



Eradicating Gender Stereotypes in Advertising in Spain

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11.1 INTRODUCTION

Since the introduction of the Organic Act on Integrated Protection Measures Against Gender Violence (2004) (from now on “The Gender Violence Act”) and subsequent egalitarian laws of the Zapatero era, Spain is often held up as a pioneer in combatting violence against women (Cubells & Calsamiglia, 2018; Lopez-Zafra & Garcia-Retamero, 2021). The act has shaped Spain’s policy and legislation on proactively protecting women’s rights, and one overlooked tributary from the act is the inclusion of prohibiting gender stereotypes and misogyny in advertising. Rather than utilising the de rigueur soft law option of self-regulation organisation of advertising (SROs) or the “market-driven democracy freedom of expression” (Svensson & Edström, 2016), the legislation renders gender stereotypes and misogyny in advertising unlawful (Martin-Llaguno, 2016). The repercussions of this act are finally seeing fruition with less complaints about misogynistic or sexist content in adverts and a broader reduction of gender stereotypes in advertising (Lopez-Zafra &

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Garcia-Retamero, 2021). Amongst the EU27, where most states opt for self-regulation and SROs, this is an unorthodox approach. This chapter discusses how, when using feminist perspectives, legislation on prohibiting gender stereotypes in advertising can complement self-regulation. Moreover, as Spain equates sexist advertising to violence against the woman, I argue why it might be a lesson for other states that are looking to move beyond self-regulation. I begin this chapter by providing a historical backdrop of Spain's shift from dictatorship to democracy contextualising Spain's transference tacking gender-based violence as well as the politics of "la nueva via" (the new way) that led to the adoption of the legislation in 2004. I then provide analysis of the legislation and the test cases of RyanAir and Cillit Bang, which have derived from both the legislation and Spain's SRO, "Autocontrol".

11.2 FROM DICTATORSHIP TO DEMOCRACY

The blueprints of the unlawful use of gender stereotypes in advertising can be found in the original constitution, *La Pepa*, of 1812. It is worth briefly highlighting the original liberal democracy-driven freedom of expression that underpinned of *La Pepa* is regarded by Spanish constitutional lawyers (Villiers, 1999) and comparative lawyers (Roberts & Sharman, 2013) as a liberal use of free press and expression principles. The relatively modern Spanish legal system and constitution begins after the death of General Francisco Franco Bahamonde in 1975. After Franco's death and dictatorship, the constitution rapidly took shape with an election in 1977 and establishment of *Constituent Cortes* (National Parliament). On 6 December 1978, the Spanish Constitution was ratified. These swift three years of constitutional change were shaped by numerous actors but the most important are the *padres de la constitucion* (fathers of the constitution) representing the different autonomous regions of Spain. The fathers supposedly represent—at least symbolically—the political spectrum as well as autonomous region of Spain, and therefore the constitution is also the result of consensus building amongst political parties and autonomies of the time. The constitution, amongst other principles, ensures equality between citizens, and thus has secured the sex discrimination agenda of the early 2000s set by President Zapatero's government.

The Spanish constitution replaced Franco's complex *leyes fundamentales* with a simpler constitution based on popular sovereignty and the creation of bicameralist parliament: that is, a congress and senate. The constitution

is influenced by Western European constitutions—predominantly West Germany and Italy (Villiers, 1999)—due in part to the reunification similarities but also Spain’s distinct efforts to respect its own quasi-independent regions. The constitution is in stark contrast to the four decades of Franco’s regime that had preceded it, and the constitutional character reflects the nation’s shift to a more human rights-based approach. Principles such as gender equality, freedom of expression and political freedoms such as the right to form a political party and freedom of assembly echo the bad times of the past. Political freedoms, such as the right to form political parties and freedom of assembly rights have led to some problems; for example, the Basque region was not represented in the constitutional negotiations, and this ultimately led to separatist disputes, the ETA resurgence and deadliest period of killings from 1976 to 1980. This consensus-building regionalist approach to the constitution has also led to division within the legal system, which will be addressed later in the chapter. The structure of the constitution is complex; therefore, I will summarise only those elements that are important for the creation of legislation in the field of sex discrimination in advertising.

As a starting point, it was clear from 1976 that Spain wished to join the European Economic Community (EEC) (Wallace, 1976; Barbé, 2000) and therefore wished to aim for—and present itself as—a liberal democracy with a legal system that protects fundamental human rights, particularly the rights of women. Balfour and Quiroga (2007, pp. 122–123) have argued that the rewriting of the Spanish constitution was an opportunity—as with reunified Germany—to start afresh and provide a constitution that could heal old wounds and protects all citizens. This is certainly true on the surface: from constitution’s preamble, there are principles on the protection of rule of law, human rights, rights of minorities and equality between men and women.¹ However, it was during the early years of Spain accession to the European Economic Community that the development of Spanish discrimination policy fully emerged. Since joining the EEC in 1986, Spain was fraught with EU supremacy issues due to the Spain’s promise to protect and respect the autonomous regions of Spain (Juste & Sío-López, 2016). Therefore, the autonomous communities within Spain are another important element of the constitution and quirk of the Spanish legal system. This is a significant factor as the RyanAir test case for sex discrimination, the *reification* of women and their bodies in advertising took place in the regional court in Malaga, which receives autonomous protection. The autonomous regions and courts of Spain are

the most intriguing and important factors of the country's constitution and political make-up (Villiers, 1999). Prior to the civil war in 1936, Spain recognised just three regions that had developed comprehensive forms of autonomy: the Basque, Cataluña and Galicia. Although Spain had operated as a unitary state for the previous 150 years, these regions were important post-Franco and received special attention due to the fact that the regime had crushed all notions of autonomy through suppression of cultural difference. Moreover, these regions suffered the most in terms of torture, murders and political persecution. The efforts by the founding fathers resulted in the creation of *Stado de las Autonomías* (state of autonomies), which is found in Article 2 of the constitution. This article seeks to balance unitary state “centralismo” and self-governance. As Villiers states, Spain is “a form of federalism characterised more by interdependence, concurrence or cooperation than by independence” (Villiers, p. 81). There are numerous problems with the *Stado de las Autonomías*—primarily (in)flexibility which has led to confusion and uncertainty over legal precedence—which is significant for the RyanAir test case, where the conflict seen hinged on whether or not federal legislation could be interpreted by a regional court (autonomous court). From a technical angle, the constitution does not provide a definition for what an autonomy means, nor what powers a region or what does not. The decentralised structure is also complex and often confusing: there are now 19 *autonomías* (including the autonomous cities), which provides for less cohesion but more importantly provides for political diversity. Article 137 of the constitution goes some way in explaining the principle of co-existence of legal systems and how the duality of state and region can operate. Since 1978, the legal system(s) have developed a parallel body of law: the regions and state co-exist with the constitution acting as a bond between the two. The *autonomías* can be considered as a “mini state” (Villiers, 1999) with its own president, government, administration and subsequently its own legal personality.

Therefore, one might perceive that the *autonomías* have their own legislative powers and character. However, the *autonomías* can be limited or even modified by *ley organicas* (substantive or fundamental laws) if a regional law is seen to be *ultra vires* or falling below the standard of national legislation. *Ley organicas* are central to the state powers held within the constitution and usually relate to laws surrounding fundamental rights or civil liberties. *Ley organicas* can be separated from *ley*

ordinaras in that the former requires an absolute majority from congress members, whereas the latter requires just one-third of the vote.

11.3 TOWARDS GENDER EQUALITY AND THE POLITICS OF “LA NUEVA VIA”

Spain under the Socialist Party (PSOE) progressed dramatically during the 2000s, particularly with gender equality legislation and policy. President Rodriguez Zapatero’s government had adopted a similar position (*Nueva Via*) to Tony Blair and Bill Clinton’s *third way* and ran the Socialist Party’s election campaign on the promise to tackle the wider social justice issues of the day in exchange for neoliberal economic policy. Three main legislative aims were made clear in the party’s manifesto: sex discrimination, gender-based violence and same-sex marriage. Zapatero’s premiership (2004–2011) saw Spain enter a further stage of political integration into the EU or, as Kennedy states, the Socialist party were keen to embrace the political “modernization” and “Europeanization” of Spain (Kennedy, 2001). Zapatero was also keen to symbolically heal the wounds of the past too by removing the surviving Franco statues and establishing memorial commission to resolve the horrors of the “white terror” (Franco’s mass killings, and the disappearance of thousands of women). The eradication of gender stereotypes in advertising is therefore merely part of the wider picture of legislation that was adopted under a gender equality reforms. Laws on employment rights, political and economic representation, and gender mainstreaming, same-sex marriage law including adoption rights, childcare and paternal leave law, gender identity and transgender rights were all enacted within the first parliamentary term.

11.4 THE GENDER VIOLENCE ACT 2004

On 7 October 2004, Zapatero’s socialist party had secured a strong majority of 320 votes from members across the political divide in the Spanish Congress to ensure his first piece of legislation as prime minister of Spain would enter the constitution. The full title of the legislation “Integrated Protection Measure Against Gender Violence” gives some indication of what the legislation entails; however, as the list of measures is vast, I will concentrate on providing analysis of significant elements. Firstly, contextualising this legislation is necessary to understand how the act became

Zapatero's first constitutional change but also paint a picture of the magnitude of the task.

There are numerous problems when discussing historical gender-based violence from a Spanish context. Firstly, due to the dictatorship, there is very little data or literature on the subject, and, secondly, due to censorship and cultural control, some of the stories that have been told since are either misunderstood or today deemed as political propaganda (Heras, 2006). What is certain is that women's position under the regime was one of persecution, forced labour, sexual violence and *las mujeres desaparecidas* "the missing women" (Mendiola Gonzalo, 2013). The civil war had brought feminism to Spain but life for women under Franco reverted to pre-civil war conditions: legislation influenced by Napoleons Civil Code positioned women as minors, prohibited contraception and divorce, and gender segregation in school and work was enforced (Davidson, 2011). In Franco's Spain, domestic violence was treated strictly a private sphere or a family matter, and, hence, post-Franco this traditional view remained despite early legislative attempts in the 1980s to combat gender-based violence. Because of this traditional view and the 40 years of a dictatorship that followed, there have been very few government policies, regulations or legislative measures to tackle the problem. According to the United Nations,² prior to accession to the EEC in 1986 Spain had adopted just one preventive measure—the constitutional amendment of 1983 on equal opportunities at work. Various pieces of legislation have been passed in Spain but were nonetheless limited to outside the private sphere—victims of violent crimes Act 1995, EU directives such as the anti-trafficking law. Segregated education under Franco and the state educational programme *Formacion del Espiritu Nacional* (formation of the national spirit) produced essentialist binary ideals: men were trained for either the military, politics or hard labour and women for home life and motherhood. Therefore, the history of state-induced violence against women and the educational impetus to segregate sex in Spain influenced and shaped the political agenda of this period. The Socialist Party's motivation to combat gender-based violence and define the representation of women (i.e. in advertising) as a form of gender-based violence came as part of these rafts of measures. In addition to the stigma from the Franco era, the second influence for legislation was spike in the number of victims of gender-based violence in Spain during the 1990s and early 2000s. One particular case, of Ana Orantes, caused a public outcry when the 60-year-old was thrown off her balcony and set alight by her husband.

The Gender Violence Act was therefore a product of escalating intimate partner violence, increased public discourse and political parties' engagement with women's groups in Spain (Martin-Llaguno, 2016). The act covers numerous provisions that seek to tackle gender-based violence in Spain and establishes a new court *Juzgados de Violencia Sobre la Mujer* (Violence Against Women Court). Despite initially established as a criminal court to hear victims of violence cases, it has slowly mutated and now deals with civil and family cases. The act diverges from Spain's past in positioning gender violence as a public problem that all institutions must address through prevention, protection and sanction (Alberdi & Matas, 2002). As part of the drive to place responsibility on state institutions, the act places obligations upon advertisers and prohibits specific adverts in two broad ways: (a) the use of a woman's body (or part of it) that is detached from the advertised object ("reification") and (b) uses an image that portrays women in stereotyped behaviour(s). Within the act's preamble, this provision falls under the educational sphere; however, the main provision, Article 10, positions the prohibition of sexist advertising as a human dignity facet. The main provision is an amendment of Article 3(a) of the Advertising Act 34/1988, which now prohibits advertisements which "act against the dignity of persons or are contrary to the values and rights enshrined in the Constitution" such adverts shall depict "women in a degrading manner, either by directly using their bodies or parts of the same as a mere object unrelated to the product being promoted" or "associating their image to stereotyped roles antithetical to the principles of our law". The most significant and important element of the act is that it depicts sexist advertising as contributory to the violence referred to in the act.

As the Gender Violence Act is positioned as a fundamental right embedded within the constitution, the Spanish prohibition on certain advertising is divergent to most EU member state's notion of market-driven freedom of expression (i.e. self-regulation agencies, authorities and watchdogs) as it endorses the ban as a constitutional human right to dignity. The act also provides more powers for *Observatorio de la Imagen de las Mujeres*—Women's Image Observatory (OIM). The observatory was established in 1994, six years after the initial Advertising Act (34/1988) was implemented. The new powers provide that the OIM can advocate on behalf of the complainant. The act also included the launch of the National Advertising Plan whereby all public authorities must produce and promote information and awareness campaigns on how to raise a complaint

under the legislation. Awareness programmes have been the most effective element in the implementation of the act. Through the work of women's groups and NGOs, protests and sit-ins have become regular occurrences in Spain. This dualistic approach—targeting the general public as well as the regulators—has led to the foregrounding of gender violence in public debate and vilification of sexist advertisements.

Women's groups, along with NGOs, were quick to identify the advert and co-ordinate small protests, but, most importantly, to film the sit-ins and share them on social media platforms. Aside from out-of-court settlements and protests, the act has provided a formal legal remedy. The RyanAir calendar case in 2014 was one of the first to be tested in the courts and has provided legal principles and tests.

11.5 THE RYANAIR CALENDAR CASE

The origins of the RyanAir calendar case is in the UK. The calendar advertising campaign had previously run in most EU member states since 2008 and had caused controversy, in particular in the UK and Ireland. The calendar depicted female airhostesses in lingerie representing different countries for each calendar month. Some of the adverts that ran simultaneously with the campaign also featured airhostesses or models in lingerie and one advert depicting an adult model in school uniform. The advert prompted three responses in the UK: an online petition initiated by a RyanAir hostess, which received 11,000 signatures; an inquiry from the UK's Advertising Standards Authority (ASA), which received ten complaints; and an investigation by the UK's Office of Fair Trading (OFT). The advert campaign continued to run over the four years until it was investigated by the ASA.

Adverts linked to the calendar were subsequently banned in the UK by ASA in 2012. The case received attention from Spanish NGOs, which subsequently ignited public debate on misogynistic advertising, the links to domestic violence and how offending companies should be sanctioned. At the time of the UK ban, there was a spike in the number of general complaints made about sexist content to the Spanish advertising observatory (OIM). In November 2012, the RyanAir calendar was released and advertised across most EU member states both online and in print. In Spain, a women's group, Tyrius, and consumer group, Adecua, issued a joint formal complaint to OIM and requested a test case at the new Violence Against Women Court using the Gender Violence Act and

Advertising Act. The joint complainant's argument maintained that the advert contravened Article 3 of the act, which prohibits the "reification" of women, arguing that the women are positioned as "mere objects" with "no connection" between the image and product/service (air fare prices). The advert featured the slogan "Tarifas al rojo vivo. ¡Y la tripulación!" ("The tariffs are red hot and so are the crew!"), which the complainant argued as misogynistic and carried clear sexual connotations.

In the judgement, the court agreed that the advert reified women by positioning the stewardesses in "clear sexual invitation". The court also agreed with the juxtaposition argument made by the complainant, that the stewardesses had "absolutely no connection whatsoever" with the product or service. The use of a female body was deemed artificial, and the calendar was used as a tool to website traffic. Most importantly, the court indicated that although it was apparent that the average citizen would not be offended by women in bikinis, they might be dismayed to see the reification, the juxtaposition and the dignity of women under attack. As the women in the RyanAir advert were reduced to objects to attract attention, regardless of the content of the adverts' content, the court condemned the airline and asked for the removal of the advert from the website and online advertising. The significance of the complainant's "reification" argument is important when compared to the earlier decision made by the ASA in the UK and shows how the significance of the term anchored within the Gender Violence Act. In the UK, the SRO (ASA) sanctioned a pause in sales of the calendar and banned the advert merely being "offensive" and the "stance and gaze" of the models sexually suggestive.

11.6 SELF-REGULATION

Autocontrol, the self-regulatory body of Spain, supplements the Gender Violence Act in tackling sexist content and eradicating gender stereotypes. Autocontrol operates in a similar way to most European SROs—an industry regulating itself. It emerged at a time of satellite TV, cross-border broadcasting and the Court of Justice of the European Union's attempt to regulate the market as well as freedom of expression case law in the European Court of Human Rights. A product of the Advertising Act of (1988), it was established in 1997 as an independent organisation that loosely follows both the International Chamber of Commerce's ethical standards of advertising and European Advertising Standards Alliance³ but was set up to fill in the gaps left by the Advertising Act. Article 10 of SRO

code provides specific remedies for the sexualisation of women and adverts that use outdated gender stereotypes to sell a product. Autocontrol is bolstered by the Gender Violence Act, and consequently has numerous ongoing cases on the reification of women and gender stereotypes in advertising. Autocontrol's jury is quasi-independent of the SRO, and is made up of industry insiders: broadcasters, advertisers and media regulators but not lawyers. The jury reaches a decision based on the SRO's ethical framework, but it may also wish consult further industry-based regulators such as the beer and spirits advertising regulatory bodies. Although there are numerous individual advertising agencies attached to various industries, the current trend indicates that the majority of complainants are passed over to Autocontrol. If an advert is deemed to have breached the either the SRO code or Advertising Act, the advertiser is asked to modify or terminate the advert. The RyanAir case therefore highlights the involvement of NGOs and outsider organisations in this process, in particular OIM, one of the largest organisations and now runs parallel to Autocontrol, and however, watchdogs such as Siamura⁴ are also filling the void. The industry-led jury, the NGOs and women's organisations very much reflect the *quis custodiet ipsos custodes* approach to self-regulation.

The most significant facet of Autocontrol is the non-binding pre-screening provision, Copy Advice that assesses an advert's suitability prior to its production and distribution. Unlike other SROs, Copy Advice therefore acts as a quasi-guarantee that the advert will at least not fall foul of the legislation or regulatory code. At the time of the RyanAir case, Copy Advice published its first Women's report with 0.24% of consultations resulting in a breach of the ethical code or what may be deemed as reification of women. Of this, 43% were related to the "dignity" of women and 37% to the juxtaposition of women's body, and 20% involved outdated gender stereotypes. Despite this pre-screening advice centre, the actions are limited to advisory role and numerous companies pursue with their advertising campaign irrespective of the advice. Moreover, the advice can cynically be deployed by advertisers as a defence when an advert receives complaints.⁵ The Autocontrol division of the Spanish regulatory system has in the recent years come under fire for failing to raise awareness about its powers as an SRO. Autocontrol also has a public image and legitimacy problem with frequent relaunches; in particular, in 2010 the SRO received heavy criticism from the European Commission as it failed to meet the expected targets from the Roadmap to Equality Programme.

11.7 AUSTERITY, SEXUAL VIOLENCE AND FEMICIDE

Since the Gender Violence Act, Spain witnessed radical economic, political and social change which unfortunately placed gender equality concerns firmly on the backburner. The fallout of the Madrid terrorist attacks in 2004 followed by the 2007 economic crisis pushed Zapatero's government's wider raft of social reform to the side and was replaced by tighter security measure, austerity and cuts to public services. In 2008, conservative opposition leader Mariano Rajoy enjoyed the support of Nicolas Sarkozy and Angela Merkel, and by the end of the decade, the PSOE were all but replaced by Spanish conservatism. In 2011, Spain had one of the highest unemployment rates in the EU, and the general election was won by Rajoy's promise to decrease the deficit, increase employment rates and deliver educational reform. Gender equality reform switched to regression, particularly abortion rights and cuts to women's key services. Although there is no clear correlation between austerity and femicide in Spain, there has been a sharp rise in deaths and a general increase in the number of reported domestic violence cases. Arroyo and Coronas (2017) have highlighted that in certain autonomous regions femicide and domestic violence have fallen. However, the recent Pamplona gang rape case in 2019 has reignited the call from campaigners and NGOs to increase budgets and secure changes to the Gender Violence Act.

Amendments to the Gender Violence Act do affect the advertising section, and irrespective of RyanAir Calendar test case there appears to be little progress in tackling sexist advertising in Spain. The core problem lays in the foundations of the act—namely, the legal ambiguity of the terms “reification” and “gender stereotypes” which have hampered attempts to bring an action as well as the application of law (Martin-Llaguno, 2016). Despite numerous training programmes and public awareness campaigns set up by Autocontrol, there has been little guidance on what is meant by the terms covered in the act: “reification”, “sexualisation” and “gender stereotypes”. Beltrá and Martin-Llaguno (2012) argue that precedent has been set on the definition of objectification and sexualisation in advertising by the work of Autocontrol and its decisions since 2010. However, neither Congress, the Gender Violence Act or Autocontrol have yet to provide separate explicit and unequivocal guidance on how the terms in advertising should be interpreted by the courts (González, 2008). According to Llaguno, the act's application is inadequate: if it is applied broadly, it will inevitably catch all forms of gender stereotypes that may or

may not appear sexist—if applied narrowly, then advertisers are at liberty to breach both the act and the SROs code. The same criticisms of the gender violence therefore apply to Autocontrol. The lax and vague definitions of reification, sexualisation and gender stereotypes are problematic, and the case law of Autocontrol rarely develops these terms. The monitoring of the case law of the SRO has shown that the jury often overcomplicate the definitions (e.g. reification), which leads to confusion in the decisions. The most problematic definition with Autocontrol and the RyanAir case seems to be the broader term of gender stereotypes. Tato Plazo (2006, p. 5) argues that the code should strike down gender stereotypes if the gender representation is found to be playing a role traditionally associated with women such as cooking, caring and cleaning. The untangling of the definition of gender stereotype is slowly changing through the case law of Autocontrol and the Cillit Bang case is a good example of the problems with the act and Autocontrol’s lack of guidance on sexist content, lack of scope for online content and issues surrounding the pre-screening legal team within Copy Advice.

11.8 CILLIT BANG CASE

In 2015, Cillit Bang produced an advertising campaign depicting 32 women discussing their cleaning experiences via the use “vlogging”. Of all 32 of the vlogs, not one featured a man using the cleaning products. Using the Gender Violence Act in conjunction with the Autocontrol Code, Consumidores en Red challenged the advertiser based on the following: (i) the adverts exclusion of men performing cleaning chores and using the product; and (ii) using outdated stereotypes that portray women as cleaners and carers (“with the new thicker foam, you wipe the washcloth and see how clean and shiny. And it lasts for days and days. With Cillit Bang, I can spend more time with the kids”). In its ruling, Autocontrol agreed with the claimant and stated that the lack of men in the advertisement provided a clear breach of Autocontrol code and that the advert featured outdated “stereotypical behaviours with a clear allocation of role by gender”. Autocontrol specifically highlighted two elements that had led to the breach of the code: firstly, the advert campaign (of three separate adverts) each featured exclusively women; secondly, all the advertisements had common characteristics, a collage of photographs of the alleged product users (all of them women) and a voice-over of one of the users explaining

how to use the product; finally, during the closure of the advert a woman's voice says, "Try it and tell us yourself!"

The advertisers' defence to the complaint was that despite the advert featuring only women, it did not position women as inferior, and the cleaning products are mainly bought by women. This last factor is quantified by multiple online surveys, questionnaires and focus groups collated by the advertising company. Cillit Bang also gained the clearance of Autocontrol's pre-screening service, Copy Advice. Cillit Bang's argument was rejected, and the advert subsequently banned. The significance of this case is partly in Reckitt's marketing research and its defence that the advertisement is a reflection of Spanish society. Cillit Bang's argument is that it neither reifies/objectifies women, and because it reflects Spanish women's everyday lived experience of cleaning and caring, there is no harm offence caused as the portrayal of women in the advert emulates a housewife's daily routine and is therefore not an outdated stereotype.

11.9 CONCLUSION

This chapter has set out the ways in which Spain regulates gender stereotypes and misogyny in advertising and does so through the prism of violence against the woman legislation. The Gender Violence Act (2004) identifies the correlation of stereotypes and violence by including a section specifically on prohibiting sexist content in advertising. Unlike most EU member states that rely on predominantly on SROs and regulatory codes, the Gender Violence Act provides a statutory definitions of gender stereotypes by prohibiting adverts that either use a woman's body when it is detached from the advertised product (reification) or when an image of a woman is used in relation to stereotypical behaviour. The statutory inclusion of reification attempts to reduce legal ambiguity and provides Spain's SRO "Autocontrol" with extra scope to extend its reach. The two test cases have provided some much-needed indication as to how the definition might be interpreted by the SRO jury in future cases. The RyanAir case provided substance to the reification test whereby women were portrayed as detached "objects" with "little or no connection" to the product and service offered. Similarly, the Cillit Bang case highlights how women are exclusively represented as in charge of housework chores and cleaning, thus contributing to perpetuating gender stereotypes and role assignment. To obtain material gender equality, the Gender Violence Act has sought to show the links between media representations of women and

gender-based violence. The inclusion of sexist advertising in the act is a symbolic one, and the subsequent precedent set by the two test cases indicates how the Spanish approach substantiates the links between representation and violence against women. The inclusion also has a symbolic role in guiding Autocontrol and the ways in which the SRO tackles gender stereotypes in advertising, moving beyond the language from “soft” regulatory codes towards a more substantive approach.

NOTES

1. Section 14 provides for equality between men and women, and Sect. 35 provides for non-discrimination in the workplace and Section.
2. United Nations Global Database on Violence Against Women (Spain) <http://evaw-global-database.unwomen.org/en/countries/europe/spain>.
3. The ICC along with the EASA provide basic principles and guidance for regulators. Articles 2 and 3 of the ICC code cover social responsibility and decency. <https://iccwbo.org/> (accessed 3 May 2021) The EASA code ensures that advertising should be “legal decent, honest and truthful [and] prepared with a due sense of social responsibility”. <https://www.easa-alliance.org/> (accessed 3 May 2021).
4. Siamura is primarily a Spanish advertising observatory collating evidence and complaints against advertising with sexist content. See <http://siamura.eu> (accessed 21 April 2021).
5. RyanAir sought advice from Copy Advice prior to their campaign. As the company has a history of complaints, the Spanish SRO asked the company to seek advice prior to the campaign. The advice was later used as a defence in the RyanAir calendar case.

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