

Full title of law or regulation	Autocontrol decision and Supreme Court decision relating to implicit references
Title of relevant section	N/A
Clauses	<p>An explicit reference is where a competitor's name or trademark is expressly mentioned, which rarely happens in Spain.</p> <p>An example of an implicit reference can be found in a decision rendered by the Autocontrol Jury in July 2006. The case was part of an ongoing battle between Grupo Leche Pascual and J Garcia Carrion. The ad in question showed a blind tasting between two brands of bottled fruit juice: one was Pascual's and the other was contained in a bottle with a green cap – Garcia Carrion is the only other market leader to bottle its juice this way. The Autocontrol Jury held that this constituted implicit comparative advertising.</p>
	<p>Supreme Court judgment of February 22 2006 (Sentencia del Tribunal Supremo – STS de 22 de febrero de 2006; Case RJ 2006\828; RJ = Law Report (Repertorio de Jurisprudencia) held that an ad for Engel SA was "unmistakably" referring to its rival competitor, "El Corte Inglés" in the following message: "in fragrances and perfumes the new Corte falls short of the mark... given the big reductions that have always been a part of Cañellas perfume store" The original Spanish version included the words 'Corte' ('cut') with a capital 'C', 'corto' ('short') and 'recorte' ('reduction', 'cut down'), all references to El Corte Inglés (literally meaning 'The English Cut').</p>