

Freedom of expression and media abuse: an analysis of miracle products adverts on Mexican television

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Abstract

Freedom, equality and other values have been a premise of most liberation movements and the individual rights granted by the states, republics and other forms of societal organization. In the countries of Latin America, somehow the constitution guarantees freedom of citizens and members of their societies in any of the ages that are in their evolutionary steps into adulthood, adulthood of individuals and of societies. Freedom, as a general and abstract concept, would be insufficient if not come into plausible lots of freedom. And between these portions, measurable, achievable and desirable, we find the freedom of expression. Moreover, the final realization of freedom of expression is given the freedom to publish, to express orally, in writing, ideographic (and with the advent and multimedia technology available), the ability to create and disseminate images, videos, advertising and endless other possibilities. This pluralism of possibilities verges on abuse when there is no regulation not only of the state, but society through certain means. In this paper we study the abuse of advertising and media coverage on TV miracle solutions to Mexico last year. We combine the testing of ideas, criticism and documentation of facts, citing sources and examples. The approach is from a transdisciplinary perspective between communication, education and health.

Keywords: communication, advertising, T.V. abuse, freedom, expression

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1. Introduction: Freedom of expression and pluralism

Any not exerted right is lost. This is such a big truth that it is somehow painful the way it is expressed several times in the film *Violins in the sky* (2008/Departures Johiro Takita, Japan). The more we reflect about freedom, the more definitions we express, the truth is that if freedom in general and freedom of expression in particular are not exerted, they are destined to be lost. But to exert freedom or any other right not only implies to know that we have those rights and freedom. Starting from the basics as declaring what freedom is, we must say that freedom has been characterized as that natural trait common to all human beings as is to act according to his/her will; freedom is also the absence of slavery, yoke, oppression. In another sense, freedom is independence: non depending, being able to choose, to think for oneself and decide, not like robots or according to the interests of groups or other issues.

Freedom refers to the use of reasoning and personal and social responsibility to choose norms and act when external forces or any other force does not compel us (Descartes in Garcia NA 2008). There are more extreme conceptions of freedom and they can obviously extend to freedom of expression. For some thinkers as H.L. Bergson (1859-1941) freedom is the capacity of the conscience to guide itself on its own nature independent of the laws and natural phenomena. Such freedom, conceived as the capacity of the conscience to rule itself by its own nature looks like a chimera; it surpasses the possibilities of action in the real world and the universe since everything is connected.

Then, going a little farther into the thesis and objective of this work, which we have already mentioned in the title, we state the question: Are we free when we choose a determined TV or radio program or when we choose to read something in the written media? We could probably answer that there is not such freedom when choosing or tuning in programs. We do not act out of our total free will when the election gamut in the radio or the television channels is limited to just a few or even when the gamut is wide, they are concession or operate in concerted times. Later we will deal with some considerations which let us discuss the real meaning of the exercise of freedom to choose. We will not deal with other implications and meanings in the philosophical,

ethical, political perspective or in creativity and art or in religion. It is nevertheless difficult to limit freedom to one single scenario.

2. General antecedents: Freedom of expression and its fulfillment

Freedom in general is unattainable; in its manifestations it is more or less at the reach of reason, of our understanding, of our expectations and it is precisely in its manifestations and particularities where we locate freedom of expression. This freedom is conceived as essential for discovering ideas and for the discovering and communication of truth. It would be worthless to discover something, to know it, to know the foundations, the relations of a social, cultural, scientific, logic, legal phenomenon or just some news, if we do not have the freedom to communicate it. Science and culture should be public in a mature society. And in societies under formation, in transition, there should also exist freedom to express and communicate. Freedom of expression is so fundamental and relevant that it is a pillar of the Universal Declaration of Human Rights and it is mentioned in Article 19th and states: “Any individual has the right to a free opinion and expression. This includes the right not to be disturbed for his/her opinions. The right to investigate and receive information and opinions and the right to disseminate them, without frontiers and through any form of expression” (Universal Declaration of Human Rights 1948)

This universal right has particular manifestations in the freedom of expression in Mexico. It is manifested in Article 7 of the Constitution, in force at the moment of this revision which states: “The freedom to write and publish about any topic is inviolable. No law or authority can establish previous censorship, nor can it demand a bail to authors or printers, nor restrict the freedom to print whose limits are the respect for private life, moral and public peace. The printer will not be subject to confiscation as an instrument of crime.” (Political Constitution of the United States of Mexico).

The freedom of expression expressed the way we know it is old and its initial expression in the Universal Declaration of the Human Rights comes from 1948. The debate of ideas, beliefs and the possibility to do it without being punished is recent.

Contradictions, differences in the conceptions of life, universe, values, and divergent opinions have always existed since the beginning of times and usually, these differences go beyond simple divergences. Voltaire's (1763) sentence is famous: *I may not share what you say, but I will defend with my life your right to express it.*

Maybe he did say it, but for many people this is just a supposition, nevertheless it is shared for most part of humanity and it synthesizes freedom of thinking and expression and it should be a reality in civilized societies. The freedom to dissent, to think differently and to be allowed to express it to others implies recognizing the other in hi/her integrity, his/her capacity to show arguments for debate. It is not the free granting of the right to express false ideas without debate; it is not granting the others the right to speak for us. Not at all. There is another meaning: it is the implicit and explicit rejection to censorship and self- censorship. It is better to make a mistake and accept it than to remain silent and grant the sense of truth to just one of the interacting participants.

3. Specific antecedents: communication and media. An approximation to approach communication and health.

In a wide sense "communication" is not limited to the simple transmission of concepts, information or images using means that make it possible. Communication is to put something together in its simplest, easiest way (etymological definition from the RAE). From there come a series of meanings, terms, theories, approaches and points of view about communication. Communicative activity includes the interaction between receptors and emitters, sending coded and ciphered messages, understood values and some not totally understood by the different actors. All these make the communicative act.

The real study of communication and communicative acts starts with the study of the symbols. Therefore communication is also a semiotic act (Curran, James Mexico, 1986). It has also been considered as the establishment of personal relationships

(<http://dec.psicol.UNAM.mx/capsulas/saludemocional>). Communication has been approached from several viewpoints for study and comprehension and has permeated all areas of human activity. It is daily present in our lives. One of these areas is health.

Being health a valid issue for the population and one of the most guarded human rights by the Constitutions of states worldwide (WHO 2008) it is not exempted of the communicative activity. Nevertheless it is worthwhile to mention the approaches used to talk about health and the exposition levels reached. Concerning the results of this exposition in communicative acts related to health it is important to develop evaluations.

One of the most important mass media in the countries of Latin America is television in its two modalities: free and paid. The number of homes with one or more TV sets in Mexico was more than 15 million and the estimation for 2010 is more than half of the total population of 112.322.757 according to the last census of 2010 (inegi.mx.com). Free television predominates while the paid modality has now an important position in the TV option at homes. Paid television comprises cable or satellite TV (<http://web.upaep.mx/investigaciones/revistae>)

There are numbers which estimate the exposition level of individuals to television transmission for different countries and TV modality. These exposition times and schedules of individuals are attractive for advertising emissions, for the systematic bombardment of announcements and the not always ethical promotion of products. The analysis of the relation between communication and health, is then an interesting area and in our group we decided to approach the “infomercials” which promote three different “miracle” products by combining points of view, experiences and disciplines and evaluating different aspects of these adverts emitted by television (www.video.com.mx)

4. Delimitation of the study problem: the crossing over of communication, media and freedom of expression abuse in Latin America

In the last decades it is evident that we are witnessing a crisis of real freedom of expression and communication in Latin America. Radio, television and even written media have been left in the hands of a few big networks. The possibility to express freely in one of these media is being reduced. The certainty that the information emitted is real is questionable. One of the ways in which the crisis of communication and freedom of expression is manifested is in the abuse of infomercials of miracle products in the mass media and more specifically on free or paid television (TV-UNAM Program February 2011).

The dialogic, educative activity of the concessioned television networks in our country is absent, it is black hole. The capacity of these media to reach hundreds, millions of homes in different schedules and directed and established segments structured for different audiences and transmitting information and concepts through the different resources implied in media, has become banal and the strength of marketing with the bombardment of announcements which promise miraculous results to a population carving for fast results – no matter the cost- make users and viewers vulnerable and make them victims of tricky advertisement. This loss of the real dimensions and the value of communication lead us to present it as an entity in crisis and make us analyze freedom of expression in a critical manner and to question whether or not is there pluralism in the communication media of Latin America.

This critical situation and the restriction of pluralism and freedom of expression is not always the communicators' fault, but that of the ones who own the media and the lack of state regulation mechanisms. These failures do not seem to be involuntary. The gaps in the laws, the large holes in bidding or assignments of frequencies for the transmission of audio packs, television contents and other forms of transmission as are what are considered triple play and wide bands seem sometimes to obey to unclear interests or reasons. The recent history of arguments in our country for frequency assignation and the opening of new television networks is a good illustration (Villamil J. Proceso 2011).

Is it freedom to have just two television networks for national coverage? Or, on the other side, would it be freedom to have 6 free television networks, but which share (or impose?) the same contents, the same tones, opinions and an endless series of

announcements between each segment of the program the audience chooses to watch? For every series program, movie, news or other program, the audience is forced to listen to or watch average of 5 to 7 minutes of announcements, tricky advertising of miraculous solutions and unnecessary or quite useless products (TV-UNAM February 2011).

The true spirit of Article 19th of the Universal Declaration of Human Rights is annulated, violated and is left as if they had never existed. For example, the paragraph referring to: “*Any individual has the right to:... research and receive information and opinions...*” There s no freedom when we only know one opinion since this way the human being is not allowed to exert his/her natural faculty to act according to his/her own will, with autonomy and without being forced. For the case of freedom of expression and the pluralism of media in Latin America and specifically in the area of health and media, we consider that the real freedom of election, the possibility that reason rues itself and therefore, the possibility that the individual becomes a choosing, thinking, active agent in front of media is not possible under the circumstances present in radio diffusion and teletransmission in Mexico (Villamil Jenaro Proceso 2011).

Therefore, beyond all ethical questions and without denying the individual responsibility when choosing the programming offered and the acceptance or not of what advertising offers, we consider necessary to analyze the infomercials (spaces devoted to advertise products on TV) from different perspectives in order to determine if there is really freedom of expression and pluralism in the options for the public. The television spectrum is wide; there are news segments, explosive sport segments, governmental and political parties advertising in an open contrast of the almost inexistent programs for children. There is also advertising for beauty and clothing. We are interested advertising devoted to “health”. In this specific segment, we consider there is an abuse of oligoproducts (a few products) with tricky advertising.

There is supposedly a totally disguised diversity of products, in a colloquial sense in our country we would say “it is the same all cat but entangled”. The same product and the same manufacturers present the same kind of shoes with three or five different names. They take advantage of the individual’s naiveté. In growing societies where life is

becoming faster, where there is less time for recreational activities since commuting consumes time, working hours become longer and dead time increase not useful hours, fast solutions appear as miracles: fast, effective and supported by information. So in the segment of communication and health, the effectivity of advertisement of trash products is based on miraculous and fast solutions since it mixes pseudoscientific information with subliminal archetypical concepts of traditional and alternative medicine which is exposed to viewers.

5. Material and methods. Study design

Of the possible quantity of announcements to which viewers are exposed in our country in free television as well as in the paid one, we decided to analyze the referents of three miraculous and infallible products – this is the way they are presented by announcers - :

- a) product-shoe with aesthetic purposes: it models the figure, weight reducer and health provider;
- b) product-medicine promising beauty in short time
- c) product-medicine cartilage regenerator, anti-arthritis and superior to any other medicine with generalized actions.

For the object of our study, we filmed the three infomercials, measuring their length and determined colors, figures, language, symbols, characters and concepts expressed plus the transmission average per day, week and month. We compared the concepts of the infomercial with scientific information obtained from three experts and additionally we developed a survey on a random population (by phone and in three malls) about “memories” of the infomercial data, possibility of purchase or to recommend the product in a personal way or if they had information about a person who had used it.

The study lasted a month for planning and two months for development. Ninety subjects were surveyed, 80% females, 90% had seen the referred infomercials, 70% consider them exaggerated and 50% consider the possibility to consume the product and concerning knowing someone who has bought the product or any other similar there were 80% of the subjects. Those having paid television and belong to a medium socioeconomic level are the ones who remember infomercials the most.

The advertised products are easy to evaluate as they have formula, content, excipients and other physical chemical characteristics, although the real motive of the study is the impact they are producing in the viewers population or possible users or consumers through the communicative act and the way it is developed. (<http://www.etc.com.mx/articulo>; 2010). The products were not totally selected at random. They are representative of health problems and worries for general population.

It is for this reason that manufacturers and business people choose these market niches to address the possible consumers. For example, obesity is a current health problem which has become one of the most present in public health campaigns as it has been declared as a target by the federal government in the secretaries of education and health (National Agreement for alimentary health in: <http://nietoeditores.com.mx>).

This campaign against obesity also obeys to economic reasons with projections to the health systems. The future attention costs for overweight and obese population and the constellation of deriving problems such as diabetes, hypertension, cardiopathy, among others, are some of the reasons and worries why the government has been forced to fight against obesity through television and radio campaigns plus other measures in school spaces and legislative actions.

6. Selection of products and adverts to be analyzed

Product 1 (fat, size and weight reducer and consequently prolonger of health and satisfaction, improving aesthetics, among other benefits). The same benefits are valid for product 2 which is a product-shoe which exists in three versions, which with just a short time of use will correct posture, reduce size, weight, will add beauty and will even provide happiness to the user.

The third product selected for analysis and valuation of its informative repercussion in the population was a medicine for bone and joint problems, cartilage regenerator, back problems corrector that works where others have failed (as promised by the announcers). Concerning joint and degenerative illnesses of the muscle-skeletal system the marketing which exploits these real health problems is not wrong: after forty starts the process of aging and regression in a progressive, consistent and irreversible way. If the problem of aging and degeneration of cells is present in all systems, the problem of locomotion in joints and bones can be the most sensitive and finally the most exploited since this affection can lead to limitation in relational life as the person has difficulties in the daily life, such as taking a shower, getting dressed, walking, go shopping and in extreme case need the help of other people and finally become a burden with the implicit consequence of the disposition of whoever has to take care of the person. A decrease in self-esteem is implicit when suffering from any of the conditions mentioned in the infomercials (Bañuelos RD 2011).

Although in the language, signs and sentences used in the announcement there are not explicit meanings, the implicit contents inferred by the viewer are wide. The infomercials are a constant in the content of the free or paid television in any of its modality in our country and the regulations for this type of advertising are not always followed. Its impact on the population exposed has been studied more in the commercial field and by advertising agencies than in academic or health instances. For the reason, we decided to develop this study which had the aim of analyzing the form and content of three infomercials in the first place, and the contrasting the information exposed in the infomercials with scientific information and the state of the art of the existing knowledge and finally, to measure the degree of memories and repercussion of the infomercials in the population with television which means a population with a high degree of exposure to infomercials.

7. Criteria for infomercials

For our study we selected 3 announcements transmitted on television which can be considered infomercials as they fulfill the following requirements:

- a) They promote health products with fast, consistent results.
- b) They intend to influence viewers with the premise that they are innovations and are based on scientific facts and supported by users' testimonies who have already seen results
- c) They use support of some kind of expert to back up the product.
- d) It is transmitted in the spaces devoted to commercial transmission during the interruption of the normal transmission.
- e) They provide a telephone number to order, offer additional benefits when calling and ordering within the minutes following the advert and to advertise the form of payment

“These criteria for infomercials are adapted and modified by the authors of this work from the concept in <http://es.wikipedia.org>

The three announcements were selected for being considered consolidated taking the criterion of consolidation as a permanence of six or more month in preferred schedules in at least three different channels and having been mentioned by at least ten people from the general audience or by some participants in the study. Although the selection of the announcements on television can be considered arbitrary we take into account other criteria for example, these three infomercials can be considered characteristic and probably emblematic and representative of the set and a mix of the advertising of health miracle products. They are aimed at sensible health problems and aesthetic aspects for the general population and which are also frequent in Latin America. In the introduction we supported the relevance of the problems they promise to relief and solve (as they say).

8. Procedures and variables

Once the three infomercials to health products and problems were selected, we filmed them during the transmission with the aim of analyzing and commenting them by a group of three communication experts devoted to education practice in the communication program of the most important public university of the center Southern

part of the country. The following variables were taken into account for every infomercial: length, characters, primary set, close ups, panning, zoom, voice tones, symbols, figures, before and after contrast with the use of the product, time devoted to each benefit, time expected to observe results, titles and subtitles, background and by segment colors (for example, that corresponding to the information and purchase phone).

The gender and age of the characters, the probable social class, race, and occupation surroundings used (home, office, recreational places) and the degree of exploitation of the character's feelings was also analyzed. Additional to the length of each particular infomercial, we also registered the times it was transmitted and predominant schedules by day, months and the average in 6 months. We estimated average costs in national currency by length, transmission schedule and transmission time (www.video.com.mx).

A second area to be analyzed was their content concerning information. We contrasted the infomercial contents emitted by participants (direct such as the actors or in the off voice) against the information existing in scientific literature and the opinion of expert specialists, doctors with recognized medical practice, who belong to a medical association or have participated in congresses or publications and therefore their professional updating and leadership is implicit.

A third area of analysis was the part of the general population. We surveyed 90 adults; 60 of them at the exit of malls and 30 by telephone. They were selected at random. Previous to the application, the questionnaire passed three rounds of validation by the participants in the project, for clarification of concepts, and optimization of the application times, with factibility and feasibility. In the annexes to this work we have the instruments applied in the research which are the infomercials filmed in real time of television transmission, the questionnaire and the comments of the medical experts and finally, in the last annex, the results of the survey applied to the general population.

9. Results

The global design of the study was developed in a period of one and a half month, including the pilot test in the general population. The development of the study lasted two months, which includes the application of the final version of the survey, filming, analysis and the processing of results. For the processing of results we used the same order of the development: analysis of an infomercial by their characteristic for presentation: length, form and background, explicit and implicit information and all the other characteristics mentioned above, then contrasting the infomercial against the scientific and medical experts' information plus an additional contrast with the memories of the public or future buyers. This convergence or divergence (between what is promised by the infomercial and the expert medical opinions and the opinions of the public) is analyzed only in a qualitative form and it is presented in weighted percentages and the Kappa index percentage (these data are in the archive and are not presented in this work)

The sample of 90 individuals of the general population exposed to the infomercials was obtained after sorting 126 possible candidates for the survey, but 36 were not eligible; 12 did not agree to participate and 24 did not have enough information to complete the surveys and therefore the results would not have been sufficient and they would have affected the results and conclusions.

Of those who responded, 80% remember having seen the infomercial at least one a day; 10% have seen it 5 to 7 times a day and the resting 10% have seen it more than 8 times per day; the attention devote to the infomercials is greater during the first week and they tend to be ignored – even though they remember them- in the following expositions. They remember the beginning and the middle part of the infomercial in 70% of cases; the end is only remembered by 5% of the surveyed. They feel more interested when the characters are middle aged or old adults for the products related to health and, they relate the products for weight reduction and aesthetical effects with younger women.

From the surveyed, 30% would consider buying one of the products; one third has already bought them and a last third knows someone who has used it or is actually using it.

Concerning the medical opinion contrasted with the infomercial information, there was a divergence in 90% of the contents as they consider the product similar to the benefit of a placebo or home medicine. None would recommend the product on a prescription or as medical advice and 100% of the doctors agreed that miracle products represent a step back in medical attention in about 6 months for each patient that requires specialized attention.

Of the surveyed that accepted having used any of the products (for example the weight reducing tablets, the embellishing, reducer and conditioning shoes or the anti-arthritis and regenerator) benefits were reported in less than 30% of what was expected, but a third part expected that continuity could report them some benefit; the remaining 70% of the consumers recognized a less and poor usefulness as they had been expecting.

In the version presented in the ALAIC 2010 communication congress videos, charts, graphs and the condensed instruments were presented as part of the validation process.

In charts I to IV we summarize results to make a more graphic presentation. They talk by themselves and we added some considerations as subheadings of these charts.

Chart I: Information versus real information of miracle products on Mexican television

Aspects to be contrasted on TV announcements of miracle products	
Infomercial general aspects	Information about the infomercial
Length	Opinion medical experts
Predominant colors	Communication experts
Figures	Consumers
Symbols	General public
Language	Sales people
Characters: 1st front section, secondary	Average transmission time
Infomercial concepts	Literature concepts with support

The opinion of doctors, communication experts and audience was important and divergent from what was expressed in the infomercial.

Chart II: General results of the analysis of infomercial transmission on Mexican television

General aspects	Evidences
TV Channels analyzed: 3 free and 30 paid	No evidence in the scientific medical literature and specialized journals about the benefits or studies indorsing the products promoted by infomercials.
70 % channels transmit them	Communication experts consider them as mere marketing.
Time spam occurs between 1.5/5; 2.5/5 and until 4/5 of total program time	Shoes: the most bought product
PCTV channels and those of less rating emit them more time; university or corporative channels such as History Channel emit them less time.	The benefit obtained is less than the third part of the one promised.

Chart III: Analysis of infomercials form on Mexican television

Sequences, script-identifiable ideas:	Characters features:
Beginning: character in the foreground, central and voice announcing something new... at last, and so on. Goal: To raise expectations	Characters with medium and high class features. No low class or marginal people.
Follows: the product appears	70% are female
Follows: users testifying	3rd to 6th decade of life
Follows: Contrast of before-after states	70% of individuals have a health look,

allegedly attributable to the use of the promoted product.	even before the allegedly use of the miracle product.
Follows: secondary characters, different off-voice.	Good-nature features, cloth, sceneries and context of a good social and economic level.
Band with text and telephones to call in on the low part during all the infomercial.	Close-up, panning and flashing, over smile and ocular expression.

According to the opinion of consulted population (medical doctors, communication experts and others) the observable changes may even be attributable to effects from surgery, diets, and other measures non dependent form the promoted product.

Chart IV: Infomercials of miracle products on Mexican television their impact.

Transmission schedule	Remembering impact
Between 06:00 and 11:00 hours 20% of the announcements in an hour are infomercial of miracle health-products.	Beginning and medium part 80%
Between 12:00 and 17:00 hours 45% of the announcements in an hour are infomercials	All the infomercial 10%
Between 18:00 and 24:00 hours 35 % announcements are health infomercials.	More remembering of the last part 10%
Have been watched:	About buying and use:
1-4 times 80% of surveyed	Has proved it 30%
5-7 times 10%	It would be considered as probable 30%
More than 8 times 10%	Know somebody 30%

Considering the number of watchers consulted who remembered the infomercial and who know somebody who has used the product and those who are possible future users, it can be considered a commercial success. As regarding the time, frequency and

repeatability of messages, it can be considered as an abuse in advertising transmission in Mexican TV.

10. Comments and conclusions

Although health, aesthetics and their repercussions are a priority problem, a real preoccupation and a valid aspiration for States, state and other kind of organizations devoted to this topic, and people in general, the commercial interest, profit motive and the ethics oblivion in the way of communicating and advertising spoil the legitimacy of health communication and education through mass media.

This brief analysis of only three products promoted daily in different schedules in the Mexican TV shows the impact they have had on the people, when abusing or misinterpreting the freedom of expression, pluralism and mass media.

A third part of the public has consumed those products and a similar number consider doing that in the future. The latter has not done yet because of costs, lack of time and other reasons. There is not a real delusion because of the expenditure and the results obtained, and they would not take legal actions against. It is more preferable the “information” given by the commercial than the search and consulting. A product offering short-term results is more attractive than the constancy, discipline and follow-up of a medical program. People do not value the double cost of buying some of these products, plus the cost of the ulterior attention.

The freedom to choose is not a real freedom when, even changing 10 or 20 times the TV channel, the deceitful advertisements, miraculous solutions and products with higher benefits than medical consultations and treatments are present in all the segments. A clear lack of regulation by the State and an alternative in other TV networks and mass media are the background of this situation. Just recently, they are being tackled, but we think that the efforts are yet insufficient. It must be constant and at medium and long-term.

Results of this study agree with the theoretical considerations by Giovanni Sartori (Florence, Italy, 1924) regarding to what mass media make the individual such as the home videns and teledirected society. They are also compatible with the sentence: “TV destroys the capacity of abstraction, slavish the individual... In cultural and value terms, TV destroys more than what it can transmit”.

According to the above exposed, we can conclude that health communication and education are yet an unresolved topic and an area to be reinforced in our country and in the rest of Latin American countries, in order to be a reality the pluralism and the exercise of the real expression freedom in mass media.

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