

Study states that advertising self-regulation system in Spain does not protect consumer

Two researchers from the Rey Juan Carlos University in Madrid have analysed and compared the system of advertising self-regulation applied in Spain. Their results show that this model is lacking in effectiveness, autonomy and coverage, working against its main objective.

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It is the first time that anyone has analysed the deficiencies of the advertising self-regulation system in Spain. / Sinc - Olmo Calvo

In Spain, a body known as Autocontrol (Association for Advertising Self-regulation) oversees advertising to ensure that it offers guarantees and complies with prevailing legislation and codes of conduct governing the sector. This system is formed by the advertisers themselves, agencies and the media.

Researchers from the Rey Juan Carlos University (URJC) in Madrid have compared it to the British model of advertising self-regulation, which is considered to be an international benchmark. The objective was to identify

the strengths and weaknesses in terms of autonomy, effectiveness, financing and coverage.

“It is the first time that anyone has analysed and shown the deficiencies of the advertising self-regulation system in Spain which, supposedly, looks out for the consumer against advertising that infringes upon laws and codes of conduct governing the sector”, Clara Muela from the Rey Juan Carlos University reports to SINC. The article is published in the journal *Communication & Society*.

Muela and her colleague from the URJC Salvador Perelló also took into account the criteria and parameters that the EU considers crucial for an effective model of advertising self-regulation.

“As a result of this work we have been able to establish the deficiencies and their cause, which shows Autocontrol to be a very lacking and questionable system, whose structure and management bodies hamper the objective and effective defence of consumer rights against any type of illegal advertising”, says Muela.

Sanctions that are not complied with

Highly critical of the current system, this study points out that the main weak points of the Autocontrol system are found to relate to two basic competences: effectiveness and autonomy.

“With regard to the first, the organisation lacks a system to control advertising that infringes upon codes of conduct and prevailing legislation and especially considering that the Spanish population is so little acquainted with the organisation and its duties. This ineffectiveness is even clearer in the lack of monitoring of compliance with resolutions when there are consumer complaints, given that some advertisers do not comply with their sanctions”, the researchers point out.

On the other hand, the prior consultation provided by Autocontrol has increased the number of users in recent years and it has become a significant source of income. “However, its effectiveness is yet to be demonstrated, given that some of the cases were reviewed and sanctioned

after having been approved”, explains the researcher.

This approval meant that the advertiser, before making the advert public, consulted Autocontrol on whether the advert complied with the law and the codes of conduct. “It is odd that then there are complaints and they are resolved against a previously favourable report”.

What is most striking is that in Spain the watchdog monitoring service has still not been applied, an activity included in some systems of self-regulation, as in the United Kingdom, which means they themselves monitor media advertising and if they deem adverts to be illegal, act on their own initiative and lodge a complaint. “It would be particularly interesting for television and radio, the two types of media with the largest audiences and where dishonest advertising has the greatest impact on consumers”, stresses Muela.

Creation of an independent body

In line with the European model of good practices and using their results, the researchers have proposed tools for improvement towards an independent and pro-active body.

“Generally, when Autocontrol receives a complaint, the final sanction is usually the suspension and withdrawal of the advertisement. Due to the nature of the adverts, in the majority of cases this resolution does not hold any dissuasive value, because the damage is already done and often the advert is no longer broadcast once the organisation has resolved the complaint”, the researcher points out.

Another failure, according to Muela, is in autonomy. Although the majority of the advertising codes are very similar between countries with these systems, the researchers recommend that codes consider the point of view of people affected by advertising, like consumers and different social organisations.

“If a system of elections was introduced for the Board of Directors it would achieve better credibility and transparency. It is necessary to avoid a conflict of interests”, Muela emphasises.

Lastly, according to the study, the fact that Autocontrol is financed by the

same industry that creates, produces and broadcasts advertising, significantly reduces the credibility of the organisation.

“It is difficult to be impartial and neutralise possible conflicts of interest when the leaders of the organisation choose the board that will review what is supposedly illegal do so with the advertising of competitors and even their own work”, they conclude.

References:

Clara Muela y Salvador Perelló. “Advertising self-regulation. A comparative analysis between the United Kingdom and Spain” *Communication & Society* 3 (27): 1-18, 2014.

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