

# Regulatory Statement:

## Gender stereotypes in advertising

14 December 2018



## Contents

1. EXECUTIVE SUMMARY .....	3
2. BACKGROUND .....	4
3. CAP AND BCAP's EVALUATION OF RESPONSES .....	5
4. Consultation outcome .....	7
5. Timeframe for implementation .....	8
6. Annexes .....	8
Contact us .....	9

## GENDER STEREOTYPES IN ADVERTISING

### 1. EXECUTIVE SUMMARY

**Following the publication of a report by the Advertising Standards Authority (ASA), pre-consultation with industry practitioners and a full public consultation, CAP and BCAP are introducing a new rule and guidance to prevent advertising from including gender stereotypes that are likely to cause harm. The rule and guidance will take effect on 14<sup>th</sup> June 2019, after a six-month implementation period.**

CAP and BCAP consider the case for a new rule on advertising that depicts gender stereotypes is persuasive. Responses to the consultation tend to confirm CAP and BCAP's view that, while it is clear that advertising is only one of many, complex factors that influence unequal gender outcomes, it is important that advertising regulation plays a proportionate role to prevent advertising from including gender stereotypes that are likely to cause harm or serious or widespread offence. As the new rule is principle-based, CAP and BCAP consider it is appropriate and helpful for advertising practitioners to have guidance on the interpretation of the new rule and ensure that commercial freedom of expression is not unduly restricted.

CAP and BCAP received a range of responses to the consultation, including some from respondents who considered the proposals were unwarranted and some who felt they should go further to prevent harm. Some respondents provided evidence of the link between violence against women and girls and the perpetuation of gender stereotypes wherever they appear. Some respondents felt that the guidance around depicting children in ads should be made stronger to prevent stereotypical depictions from reinforcing gender inequalities.

CAP and BCAP often need to consider the extent to which advertising – among multiple other factors - may play a role in harmful outcomes and, accordingly, to what extent changes in advertising policy are proportionate to addressing these outcomes. They must weigh these considerations against advertisers' freedom to market their products and services without undue regulatory restriction. CAP and BCAP consider that the new rule and guidance strike this balance: however, they undertake to carry out a 12-month review to consider whether the rule and guidance are meeting their objective to prevent harmful gender stereotypes and update the guidance to reflect ASA rulings. After that 12-month period, CAP and BCAP will consider whether additional monitoring is required and will continue to update the guidance to reflect new rulings.

A number of respondents proposed that the guidance should go further in requiring positive, progressive depictions of adults and children. Advertising regulation in the UK works on the principle of imposing standards in order to prevent ads that harm, mislead or offend. The Codes do not impose quotas for inclusion in ads on the basis that this could infringe upon freedom of commercial expression. CAP and BCAP consider that by preventing significant potential for ads to cause harm or serious or widespread offence, the overall potential for harm should be reduced.

## 2. BACKGROUND

### 2.1 The ASA report

In July 2017, the ASA, the independent body that assesses advertisements to ensure they comply with the UK Advertising Codes, published “[Depictions, Perceptions and Harm](#)” (henceforth “the ASA report”), which examined evidence from numerous sources on the potential effect of gender stereotypes depicted in advertising. There is a [summary](#) of this report available on the ASA website.

The ASA report makes clear that potentially harmful or seriously offensive depictions of gender stereotypes are not rife within advertising, and advertising is not the only influence which reinforces perceptions of gender stereotypes within society. However, that report has enabled CAP and BCAP to take an evidence-based, proportionate position on the specific issues raised by research, stakeholders and the public to prevent ads from depicting the kinds of gender stereotypes that could be linked to unequal or harmful outcomes for adults and children.

### 2.2 The decision to consult

CAP and BCAP noted that the ASA had used general rules on serious or widespread offence or social responsibility to consider complaints about gender stereotypes and considered that the weight of evidence around the likelihood of certain gender stereotypes to indirectly lead to real-world harms warranted a new rule to specifically deal with this issue.

Prior to consulting, CAP and BCAP held pre-consultation workshops with industry practitioners to ensure their proposals could be easily understood, easily implemented and easily enforced. As a routine part of the process, a consumer perspective was also sought from the Advertising Advisory Committee.

### 2.3 Consultation proposals

CAP and BCAP proposed the following rule:

[Advertisements] 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”*

In order to support compliance with the new rule, CAP and BCAP developed detailed guidance to illustrate how it is likely to be interpreted. This guidance uses scenarios that reflect the evidence base included in the ASA report, and is included in Annex A

CAP and BCAP consulted on the new rule and the guidance, and invited respondents to indicate whether their proposals proportionately reflected the evidence base, by answering the following questions:

#### **Questions posed in the consultation**

1. Do you agree with CAP & BCAP’s proposal to introduce a new rule and supporting guidance into the Advertising Codes? Please include relevant evidence to support your view, whether you agree or disagree with the proposals.
2. Do you agree with the wording of the proposed new CAP and BCAP rules? If not please include suggestions for how the proposed rules could be improved to achieve the aims set out in this consultation.
3. Do you consider the draft guidance to be clear and practicable? If not please include suggestions for how it could be improved to achieve the aims set out in this consultation.

### 3. CAP AND BCAP's EVALUATION OF RESPONSES

A full analysis of the [consultation responses](#) received can be found in the [evaluation table](#).

The consultation received 81 responses; 64 from individuals and 18 from organisations.

Most responses supported the proposals in principle but a number of those disagreed on the wording of the rules and guidance, with many suggesting the guidance in particular needed to go further in order to achieve its stated aim; some suggested it should be more moderate and others made specific suggestions for amendments. A minority of responses indicated a fundamental opposition to new rules and guidance in principle but did not offer a solid rationale for that position.

The two areas which attracted the most detailed responses were the depiction of women, in relation to stereotypical roles and characteristics as well as depictions that objectify and sexualise, and gender-stereotypical elements in ads featuring children which may imply that certain activities, toys or characteristics were unsuitable for boys or girls.

#### ***Depiction of gender norms – links to real-world harms***

A number of respondents considered the guidance on the depiction of women would not go far enough to prevent harm that disproportionately affects women, especially violence against women and girls (VAWG).

These respondents provided evidence around the impact of gender stereotypes that idealise, objectify and sexualise women's bodies as well as those which reinforce gendered roles and characteristics.

CAP and BCAP note that their decision to consult on a new rule and guidance was based on evidence of multiple harms and inequalities including but not limited to a lack of women in science and engineering careers, low numbers of women in corporate leadership roles, violence against women and girls and a crisis in male mental health.

CAP and BCAP consider that there are many factors which contribute to violence against women and girls, and that perpetuating gender stereotypes is one of those factors. They acknowledge that advertising can play a role in reinforcing those stereotypes but consider that the depiction of harmful gender stereotypes in advertising is not endemic and that advertising is not the only factor that influences real-world gender inequalities and harmful outcomes. CAP and BCAP consider a targeted intervention to prevent harmful stereotypes is a proportionate means to respond to the evidence of advertising's role while allowing creative, responsible approaches to flourish.

CAP and BCAP welcome the further evidence provided in this response but consider that the existing ASA position and CAP guidance on objectification, sexualisation and body image already mitigate the harms that can arise from the kinds of stereotypes identified here. CAP and BCAP consider that the additional scenarios relating to gender-stereotypical roles, characteristics and idealised body shapes will further mitigate potentially harmful gender stereotypes.

#### ***Children – implicit exclusion***

A number of respondents considered that the guidance scenarios relating to children would not prevent harmful gender stereotypes from being depicted. These respondents provided evidence which CAP and BCAP consider is additional to but consistent with that which is contained in the ASA report. One common theme in these responses was that the guidance should prevent ads featuring groups of only boys or only girls playing with a toy, on the basis that the absence of one gender or another within a group can strongly imply that a toy is unsuitable for that gender.

Given the legal framework within which they set standards (see section 5, "Legal context", in the [consultation document](#)), CAP and BCAP consider the new guidance identifies and discourages creative content that, if used, is likely to endorse gender stereotypes that are likely to cause to harm or offend; they have to consider

carefully whether it is proportionate to restrict content that falls below this threshold. CAP and BCAP consider that ads that depict only boys or girls playing together are not, inherently, likely to endorse harmful gender stereotypes, but they recognise that other elements of an advertisement's content can, in combination, contrive to perpetuate such stereotypes leading to a strong suggestion that a toy is not appropriate for one sex or gender. In the event that ASA rulings identify factors, which – in combination with the depiction of single-gender groups – combine to explicitly endorse harmful gender stereotypes, CAP and BCAP are committed to reflecting these factors in updated guidance.

## 4. Consultation outcome

CAP and BCAP consider the responses to the consultation confirm that a new rule and guidance are warranted by the evidence base.

CAP and BCAP have not made any amendments to the wording of the proposed rule but have made some minor amendments to the supporting guidance, which they consider add further clarity for advertising practitioners.

In order to ensure that these new restrictions continue to strike a proportionate balance between the need to prevent harm and allow advertising freedoms, CAP and BCAP will carry out a 12-month review to consider whether the rule and guidance are meeting their objective to prevent harmful gender stereotypes and update the guidance to reflect ASA rulings. After that 12-month period, CAP and BCAP will consider whether additional monitoring is required and will continue to update the guidance to reflect new rulings.

## 5. Timeframe for implementation

In order to allow advertisers sufficient time to make changes to planned activity, the new rule and guidance will be subject to a six-month implementation period and take effect on 14 June 2019.

CAP and BCAP will publish the terms of reference for their 12-month review in due course.

## 6. Annexes

**Annex A - Advertising guidance on depicting gender stereotypes likely to cause harm or serious or widespread offence**

**Annex B - Full evaluation table including list of respondents**

**Annex C - Consultation responses**



## Contact us

**Committee of Advertising Practice**  
Mid City Place, 71 High Holborn  
London WC1V 6QT

**Telephone: 020 7492 2200**  
**Textphone: 020 7242 8159**  
**Email: [enquiries@cap.org.uk](mailto:enquiries@cap.org.uk)**

[www.cap.org.uk](http://www.cap.org.uk)

 Follow us: @CAP\_UK