

# 4

## HARM AND OFFENCE



## Principle

Marketers should take account of the prevailing standards in society and the context in which a marketing communication is likely to appear to minimise the risk of causing harm or serious or widespread offence.

## Rules

- 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.
- 4.2 Marketing communications must not cause fear or distress without justifiable reason; if it can be justified, the fear or distress should not be excessive. Marketers must not use a shocking claim or image merely to attract attention.
- 4.3 References to anyone who is dead must be handled with particular care to avoid causing offence or distress.
- 4.4 Marketing communications must contain nothing that is likely to condone or encourage violence or anti-social behaviour.
- 4.5 Marketing communications, especially those addressed to or depicting a child, must not condone or encourage an unsafe practice (see [Section 5: Children](#)).
- 4.6 Marketing communications must not encourage consumers to drink and drive. Marketing communications must, where relevant, include a prominent warning on the dangers of drinking and driving and must not suggest that the effects of drinking alcohol can be masked.

- 4.7 Marketers must take particular care not to include in their marketing communications visual effects or techniques that are likely to adversely affect members of the public with photosensitive epilepsy.
- 4.8 Marketing communications must not portray or represent anyone who is, or seems to be, under 18 in a sexual way. However, this rule does not apply to marketing communications whose principal function is to promote the welfare of, or to prevent harm to, under-18s, provided any sexual portrayal or representation is not excessive.
- 4.9 Marketing communications must not include gender stereotypes that are likely to cause harm, or serious or widespread offence.

See Advertising Guidance: "[Depicting gender stereotypes likely to cause harm or serious or widespread offence](#)"