

Advertising guidance on avoiding racial and ethnic stereotypes to cause harm or serious widespread offence

Advertising Guidance
(broadcast and non-broadcast)

Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team via our [online request form](#).

For advice on specific radio advertisements, consult [Radiocentre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

Background

This guidance is intended to help advertisers comply with the requirements of CAP and BCAP rules and avoid the depiction of racial and ethnic stereotypes likely to cause harm, or serious or widespread offence, in ads.

The UK Advertising Codes include rules that prohibit ads from causing harm and serious or widespread offence, and require them to be socially responsible. The CAP Code specifies that particular care must be taken to avoid causing offence on the grounds of race, though the rules do not explicitly address racial or ethnic stereotypes.

The ASA has a strong track record of investigating and banning ads that break these rules (see [here](#) for further details). In 2020, it undertook further detailed research to establish whether, and if so to what extent, racial and ethnic stereotypes, when featured in ads, may contribute to real-world harms.

A wide body of evidence including that summarised in the [ASA's report](#) on tackling harmful racial and ethnic stereotyping in advertising indicates that certain types of racial and ethnic stereotypes have the potential to cause harm by creating a set of limiting beliefs about a person that might negatively restrict how they see themselves and how others see them.

The Codes state that ads must be prepared with a sense of responsibility to the audience and to society. Ads that include harmful stereotypes, such as those identified by the research, would breach this rule unless, in very exceptional circumstances, the particular content and context of the ad justified their inclusion.

CAP and BCAP consider that, while harmful stereotypes are not endemic in advertising and advertising is not the only factor that reinforces these stereotypes, it is appropriate to restrict ads that include the kinds of stereotypical depictions highlighted in this guidance.

CAP and BCAP recognise that ads rarely set out to include harmful racial or ethnic stereotypes, or those that are likely to cause serious or widespread offence. However, occasionally, ads that are created in good faith have the potential to inadvertently breach the rules in these areas. Marketers should not be dissuaded from portraying people from diverse racial and ethnic groups in ads for 'fear of getting it wrong'. The principles below provide guidance on how to avoid depictions that are, subject to content and context considerations, unlikely to comply with the rules.

Not all stereotypes are likely to cause harm. The ASA will consider an ad's likely impact when taken as a whole and in context in order to determine whether it portrays a racial or ethnic stereotype likely to cause harm. The ASA is likely to consider stereotypes from the perspective of all members of the audience of an ad, including the group of individuals being stereotyped.

The use of humour or banter is unlikely to mitigate against the types of harm or serious or widespread offence identified in this guidance.

A note on the distinction between harm and offence

In a general sense, harm refers to the real-world damage that is linked to certain forms of content or portrayal. That may include social, moral, mental or physical impacts.

Offence is distinct from harm. Offence can generally be understood as the contravention of accepted moral, social or cultural standards, which some may consider upsetting, hurtful or insulting. Where the ASA regulates offence, it must pass the threshold of being likely to cause serious or widespread offence: it is recognised that advertising may be distasteful without necessarily breaching rules on offence. Harm, on the other hand, involves real world effects that significantly exceed hurt feelings, to the extent that regulation attempts to a much greater degree to prevent those effects outright where adequate evidence is provided to establish a harmful impact.

BCAP Code rules

1.2 Advertisements must be prepared with a sense of responsibility to the audience and to society.

4.2 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.

Particular care must be taken to avoid causing offence on the grounds of: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

4.8 Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.

CAP Code rules

1.3 Marketing communications must be prepared with a sense of responsibility to consumers and to society.

4.1 Marketing communications must not contain anything that is likely to cause serious or widespread offence. Particular care must be taken to avoid causing offence on the grounds of: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Compliance will be judged on the context, medium, audience, product and prevailing standards.

Marketing communications may be distasteful without necessarily breaching this rule. Marketers are urged to consider public sensitivities before using potentially offensive material.

The fact that a product is offensive to some people is not grounds for finding a marketing communication in breach of the Code.

Guidance

The specific examples given below are drawn from the research referenced in the Background section of this guidance.

Explicitly harmful stereotypes

Ads that depict people negatively in a way that is explicitly linked to their racial or ethnic group, or explicitly incite hatred, discrimination or physical harm towards people of a particular racial or ethnic group are unacceptable under CAP rules 4.1 and 1.3 and BCAP rules 4.2, 4.8 and 1.2. Please note that such depictions would also likely be illegal.

Scenarios that seek to challenge harmful racial or ethnic stereotypes

Even ads that use depictions of harmful racial or ethnic stereotypes in order to challenge them may, nevertheless, risk causing harm, regardless of the advertiser's intention.

This guidance is not intended to prevent ads from featuring such stereotypes to draw attention to serious issues. Advertisers should take care, however, to strike a responsible balance and ensure that the purpose of depicting explicitly harmful racial or ethnic stereotypes is clear and proportionate to the main message of the ad.

Mocking or insensitive depictions

Ads that mock people on the basis of their racial or ethnic group, including in relation to their accents, appearance, or beliefs, are highly likely to be unacceptable under CAP rules 4.1 and 1.3 and BCAP rules 4.2 and 1.2.

The use of humour or banter is unlikely to mitigate the likelihood of harm or offence against content that mockingly or insensitively depicts attributes related to a person's racial or ethnic group.

This is not intended to prevent ads from featuring people with, for example, diverse accents, dress, food, or practising diverse cultural customs. However, advertisers should ensure that such differences are handled with care, and not depicted as the butt of a joke or as negatively marking out people as 'other'. 'Othering' is an us-and-them way of thinking about people, involving attributing negative characteristics to people or groups that differ, or differentiate themselves, from the perceived normative, and typically majority, social group.

Scenarios depicting stereotypical roles and characteristics

Ads that depict roles and characteristics stereotypical to racial or ethnic groups in a way that is likely to cause harm are unacceptable under CAP rule 1.3 and BCAP rule 1.2.

Stereotypical roles and characteristics include portrayals of behaviour, employment, tastes and preferences.

Ads may feature people undertaking stereotypical roles but should take care to avoid suggesting that stereotypical roles or characteristics are:

- Always uniquely associated with one racial or ethnic group;
- The only option available to one racial or ethnic group; or
- Never carried out or displayed by another racial or ethnic group.

An ad that contrasts different roles and characteristics that can be stereotypically associated with particular racial or ethnic groups, using people of different racial or ethnic groups, needs to be handled with care.

Please note that even racial or ethnic stereotypes that may be seen as complimentary (for example, being intelligent, hard-working, strong, or athletic), also have the potential, albeit more rarely, to contribute to the generalisation of vastly diverse groups, and reinforce or promote limiting beliefs about that particular group or others, and therefore to cause harm.

Objectification and sexualisation

Objectification and, subject to content and context considerations, sexualisation within advertising have the potential to cause harm. Please see [CAP Advice Online](#) for general advice on this topic.

Portrayals that objectify or sexualise people using or fetishising characteristics that can be stereotypically associated with their racial or ethnic group (for example, parts of the body, or perceived proclivity for sexual behaviour), have the potential to further compound harm by reinforcing ‘othering’, demeaning and/or dehumanising beliefs about particular groups, and affecting body image. Such portrayals are likely to be unacceptable under CAP rule 1.3 and BCAP rule 1.2.

This guidance is not intended to prevent the depiction of glamorous, attractive or aspirational people or lifestyles, or diverse body sizes or shapes.

Interactions between different types of harmful racial or ethnic stereotypes

Marketers should be aware that harmful racial and ethnic stereotypes do not always fall neatly under one or another of the principles listed above. For example, an ad might depict a harmful stereotype of a role or characteristic that can be associated with a particular race or ethnic group in a way that also incorporates a mocking depiction of someone’s accent or appearance.

Offence

While the matter of whether an ad is likely to cause serious or widespread offence is assessed separately to whether it is likely to cause harm, compliance with the principles above to avoid harmful racial and ethnic stereotyping is likely to result in advertisers avoiding breaching rules on offence caused by racial and ethnic stereotyping as well.

Please see the Advice Online entry on [Offence: race](#) for more information.

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