaulipas)

1. Introduction

For more than half a century the relationship between children and the media has been a subject of concern and study for different areas of knowledge. An important example of the interest on the children-media binary is the work carried out by Spanish universities and national public television companies (Ortiz Sobrino *et al.*, 2013).

One of the lines of research developed with particular intensity since the 1980s is the regulation of the media in relation to their potentially harmful effects on children, in the realm of conventional television and the new online services based on internet and mobile technology.

In this regard, the *EU Kids Online* project, led for several years by Sonia Livingstone, has stood out for its intensive work, which specifically addresses the issue of regulation (Livingstone, 2014; Livingstone and Bulger, 2014). Since the 1960s, and especially since the 1980s, this subject has also been addressed by many works of compilation and critical review (Livingstone and Haddon, 2009; Pereira, Pinto and Pereira, 2012; and Lemish, 2015).

On the other hand, the analysis of the regulation on the protection of minors from television contents and, in general, on the most appropriate audiovisual policies in this area, has been much more limited in Spain.

This lack of scientific literature in the Spanish case is not casual since the concern for minors' consumption of television is a relatively recent phenomenon that in most cases emerged in the last ten years, except for the case of the autonomous communities of Catalonia and Navarre, where their respective audiovisual councils begun to show concern about this issue a few years earlier.

In fact, it was the publication by the Audiovisual Council of Catalonia of the white book on *Education in the audiovisual environment (La educación en el entorno audiovisual)*, in 2003, which marked a turning point in awareness about the impact of television consumption among

Spanish children and adolescents. The report highlighted the large number of children who watched television during the prime time and late night slots, in which contents and themes inappropriate for their age were broadcast.

The information provided by the white book became an important social warning in Spain and forced the Government of President Rodriguez Zapatero to promote an agreement with the most important national television channels, which culminated in the creation of a legislation whose main objective was to implement a TV programme rating system and to reach an agreement with television channels to stop the broadcast of inappropriate content for children from 06:00 to 22:00 hours.

That agreement became the “Self-regulation Code on Television Contents and Childhood” (*Código de Autorregulación sobre Contenidos de Televisión e Infancia*), which was signed on 9 December, 2004, by four large national television operators: RTVE, Antena 3, Telecinco and Sogecable. Two years later, in June 2006, the Code was also signed by the Federation of Regional Radio and Television Corporations (FORTA), Veo, Net TV, and La Sexta.

In 2010, the General Law on Audiovisual Communication (hence GLAC), which regulates the Spanish television industry, adopted the contents of the Self-regulation Code and transposed into the Spanish legal system the 2007 European Audiovisual Media Services Directive. In line with this European legislation, the GLAC differentiated between content identified as potentially harmful for children and content not suitable for minors. The former type, whose broadcast is forbidden, includes programmes containing scenes of pornography or gratuitous violence.

The second type of content (programmes for adult audiences) can be broadcast between 22:00 and 00:00 hrs, but must be accompanied by an audible and visual warning. The GLAC mandates the labelling of the rating of all the audiovisual contents broadcast by television channels, according to the system established by the Self-regulation Code and the instructions given by the national regulatory authority: the National Markets and Competition Commission (*CNMC*). In addition, the GLAC incorporated as a novel element the reinforced protection time slots proposed by the Self-regulation Code, during which the TV networks were not allowed to broadcast programmes qualified as suitable only for audiences over thirteen years of age (08.00 to 09.00 hours and 17.00 to 20.00 hours, on weekdays, and 09.00 to 12.00 hours on Saturdays and public holidays).

Five years after the enactment of the GLAC, rating on television continues to be ruled by the criteria set by the Self-regulation Code, but in the last months the National Markets and Competition Commission has promoted, together with TV networks and users, the updating and adaptation of the regulations to the current audiovisual media landscape. This research is framed in this scenario and seeks to provide elements for the reflection on the TV rating system.

The publication of the white paper by the Audiovisual Council of Catalonia and the implementation of the Self-regulation Code prompted the analysis of the possibilities to reconcile television uses with children’s interests (Pérez-Ornia and Núñez-Ladeveze, 2006). So far, the work carried out in this area has focused on three lines of research. The first one of them is the self-regulation of the media and, in particular, the application of the aforementioned Self-regulation Code (García Galera,

2006; Fernández Martínez and Ayala López, 2011; Fuente Cobo and Ruiz San Román, 2011). The second line of research has focused on the regulation adopted in 2010, with the approval of the GLAC (Saldaña and Gómez-Iglesias, 2013; and Martínez Otero, 2014). Finally, the third line is related to the need for media literacy to balance television consumption (Ferrés Prats, Aguaded-Gómez and García-Matilla, 2012; Marta-Lazo & Grandío, 2013)

However, the attention paid by Spanish universities to the analysis of the procedures used to rate and label the contents broadcast by Spanish television channels has been almost non-existent. Despite the fact that, in line with the regulation established at the European level, this issue has been the focus of the policy adopted in Spain in the field of the protection of minors from audiovisual contents, the studies carried out so far have been very general.

However, the Spanish scientific literature includes some studies on the TV rating and labelling systems used in other countries, like the work of Tur Viñes (2008) and Muñoz (2011) on film rating systems and others studies on the level of compliance with the Self-regulation Code in Spain.

The study whose results are presented here is an initiative carried out on behalf of the Federation of Associations of Media Consumers and Users (iCmedia), from July to November 2014. The study offers an analysis of the current status of content rating in the main TV networks in Spain during the “protected hours”, which according to the current regulations refer to the period of protection and reinforced protection of children from unsuitable television contents.

The study focused on the programming broadcast by the following TV networks and companies that signed the Self-regulation Code on Television Contents and Childhood: Atresmedia, Mediaset, TVE, Canal Sur, Corporación Catalana de Radiotelevisión/TV3, ETB and TVG. All of them have been selected because of their importance in the national television industry. Together, these TV networks capture approximately 80% of the television audience and most of the advertising revenue, according to the data provided in 2014 by *Kantar Media* and *Infoadex*, respectively.

The value of this research, whose results are presented throughout this article, lies in its novelty and relevance. This is the first study to analyse the real situation of TV content rating and labelling in Spain TV channels, as well as their difficulties they have faced to apply the Self-regulation Code. The current situation gives added value to this work because since late 2014 the National Commission for Markets and Competition has prompted television operators and social organisations that are part of the Commission overseeing the compliance with the Self-regulation Code to working on the review of the rating criteria of the regulation code.

Above all, the importance of this research lies in the fact that its results will surely shed light on the current debate over the sanctions imposed on some channels for the violation or misinterpretation of the criteria of the Self-regulation Code.

In fact, this issue is of such a broad social and political relevance that in early 2015 the parliamentary group of the Popular Party presented a Bill to the Congress of Deputies to urge the Government to enhance the control over and sanctions for breaches to the “protected hours” by free-to-air public and

private television channels. This social debate has, precisely, motivated the origin and financing of this research.

2. Objectives

Before starting the analysis, the following hypothesis were formulated:

H1. Spanish television channels do not properly rate and label programmes broadcast on “protected hours”.

H2. Television channels do not use all the available platforms to spread awareness about the rating information of their programmes.

H3. TV contents rating and labelling criteria are not properly used by TV broadcasters.

H4. People responsible for rating and labelling TV contents struggle to interpret the guiding criteria of the Self-regulation Code.

H5. There are shortcomings both in the labelling procedures adopted by TV networks and in the designation of the people responsible for adapting the criteria of the Code to the contents broadcast by the TV channels.

H6. The rating of programmes is not homogeneous between TV networks and varies depending on their genre and coverage.

Based on these hypotheses we established four main research objectives. The first objective is to verify the implementation of the programme rating system, as established by the General Law on Audiovisual Communication and the Self-regulation Code on Television Contents and Childhood. This also involved examining the labelling criteria, pictographs and platforms used to transmit this information to users.

Similarly, the objective was to determine whether the labelling references and criteria used by TV channels were exclusively those recommended by the Self-regulation Code or were also those suggested by other institutions, such as the audiovisual councils, the Institute of Cinematography and Audiovisual Arts (ICAA) or the rating systems of other countries, in the case of international audiovisual productions.

The second objective was to collect the point of view of TV professionals on the problems faced to interpret and implement the rating criteria included in the Code, which have been the cause of the sanctions imposed by the Spanish government on TV channels in the field of children’s protection.

Related to the previous, the third objective was to identify the person in charge of rating and labelling programming in the TV channels under analysis and the way this procedure is carried out.

The final objective was to identify the programme rating procedures used by audiovisual production companies and TV service providers (via broadband or fibre optic), since TV networks are increasingly distribution and dissemination channels for programmes produced outside their business structures: in the first case, because they supply content to TV networks and, in the second, because they act as repeaters of the signal offered by DTT broadcasters.

3. Method

The case study was selected as the research method. For this reason, different sources of information have been used in order to compare and relate the data obtained, as part of a process of triangulation of information and techniques. Given the characteristics of our research, this methodological approach was considered the best suited because it allowed us to know the real situation of the TV networks in relation to their compliance with the programme rating regulations and to incorporate the view of experts from each of the TV channels in order to know the procedures used and the problems faced to implement the criteria established by the Self-regulation Code. This method also allowed us to make concrete proposals to improve the current TV programme rating system.

The previous review of the scientific literature and the regulations on TV programme rating in Spain and other countries, such as France, Australia and the Netherlands, allowed us identify the state of the art and to contextualise our research.

The units of analysis used in the research are the following:

The tools used for labelling.

The criteria used for the allocation of the rating given to each programme.

The pictographs and numeric codes used to visually represent the rating.

3.1. Population and sample

The research is based on the study of the rating of TV programmes on their respective television channels and a Delphi questionnaire supplied to a panel of experts on this topic, working on each of the TV channels under study. The panel of experts was completed with the opinion of two executives from Spanish audiovisual production companies (Mediapro and Globomedia), the Heads of Programming from a broadband/fibre optic television operator (ONO) and two former programming directors from free-to-air national TV networks, namely TVE and La 10/Vocento.

We tried to obtain the opinions from the main DTT operators and important TV content providers and TV content broadband/fibre optic distributors. We used a 17-item questionnaire to collect the opinions of experts. These questions were subsequently completed with a phone interview with each one of the consulted professionals and experts.

We analysed the DTT signal, corporate website, broadcast teletext, and electronic programme guide (EPG) of each of the selected television channels.

The field and observation work in the different platforms was carried out from 2 September to 4 November 2014, while the survey took place from 27 October to 28 November, 2014. The review of the Spanish scientific and legislative literature was carried out between July and September 2014.

4. Results

The study of content rating and labelling by TV channels in their various platforms and the Delphi survey to TV professionals provided the following results:

4.1. TV programme rating: current situation

The sample of TV channels under study do rate the contents of their programmes and take as first reference the guiding criteria suggested by the 2011 version of the Self-regulation Code on Television Contents and Childhood. In a complementary manner, they also take into account the recommendations of the Audiovisual Councils -in the case of Catalonia and Andalusia- and the film rating system of the Institute of Cinematography and Audiovisual Arts (*ICAA*).

According to the consulted experts, in the case of film rating, the system provided by the *ICAA* tends to be reviewed by TV stations to see whether it is in line with the recommendations of the Self-regulation Code.

The expert from Atresmedia argued in this regard that the review was due to the fact that the rating criteria of the National Markets and Competition Commission (*CNMC*), which oversees compliance with the code, is sometimes more restrictive than the one used by the *ICAA*, since the *CNMC* considers that the conditions of audiovisual consumption in a movie theatre are different from those of TV consumption at home or on mobile devices.

In relation to the rating of programmes purchased in international TV markets, the expert from Mediaset pointed out that although this network rated contents according to the criteria of the code, it usually takes into consideration also the rating and labelling criteria of the country of origin. In some TV networks -such as TVE, Mediaset and Canal Sur- the style book has incorporated instructions for the treatment of children's programming.

In the case of Catalonia and Andalusia, the experts from these regional TV networks said that the rating of programmes also took into account the suggestions and criteria of their own Audiovisual Councils: the Audiovisual Council of Catalonia and the Audiovisual Council of Andalusia, respectively. Andalusia and Catalonia are the only autonomous communities of Spain that currently have an audiovisual authority since the Audiovisual Council of Navarre disappeared in 2011.

One of the notable aspects of the research results is precisely the role played by the audiovisual councils. In this sense, we detected that the presence of the Audiovisual Council in the autonomous region reinforces the monitoring of the compliance with the Self-regulation Code.

Finally, all the consulted experts feel that belonging to public or private ownership of the TV networks sometimes conditions the degree of diligence of operators in relation to the rating programmes. It is usually the public sector which is more respectful of the regulations.

4.2. Guidelines for TV programme rating and labelling

In all the TV channels, the pictographs and symbols used to label the programmes, both in the DTT broadcast and the EPG, are those recommended by the Self-regulation Code and, in a complementary manner, by other organisations such as the ICAA (for films), the Audiovisual Council of Catalonia (in the case of the Catalan Corporation of Radio and Television) and the Audiovisual Council of Andalusia (in the case of Canal Sur Television).

Specifically, the Self-regulation Code of 2004, and its updated version of 2011, recommends the following criteria for the rating of TV programmes between 06:00 and 22:00 hours (children's time slot):

Programmes must be classified according to the following scale of ages:

Especially recommended for children.

Suitable for all audiences.

Not recommended for children under 7 years of age.

Not recommended for children under 12 years of age.

Not recommended for children under 16 years of age.

Not recommended for children under 18 years of age.

Film X.

The rating “Especially recommended for children” will be accumulated when a programme is rated as “Suitable for all audiences” or as “not recommended for children under 7 years of age”.

The Code also establishes the following visual code associated with the previous rating:

Green symbol: particularly recommended for children

Absence of symbol: for all audiences.

Blue symbol, with the number 7 inside: not recommended for children under 7 years of age.

Yellow symbol, with the number 12 inside: not recommended for children under 12 years of age.

Yellow symbol, with the number 16 inside: not recommended for children under 16 years of age.

Red symbol, with the number 18 inside: not recommended for children under 18 years of age.

Red symbol, with the X letter inside: programme or film X.

By way of guidance, the Code includes an annex with criteria to help broadcasters to classify content.

In the opinion of the consulted experts, there are problems to apply the guiding criteria of the Self-regulation Code because they are too general and susceptible to multiple interpretations. In relation to this issue, there are different opinions about the need to better consensually define the criteria based on the opinions of the actors involved and the need to make the criteria compatible with the work of programming planners to give them some flexibility. All experts agree it is urgent to reconceptualise the Code, with the exception of the expert from Mediaset, who believes that an excessive restriction of the criteria could hinder the identification of the content included in the programme guide.

4.3. Location of rating labels

The location of symbols and pictograms in the dissemination platforms of the television companies is uneven.

The labelling of contents appears on the broadcast signal and EPG of all the TV networks, with the exception of the Galician regional television (TVG), apparently due to a technical problem. However, not all TV networks incorporate the rating information in the corporate websites and the broadcast teletext. Only the three largest national TV groups (TVE, Mediaset and Atresmedia), the Catalan Corporation of Radio and Television (TV3) and Canal Sur include the rating information of programmes in the corporate website of their respective channels. This does not occur in the case of the Basque regional television channels ETB and TVG. In some cases (Atresmedia, Mediaset, TVE, TV3 and Canal Sur) the rating information also appears in the broadcast teletext (Table 1).

Table 1. Rating and labelling

PLATFORM NETWORKS	TV SCREEN	EPG	WEBSITE	TELETEXT
ATRESMEDIA	●	●	●	●
MEDIASET	●	●	●	●
TVE	●	●	●	●
CCRTV (TV3)	●	●	●	●
Canal Sur	●	●	●	●
ETB	●	●		
TVG	●			

Source: Authors' own creation with data from the corporate websites, broadcast teletext, EPG and DTT signal of the sample of TV channels.

4.4. DTT, EPG, websites and broadcast teletext: peculiarities of each TV channel

Programme labelling on the websites, DTT, EPG and broadcast teletext varies according to the peculiarities of the TV networks. In this sense, the pictography and age codes used in the labelling of programmes are not homogeneous in all dissemination platforms of the television channels.

4.4.1. Labelling in DTT and EPGs

Although all TV networks are required to provide the rating information of their programming on the DTT broadcast and the EPG -and in fact they do- there are some exceptions in the TV channels under analysis.

Mediaset, Atresmedia, TVE, Canal Sur and ETB label the contents of all of their channels, both on the DTT broadcast and the EPG. In the case of the national public television (TVE) group, the head of its children's channel highlights the fact that before the premiere of the in-house children's programmes the network often broadcasts a report to explain their values in free-to-air and on its digital website (rtve.es).

As a unique case in Spain, in the labelling of programmes by the Catalan Corporation of Radio and Television (CCRTV) the symbol meaning "programme specially recommended" is placed in



programming with content qualified as suitable for children over 10 years of age, based on the recommendation of the Audiovisual Council of Catalonia.

At the time of the analysis of programme labelling by the Galician regional television channel we detected a failure in the system. The consulted expert from this television network pointed out that a problem in the broadcast software prevented the age data from being detected by the software that powers the EPG, the website and the broadcast teletext.







The analysis shows that the interpretation of the criteria and its adaptation to the contents of the programmes results, occasionally, in controversial situations. This occurred in December 2014 with the rating and airing time of *Sálvame*, which was broadcast by Telecinco in “protected hours”. The programme, which was broadcast daily between 16:00 and 20:00 hours, was labelled as not suitable for children under 12 years of age or suitable for children over 7 years of age, depending on the content of every hour. The National Markets and Competition Commission asked the TV channel to adapt the rating and broadcast of the programme because some of the episodes should have been rated as suitable for an older audience, and started a disciplinary action for the alleged breach of article 18 of the General Law on Audiovisual Communication (2010).

4.4.2. Labelling in corporate websites

In some television channels, the number and colour code used in the website differs slightly from the one used on the TV broadcast signal and the EPG. In addition, as a general rule, there was certain difficulty to access and view the rating symbols on the corporate website, which makes it difficult for users to find the rating of programmes.

In Mediaset, the rating that appears on its website incorporates two specific pictograms for children’s programmes, in addition to the symbols established by the Self-regulation Code:  Not suitable for children under 7 years of age and  “Especially for children. Recommended for children under 7 years of age”. The rest of the coding is similar to those that appear on the TV screen.

Mediaset’s corporate website uses the following pictograms to rate its programmes:

-  Suitable for all audiences
-  Especially for children. Recommended for children under 7 years of age
-  Not suitable for children under 7 years of age
-  Not suitable for children under 12 years of age
-  Not suitable for children under 13 years of age
-  Not suitable for children under 16 years of age

- **+18** Not suitable for persons under 18 years of age

Atresmedia's website uses a rating colour and number code, but in the case of children's programming the "Not suitable for children under 7 years of age" symbol **+7** is used, while the TV broadcast uses the rating number (7) appears over a blue background, following the guiding criteria of the Self-regulation Code. For its part, RTVE has unified the rating symbols it uses on the TV broadcasts and the corporate website.

The two regional TV networks that offer rating information on the corporate websites (Canal Sur and the channels of the Catalan Radio and Television Corporation) use the same rating symbols used in the broadcast signal, based on the criteria of the Self-regulation Code. However, in the Catalan Corporation programmes are rated according to the following age criteria: **7 10 12 13 16 18**. As we can see, based on the recommendation of the Audiovisual Council of Catalonia, the Catalan public television corporation incorporates a new symbol (**10**) to label certain programmes recommended for children.

The analysis of the websites of the audiovisual groups shows that Mediaset and the regional television corporation from Catalonia use the "Not suitable for children under 13 years of age" symbol (**+13**), although the updated version of the Self-regulation Code of 2011 replaced this recommendation with the "Not suitable for children under 12 years of age" rating (**+12**). In the case of the Galician and Basque television corporations (TVG and ETB, respectively), they did not incorporate rating information. In the first case, it was due to the aforementioned failure in the broadcasting software and in the second due to maintenance of the computer system.

4.4.3. Labelling in the broadcast teletext

At the time of the study, all the television channels had incorporated the rating information of their programmes in the broadcast teletext, with the exception of ETB and TVG. The representative of Atresmedia pointed out that this television group also includes this rating information in press releases about the programming.

4.5. Rating decisions and TV networks

Although the analysis of the responses of the panel of experts showed that there is unanimity across TV networks about the person or department, responsible for the rating and labelling of broadcast programmes, the responses to the questionnaire and the telephone interview with experts revealed that most TV networks choose a Committee of people linked to the areas of content, programming and production, as shown in Table 2. In TVE, the labelling of the programming of its Clan TV channel is the responsibility of the channel's management, but it also takes into account the criteria

of the content and programming director the head of production. Only the representative of ETB revealed that rating in this network is the responsibility of the Programming Director.

Table 2. Labelling and people responsible for rating TV programming

NETWORK	LABELLING OF RATING				People responsible for rating programming
	SCREEN	EPG	WEB	TELETE X	
Atresmedia	✓	✓	✓	✓	Committee / P. Director
Mediaset	✓	✓	✓	✓	Committee / P. Director
TVE	✓	✓	✓	✓	Committee / P. Director
TV3	✓	✓	✓	✓	Committee / P. Director
Canal Sur	✓	✓	✓	✓	Committee / P. Director
ETB	✓	✓			Programming Director
TVG	✓				Committee / P. Director

Source: Authors’ own creation with data provided by the panel of experts

4.6. Rating decisions and TV production companies and operators

Two representatives of audiovisual production companies stated that they do not label programmes, except when this is explicitly required by the TV operators, because it is television broadcasters who, according to legislation, are obliged to rate and label programming before their broadcast. In any case, the TV channel’s production representative in the production company is the person ultimately responsible for making sure content suits the target audience. Both representatives point out that, on occasions, a same programme that is aired at different hours –when there are repetitions or they are broadcast on the different channels owned by the media group– receives a rating that is not adapted to its retransmission in “protected hours”. There representatives insist that rating is the responsibility of TV broadcasters and not of content providers.

ONO’s expert says that they do not rate or label contents because they are just content distributors for TV networks and the latter are the ones who should do so. However, this operator has a database

managed by the company *Inout*, which manages the rating and labelling information supplied by broadcasters. Only occasionally, when it comes to video on demand content produced directly by ONO, the latter labels contents following the recommendations of the Self-regulation Code.

With regards to pay television, all the experts consulted for the research recommended active parental control, as they believe children can watch any of the contents offered in this mode of television when they are not accompanied by adults: regardless of whether the content is appropriate for their age or not. In this sense, the experts recommend parents to use parental control systems that allow them to block certain contents and control what children watch.

4.7. The opinion of experts

All of the experts consulted for the research expressed will of the different television channels to respect the Self-regulation Code. However, they have shown that the main problem TV channels face is the interpretation of the Code's guiding criteria for rating and labelling.

The responses to the questionnaire indicate that programmers do not struggle to implement the criteria to rate contents targeting children over 12 years of age. However, the situation becomes complicated when it comes to rate and label programmes that can be seen by children aged three to 12. That is why television operators demand recommendations and integrated criteria that are set in collaboration with the government and users and can be adopted by all the TV networks.

Similarly, experts demand consensus and joint work among the National Markets and Competition Commission (CNMC), the Institute of Cinematography and Audiovisual Arts (ICAA) and the audiovisual councils to the establishment homogeneous programme rating and labelling criteria. In any case, broadcasters recognise that this is a difficult task and that it has been the object of debate for some time now.

In fact, the experts mentioned that although some private and public operators have already formed people in the rating and labelling of contents, it would be appropriate to have access to an external education programme carried out by independent experts in order for them to rate their contents better and more easily.

The recent scientific literature addresses the problems and sanctions for the breach of "protected hours" by broadcasters and the incorrect labelling of contents. To put an end to that situation, the panel of experts, working for the television channels under analysis, and interviewed via telephone, proposed a collaborative review of the guiding criteria by a group of independent and de-politicised specialists.

Finally, most respondents agree that it is necessary for all TV networks to participate in the social debate on quality TV contents and the promotion of a healthy use of television among children, through campaigns that are disseminated simultaneously by all TV networks.

4.8. The internet and new screens

With regards to audiovisual contents offered over other platforms like the Internet and mobile devices, the expert from ONO proposed supranational initiatives. Specifically, he is in favour of regulating the Internet and downloads on mobile phones in the European Union, since these contents transcend the reality of each of the member states. It is true that this issue goes far beyond the responsibility of the conventional television channels, but is not a trivial matter to face immediately. According to him, the ease to access the Internet and its role in the audiovisual diet of children demand a rethinking of protection systems.

The ONO's representative says that after some attempts to restrict the origin and labelling of contents on the internet has been proven to be ineffective, the content rating system used by the TV operator providing the content is more effective because it allows control at the destination. This procedure is the most similar to the one followed for television contents and films.

Thanks to this and other parental control systems, educators and families can take the appropriate decisions with regards to the audiovisual content consumption of minors under their responsibility. So far, these forms of protection have been left to the decision of Internet operators. However, this interviewee consider that perhaps it is time to reinforce that willingness with a supranational legal mandate requiring internet operators to rate and label content that are potentially harmful to minors.

5. Discussion of results and conclusions

The results show that there are problems to interpret and use the guiding criteria set by the Self-regulation Code, which results in sanctions for breach of code by broadcasters (Fernández Martínez and Ayala López, 2011; Fuente Cobo and Ruiz San Román, 2011). Therefore, it is urge for the parties especially involved to review the guiding criteria: television companies, users, and government.

The analysis suggests that TV networks tend to be, in general, diligent with labelling on the DTT signal and the EPG, but also that not all of them take advantage of the rest of the platforms available to provide rating information, like websites or broadcast teletext. In addition, from the user's perspective, the use of certain rating symbols only some TV networks –for example, the symbol **10**, which is used exclusively by the Catalan Corporation of Radio and Television- may cause confusion in parents who try to control their children's television consumption.

In order to improve transparency and the services provided to viewers it is advisable to unify content rating and labelling criteria in the websites of the TV networks and, above all, to make sure labels are located easily and intuitively. Bearing in mind that an important part of the recipients of this information are parents who in many cases do not have enough digital competences, the current labelling systems used on the TV networks' websites complicate their ability to get that information. It is necessary, therefore, to establish urgently a common criterion for labelling the

rating of contents on the internet and in the broadcast teletext of different TV operators, so that the rating label is easily located by parents who want to control their children's television consumption.

It is also known that viewers do not only obtain information about the contents of TV programmes on the websites of the TV channels, but also use the EPG offered by other media. Information on rating in these guides is difficult to control, but TV operators should ensure that the rating of the programmes is included in the guide and that the press dossier of each programme includes information about its content and the recommended age of its public. Some TV companies, TVE and Atresmedia, are already working on it.

Another aspect that needs to be reviewed is the use of the EPG. Although virtually all TV networks use the EPG as a tool to include the rating information of programmes, its possibilities are not fully exploited. EPGs are digital tools that allow the inclusion of enough information about content of programming, beyond a simple numeric and colour code. Thus, for example, the EPG can also be used to incorporate additional information about the values and counter values of a programme, which would be very useful to users: especially parents and educators.

It is also advisable to continue developing new labelling systems in the new mobile media and to work on the potential entry barriers of children, via mobile phones, to access unhealthy TV content, which is already being done by TVE, for example.

The results of the research indicate that the Spanish Self-regulation Code uses an evaluative TV content rating and labelling system that is limited to make recommendations on the age of the public. These systems, of easy implementation, are the most used in the audiovisual industry. Some countries, however, use more complex descriptive models that provide additional information beyond age-appropriateness of TV programmes, to warn parents and educators about the presence of certain types of content (violence, sex, foul language, etc.) included in the programmes (Tur Viñes *et al.*, 2008). The models that have been implanted include the one developed by *The Australian Communications and Media Authority* (ACMA), which rates children's programmes (C) and pre-school programmes (P) and sets time slots and a minimum of hours that television channels must broadcast these types of programmes and restrictions on advertising. For its part, the so-called *TV Parental Guidelines* of the United States of America, incorporates age recommendations and information in the form of additional abbreviations to label contents: D (suggestive dialog), L (coarse language), S (sexual content), V (violence) and FV (fantasy violence).

At the European level, the Netherlands has developed an audiovisual content rating system accessible via television, cinema, Internet and the rest of the screens, in a system of co-regulation that involves the government, the independent authority in the audiovisual media regulation and the Netherlands Institute for the Classification of Audio-visual Media (NICAM). In the same vein is the United Kingdom, where the British Board of Film Classification (BBFC) provides information on the principles and criteria taken into account for the rating. Finally, in Brazil the legislation prohibits the broadcasting of programmes that are not recommended for children and young audiences at times accessible to this public.

The information obtained about labelling in online platforms must also be subject to reflection. The arrival of the Internet and digital technology has initiated a process of convergence that affects all screens. As mentioned by Campos-Freire (2013), Marta Lazo and Gabelas Barroso (2008), the immediate future of television in Europe is hybrid, convergent and interactive. Experts say that, in this scenario of digital convergence, it is not advisable to legislate the different forms of audiovisual communication separately.

A protective regulation that avoids the labelling of on-demand and on-line contents is doomed to become obsolete. In the opinion of all the experts consulted, this is mainly because television is losing hegemony in the dissemination of audiovisual content, in favour of other screens. In order to ensure a labelling system suited to non-linear television in Spain, the first, important and urgent thing to do is to clarify what on-demand audiovisual content providers the legislation applies to. While other European countries have for years tested solutions to determine what audiovisual services should be covered by the European Audiovisual Media Services Directive (2007), in the case of Spain this debate has not even been raised. After this clarification is made, the National Markets and Competition Commission (CNMC) should extend its scope of supervision of those audiovisual content providers that are currently moving in an indefinite legal limbo. Some researchers have already warned of the dangers of these new media (Martínez Pastor *et al.*, 2013; Frutos Torres *et al.* 2012; Jiménez Iglesias *et al.*, 2015). In this sense, it is essential to examine the programme labelling from the perspective of the new screens and mobile platforms, in which television programming can now be accessed.

It is precisely because of the fact that the audiovisual contents are no longer exclusively distributed by television, the scientific literature is recommending parents, TV operators and the government to get involved in the raising of awareness and literacy on media consumption, to contribute to a healthy audiovisual content consumption among minors. The consulted experts and some researchers support this line of action and want raise awareness and educate parents about how to educate children in television consumption and especially about their responsibility to control what their children watch on time slots not recommended for children (Ferrés Prats, Aguaded-Gómez and García-Umatilla, 2012; Marta Lazo and Grandío, 2013; Buerkel-Rothfurs and Burked, 2009).

Finally, it is important to review the labelling criterion of programmes targeting the general audience and the possible unification of the labelling criteria across Spain. In the corporate websites of some TV channels and in the simultaneous broadcast of their programming using IPTV technology, we can see that programmes suitable for all ages are correctly labelled, but the situation is not widespread. In this sense, it would be advisable for the programme's rating information to be incorporated in all information and dissemination platforms.

5.1. Conclusions

The analysis of the results has confirmed that TV professionals generally perceive that the situation has improved with respect to the first years of the Self-regulation Code. In fact, in the case of the two

large private television groups, their representatives consider that the level of awareness on issues related to the labelling of contents and the predisposition to respect the “protected hours” have increased substantially in recent years. For his part, the representative of TVE reaffirmed the commitment of the national public TV Corporation with the rating of TV contents and children’s rights, as we can see in its style book.

This greater awareness of television operators is endorsed by the fact that all their DTT broadcasts are labelled according to the guiding criteria of the Self-regulation Code on Television Contents and Childhood and, in a complementary way, according to the criteria set by other agencies, such as the film rating system of the Institute of Cinematography and Audiovisual Arts, the Audiovisual Council of Catalonia (in the case of the Catalan Corporation of Radio and Television) and the Audiovisual Council of Andalusia (in the case of Canal Sur Televisión).

Moreover, the fact that TV networks have established labelling protocols and of managers confirms this perception of real progress in terms awareness about the issue among TV broadcasters.

Based on the previous results, the final conclusion is that five of the six initial hypotheses are confirmed and only the fifth one was rejected. This statement can be summarised in the following manner:

In general, all TV networks under study label their broadcast contents with the rating information and also include this information on the EPG. However, the analysis shows that not all TV networks do so correctly; in one cases -TVG- the EPG did not contain rating information, apparently due to technical problems (H1).

Similarly, the analysis showed that some TV networks -ETB and TVG- do not incorporate the programmes’ rating information in their website and the broadcast teletext. Moreover, programmes’ rating information was difficult to locate in the websites of the TV channels (H2).

Sometimes, the rate label of certain programmes is not adequate. In light of the administrative sanctions imposed on some TV networks, sometimes the rating of programmes is not representative of the contents and, in that sense, there is certain laxity when it comes to adapt age-appropriateness recommendations to the contents of the programmes (H3).

Is was also confirmed that there are, and this is recognised by the TV networks, difficulties to rate and label the contents because the criteria are susceptible to interpretation and so they are incorrectly applied in certain cases (H4).

The hypothesis that states that TV networks lack rating procedures was rejected, especially if we consider the opinion of the panel of experts and the existence of programme rating committees that operate in different TV networks (H5).

The lack of a uniform rating system throughout Spain is clear if we compare the rate labelling used by the regional television corporation of Catalonia with the rest of the networks or we compare the labels used in the websites of Atresmedia and Mediaset (H6).

The conclusions and results of this research have been presented to the National Markets and Competition Commission (CNMC) and the representatives of media users, who since early 2015 have reflected on the need to update the criteria of the Self-regulation Code and its application to the rating and labelling of television content. The impact of the updating of the TV programme rating and labelling criteria on the compliance with regulations will, undoubtedly, become the subject of further research studies.

Funded research: This article has been developed within the framework of the wider research project titled *Criterios y procedimientos de calificación de contenidos audiovisuales. Implicaciones para la normativa vigente, el despliegue de la LGCA y los acuerdos de autorregulación y correulación en el sector* (“Criteria and procedures for the rating of audiovisual content. Implications for the current legislation, the application of the GLAC and the agreements of self-regulation and co-regulation in the sector”). The development of this project was ruled by a contract for the conduction of research activities, advice and technical assistance, art.83, [financed by the Federation of Associations of Media Consumers and Users \(iCmedia\)](#).

Start of the research: July 2014.

Completion of the research: 30 November, 2014.

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- Amores, Carmen. Channel Director at Canal Sur.
- Blanco, Joselu. Programming Director at ETB.
- Fandiño, Lago. Children’s Programming Director at TVE.
- López Braña, Daniel. Director of Super3.
- Méndez, Javier. Head of Programming at Mediapro.
- Méndez, Javier. Head of New Businesses at Globomedia.
- Montemayor, J. Former Programming Director at TVE.

- Navia, Carlos. Programming Director at ONO.
- Ojea, Fernando. Communications Director at RTVGA.
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How to cite this article in bibliographies / References

MA Ortiz-Sobrino, C Fuente-Cobo, JM Martínez-Otero (2015): “Content rating and labelling in the main Spanish televisions”. *Revista Latina de Comunicación Social*, 70, pp. 468 to 489.
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DOI: [10.4185/RLCS-2015-1055en](https://doi.org/10.4185/RLCS-2015-1055en)

Artículo recibido el 25 de junio de 2015. Aceptado el 28 de julio. Publicado el 19 de agosto de 2015.