

## Editorial 3

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### **Advertising self-regulation. The protection of the consumer against commercial communication**

### ***Autorregulación publicitaria. La protección del consumidor frente a la comunicación comercial***

The mechanics of the judicial system are not robust in the face of cases of illicit advertising because, when judgments are made, the effects of an advertisement or campaign have fulfilled their persuasive objective by influencing the target audience and effectively conditioned consumer in a fast-paced environment, advertisements have already been replaced by others faster than judicial procedure. In addition, judges, as well as experts in commercial law, are not as familiar with the nuances of advertising as the associations or self-regulatory bodies that deal only with this matter. Therefore, the communicative dimension of advertising –as a tool subordinated to marketing– is understood more in accordance with a self-regulation model regarded as faster, cheaper, more efficient and effective than state regulation.

From the perspective of consumers and users, the main reason why self-regulative systems are created and implemented in the advertising sector is, precisely, to be the most appropriate, effective and non-exclusive complement to the judicial system. The objective is to establish effective systems of out-of-court resolution of claims that enforce both national and local regulations and codes of conduct. In this model, the main function is to ensure that all agents involved in the design, execution and issuance of any advertising message respect the laws and codes of conduct that regulate and govern the professional sector to avoid any damage that the purchase or use of a product advertised may cause in the consumer. Every system of advertising self-regulation has, as its fundamental purpose, the assurance that any advertising issued or published is legal, honest and truthful. Thus, a characteristic that differentiates it from the judicial system is that it is proactive rather than re-active. In a self-regulation system, any consumer who sees their rights violated can as such file a claim free of charge that will be managed quickly and efficiently by expert professionals.

"Advertising self-regulation. The protection of the consumer against commercial communication" is the title of this issue whose aim is to deepen the object of study through original research and perspectives which have consumer protection as central to their objectives.

Professor Ramón A. Feenstra inaugurates the issue with the article "The co-regulation of advertising to debate: a theoretical approach". It analyses advertising co-regulation as a system capable of transcending and improving current self-regulation once the weaknesses – revealed through various scientific work – have been detected. A theoretical and qualitative analysis in which the author establishes the meaning of the term, the novelties and their variants, thus opening up a more robust and effective way to the current system of self-regulation.

Second, the article "Challenges of advertising self-regulation before the legal and ethical risks of influencers' marketing" by Sandra Vilajoana-Alejandre, Josep Rom-Rodríguez and Giorgia Miotto, addresses a topic as problematic as it is salient. Both descriptive and analytical in nature, the work mainly establishes the legal and ethical limits of this form of advertising practice, and identifies the role played by advertising self-regulation in protecting the rights of consumers. This is done through a comparative study of the two

countries in reference to self-regulation: the United States and the United Kingdom. The results show that in Spain this current and controversial issue requires greater development and control.

The third article, "Self-regulation in Portugal: the interests of industry and consumers in convergence?" by Ana Duarte Melo presents a comparative analysis of the self-regulation system in Portugal by comparing it to the existing regulation to investigate if both systems converge or diverge in their protection of consumers' interests. The author analyses the extant codes and the complaints that were presented in the past. The article offers an interesting analysis on the matters, as well as verifying if the self-regulation bodies are effectively representing all advertisers or not.

Finally, the issue is closed by Ubaldo Cuesta Cambra, Luis Mañas-Viniegra, José Ignacio Niño González and Luz Martínez Martínez with an article on "The cognitive processing of advertising self-regulation of online gambling in university students", addressing a topic of great importance that is generating great social concern for the cases of addiction that are increasing alarmingly, especially in youth populations. Another of the strengths of the article is its original approach, analysing as it does the cognitive processing undertaken by young people on advertising, specifically in relation through eye tracking techniques, facial emotions and focus groups within the self-regulation model.

In short, this issue focuses on advertising self-regulation, and analyses this system by focusing on issues of great interest, as well as highly-sensitive consumer issues, and proposes avenues to improve the system for the benefit of consumer protection.



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