Harmful Gender Stereotypes Banned in UK Advertising: An Update

Tuesday, July 23, 2019

As we reported earlier this year, following a six-month adjustment period, a new rule dealing with the depiction of harmful gender stereotypes, has been introduced into the CAP and BCAP Codes, which came into force on 14 June 2019. Despite being just a month in, the ASA has already received complaints about adverts which appear to be in breach.

The new rule applies to broadcast and non-broadcast media advertisements (including online and social media ads) and states that adverts or marketing communications “must not include gender stereotypes that are likely to cause harm, or serious widespread offence”. It was introduced following a public consultation and review of gender stereotypes in advertising by the ASA, which found that the reinforcement of harmful stereotypes can negatively affect individuals, by restricting their aspirations and opportunities for progression in either their personal or professional lives. This in turn, plays a part in the unequal gender outcomes experienced in society.

Whilst the ASA recognises that not all ads featuring gender stereotypes will cause offence, or have a harmful impact; and that ads are not the only factor reinforcing stereotypes in society, the ASA has introduced the new rule to make the advertising industry a more positive and progressive force on society.

Guy Parker, chief executive of the ASA, commented “Our evidence shows how harmful gender stereotypes in ads can contribute to inequality in society, with costs for all of us. Put simply, we found that some portrayals in ads can, over time, play a part in limiting people’s potential. It’s in the interests of women and men, our economy and society that advertisers steer clear of these outdated portrayals, and we’re pleased with how the industry has already begun to respond.”

The Committees of Advertising Practice (CAP) published guidance setting out key considerations to take when determining whether an advert may fall foul of the new rule. It specifically states that neither the rule, nor the guidance, is intended to prevent ads from featuring:

- glamorous, attractive, successful, aspirational or healthy people or lifestyles;
- one gender only, including ads for products/services targeted at one gender specifically; or
- gender stereotypes as a means to challenge negative effects.

However, care must be taken to ensure that the ads do not suggest that:

- happiness or emotional well-being is dependent upon conforming with a particular body shape or physical attributes;
- stereotypical roles or characteristics are always uniquely associated with one gender, are the only options available to one gender, or never carried out or displayed by another gender;
- a particular product, activity or pursuit or choice of play or career is appropriate for one or another
people should be mocked for not conforming to gender stereotypes, including in a context intended to be humorous.

In its guidance, the ASA flags that gender stereotypes can also have a harmful impact on persons sharing the protected characteristics of gender reassignment, pregnancy and maternity, sex or sexual orientation. The use of other stereotypes, including race, age, disability, religion or belief, can compound the effect of gender stereotypes and increase the likelihood of harm or serious widespread offence occurring.

Less than a month after the introduction of the rule, it has been reported that the ASA has received complaints over Philadelphia’s latest cream cheese advert, which depicts fathers being distracted by the cheese spread long enough for their babies to end up on a conveyor belt of Philadelphia, resulting in an embarrassed dad saying “let’s not tell mum”.

The ASA has said that it will deal with any complaints it receives on a case-by-case basis and will assess both the content and context of any advert complained about. The effectiveness of the new rule will be reviewed in a year’s time, to determine whether it is suitable in helping the advertising authority meet its objective to prevent harmful gender stereotypes.

Aside from falling foul of the new rule, research from Kantar suggests that two-thirds of women skip adverts if they feel they negatively stereotype women and 85% of women surveyed considered that the film and ad industries did a poor job of depicting real women. So behind the new rule, there is a clear business case for adverts to promote less stereotypical roles.

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