

To: [REDACTED]
Subject: Sexual portrayal of under-18s consultation
Date: Wednesday, January 11, 2017 12:58:40 PM

Dear CAP,

Thank you for the opportunity to respond to this consultation on new rules regarding the sexual portrayal of under-18s in advertising.

Question 1: Do you agree with the introduction of CAP rule 4.6?

PPA supports the introduction of rule 4.6 in order to meet the policy objective and ensure that under-18s are not portrayed in a sexual way in advertising. We support the proposed wording of the rule on the basis that it retains the ability for marketing communication to promote welfare, sexual health and prevention of harm to under-18s. Given the legal age of consent in the UK remains 16, it is important that responsible marketers are able to inform under-18s through appropriate marketing of products and services promoting 'safe-sex' and we would encourage CAP to consider whether additional wording is needed within the rule to clarify the ability of marketers to reach these audiences for such purposes.

We have not commented on the proposed amendments to the BCAP code as this is not directly relevant to our members.

We would also encourage CAP to clarify within guidance that the introduction of this rule does not introduce a new definition of a child throughout the CAP Code as a person under the age of 18.

[REDACTED]

[REDACTED]

PPA
The Voice of Professional Publishers
35-38 New Bridge Street, London EC4V 6BW

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Consultation on the sexual portrayal of under-18s in advertising

Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice's (BCAP) proposals for new rules

Thank you for the opportunity to respond to the consultation on the sexual portrayal of under 18s in advertising. These proposals aim to bring in new rules which will prohibit the sexual portrayal or sexual representation of under 18s (or those who appear to be under 18) in advertising.

I am supportive of the proposals and feel that they will help towards protecting the welfare of under 18s and sit alongside national and international measures which prohibit certain types of sexual depiction. I would make the point, however, that these should be complemented by measures which support parents and carers to provide advice and guidance to young people on issues related to sex, relationships and sexualisation.

It is also important that young people receive high quality, age appropriate relationships, sexual health and parenthood education along with media literacy, to build up their resilience and allow them to become critical consumers of sexualised content, thus helping to avoid harmful risk taking. Confidential advice and support should also be made available.

I appreciate that much of the above is beyond this consultation, but I feel that it is important to stress that measures should not sit in isolation from other preventative and protective measures.

Commissioner for Children and Young People in Scotland

My role as Commissioner for Children and Young People is laid out in the Commissioner for Children and Young People (Scotland) Act 2003, the main function of which is to promote and safeguard the rights of children and young people: Section 4 (1). In so doing, I must have regard to any relevant provisions of the United Nations Convention on

the Rights of the Child: Section 5 (2), and to regard and encourage others to regard, the best interests of children and young people as a primary consideration. The UK signed the Convention in 1990, and it came into UK law in 1992.

For the purposes of the Convention a child means every human being below the age of 18, unless under the law applicable to the child, majority is attained earlier. This is particularly relevant to this consultation.

Other relevant Convention articles include article 17 and article 19.

Article 17 calls on states to recognise the important function performed by the mass media and ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. States must also encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of Articles 13 and 18: Article 13 relates to the right to freedom of expression, such as the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. (the exercise of this may be subject to certain restrictions). Article 18 recognises that parents or legal guardians, have the primary responsibility for the upbringing and development of the child and that the best interests of the child will be their basic concern.

The Committee on the Rights of the Child has also emphasised that states parties must "*ensure that children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality*"¹." Article 19 of the

¹ Paragraph 16, General Comment number 3 (UN Committee on the Rights of the Child).
https://www.unicef.org/aids/files/UNHCHR_HIV_and_childrens_rights_2003.pdf

Convention refers to states' obligations to provide children with educational measures to protect them, inter alia, from sexual abuse.

Relevant to this is the concept of the '*evolving capacity of the child*,' introduced by the Convention. This means that as children acquire competencies, there is a reduced need for direction and a greater capacity to take responsibility for decisions affecting their lives. It recognises that children in different cultures and diverse life experiences will acquire competencies at different ages, and their acquisition of competencies will vary depending on circumstances.

Children's capacities may differ according to the nature of the rights to be exercised, so they will require varying degrees of protection, participation and opportunity for autonomous decision-making in different contexts and also across different areas of decision-making.

The concept of evolving capacities is central to the important balance between recognising children as active agents in their own lives, entitled to be listened to, respected and granted increasing autonomy in the exercise of rights, while also being entitled to protection in accordance with their relative immaturity and youth. This provides the basis for an appropriate respect for children's agency without exposing them prematurely to the full responsibilities normally associated with adulthood². It is a concept which resonates much with the matter in question, not least the importance of managing the 'normal' sexuality of children without prematurely sexualising them.

It is also worth highlighting Gill, Jackson and Vares' research of 2012 which found diversity among 'tweenage' girls about their media use and their uses/interpretations of media.³ Whilst they had a sophisticated ability to criticise and deconstruct 'sexualised' images, this sat alongside very painful accounts of how bad such images made them feel

² The evolving capacity of the child, Innocenti Insights: <https://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>

³ Jackson, S., Vares, G., Gill, R., *The whole playboy mansion image: Girls' fashioning and fashioned selves within a postfeminist culture* (2012), Sage Publications

and the kinds of pressures they feel subject to. The point here is that being able to critique an image does not necessarily mean that it has no impact.

Article 19 of the Convention calls on states to take appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person who has the care of the child. Exposure to sexual images and content would be covered by this and there is considerable research around the effects that this can have on child development.

Why this issue is important

Over the past few years, there has been a great deal of concern around the premature sexualisation of under 18s and numerous reviews and research projects have been undertaken e.g. the Byron, Buckingham and Papadopoulos reviews (2008, 2009 and 2010 respectively). In 2011, the '*Bailey Review on the Commercialisation and Sexualisation of Childhood, Letting Children Be Children*⁴' called on businesses and the media to play their part in ending the drift towards what they referred to as 'an increasingly sexualised wallpaper' surrounding children. A key part of this review was to listen to parents' concerns and to address the increasingly sexualised culture surrounding their children. The recommendations from this consultation were aimed at regulators, businesses and broadcasters. The NSPCC also explored this topic in 2011 and held a series of seminars on the risks associated with premature sexualisation.⁵ Whilst the latter focused mainly on the role of parents, schools and other services in building young people's resistance to sexualised content than the role of regulation and of media providers in reducing the prevalence of this content, much of the debate is relevant to this consultation.

⁴

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf

⁵ <https://www.nspcc.org.uk/globalassets/documents/information-service/seminars-premature-sexualisation-understanding-risks.pdf>

What emerged from the review and the NSPCC seminars was the importance of establishing a clear definition of sexualisation as well as identifying what images are sexualising, and why young people engage in sexual and/or risk taking behaviour, including the impact of peer, commercial and media pressure and the effect of low self-esteem. The discussions also covered the differences in young people's exposure to, impression of and resilience to sexualised content. What was also highlighted was the importance of understanding both young people's ability to critique the media, the impact it has on their self-esteem and the fact that the two are not mutually exclusive.

CAP and BCAP's decision to consult

Clearly, sexualisation is a complex topic which is understood in different ways, but there is undoubtedly the potential for some adults to view under-18s in general as sexual beings and for some under-18s to feel pressured into viewing themselves as sexual beings. These examples are cited as being part of the reason why the CAP and the BCAP have decided to consult, along with concern around the protection of the individual models featured in advertising. The consultation also highlights a finding from the Bailey review which noted that a significant contributing factor was the pressure to take part in a sexualised life before they were ready to do so and found that advertising played an important role in this.

This consultation underlines the CAP and BCAP's general policy objective which is to set standards to ensure that all advertisements are 'legal, decent, honest and truthful and prepared with a due sense of social and professional responsibility'. Moreover, the codes should be based on the enduring principles that advertisements should be responsible, respect the principles of fair competition generally accepted in business and should not mislead, harm or offend. The consultation questions are set within this context.

I recognise that the Advertising Standards Authority (ASA), already has the interpretive power to deal with inappropriate and sexual images of 16 and 17-year-olds and that it can uphold complaints about such images. However, as the consultation rightly notes, without

a specific age-related prohibition, advertisers have no explicit signal to exclude such imagery and no certainty as to what images are likely to be acceptable. An age-related prohibition is thus important.

Proposed new rules

The consultation highlights legal provisions which relate to the protection of under 18s, some of which relate to harm connected to commercialisation or sexual activity. There is similar legislation in Scotland, including the Sexual Offences (Scotland) Act 2009. Relationships Sexual Health and Parenthood (RSHP) Education in Schools guidance was also revised in Scotland and now better reflects the growing awareness of children's rights across Scottish public policy, public services and society as a whole. It also places this within a context of assessment and risk and child development.

The proposed rules will allow CAP and BCAP to provide an element of protection, while ensuring that advertisers are clearer about the types of imagery that they may include in their advertising (without running the risk of regulatory intervention).

The consultation also purports to be concerned with the protection of the individual models featured in advertising and I agree that it goes some way towards doing this.

4.6. will include a new rule in the CAP code in section 4 (harm and offence)

4.6 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

BCAP proposes to re-locate rule 5.5 to section 4 (harm and offence) and amend it as such

4.4. Advertisements must not portray or represent children anyone who is, or seems to be under 18, in a sexual way. However this rule does not apply to advertisements whose principal function is to prevent harm to, under 18s, provided any sexual portrayal or representation is not excessive.

I agree with the introduction of CAP rule 4.6 and BCAP rule 4.4. As noted, I support early, age appropriate, sex and relationships education and media literacy. This should commence early in life and should also cover issues around privacy and peer violence. This exemption is important as it will ensure that any such advertising (e.g. that promotes sexual health in 16-17 year olds) will not be caught up in the change to the rules.

I agree that the new rules are a positive step towards necessary and proportionate strengthening of existing rules to protect the welfare of under-18s. However, I continue to be concerned that gender stereotyping of girls and women is still perpetuated in the media. Such stereotypes can have extremely negative effects on young girls - on how they perceive themselves and how they are perceived by others. There remains a serious need for children and young people to receive the information and safe support they require to develop critical capacities that will enable them to assess and examine gendered roles and behavioural expectations as depicted through the images promoted in advertising. The capacity of boys and girls to develop an understanding of the impacts of such gender stereotyping will aid in protecting themselves and others from personal harm and disrespect. This prepares them appropriately for a responsible and human rights respecting life in a free society where equality is promoted and discrimination against women and girls is no longer accepted.



Tam Baillie
Children and Young People's Commissioner Scotland

ISO14001 at V.Q.





CAP and BCAP consultation on the sexual portrayal of under 18s in advertising Girlguiding response (January 2017)

About Girlguiding

1. Girlguiding is the leading charity for girls and young women in the UK, with over 500,000 members. Thanks to the dedication and support of 100,000 amazing volunteers, we are active in every part of the UK, giving girls and young women a space where they can be themselves, have fun, build brilliant friendships, gain valuable life skills and make a positive difference to their lives and their communities. We build girls' confidence and raise their aspirations. We give them the chance to discover their full potential and encourage them to be a powerful force for good. We give them a space to have fun. We run Rainbows (5-7 years), Brownies (7-10 years), Guides (10-14 years) and The Senior Section (14-25 years). Registered Charity No 306016. www.girlguiding.org.uk

About our evidence

2. Girlguiding's submission focuses on evidence from our annual Girls' Attitudes Survey - the largest survey of girls and young women in the UK - which gathers the views and opinions of over 1,600 girls and young women throughout the country aged 7 to 21, from inside and outside guiding. For more information and data on the latest and previous reports please see www.girlguiding.org.uk/girlsattitudes.
3. Girlguiding's response is also influenced by the *Girls Matter* campaign - Girlguiding's member-led campaign that profiles girls' and young women's calls for change <http://new.girlguiding.org.uk/report>
4. We also made use of our 2016 qualitative research report, *Girls' Wellbeing Explored - Understanding Pressures and Resilience*, which explores the pressures faced by girls and young women and the impact of these on their emotional wellbeing and mental health. <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/mental-well-being/>
5. In addition, our response includes quotes from members of our Girlguiding Advocate panel - a platform for girls to use their voices and seek change at the highest levels. Our Advocates are a group of 18 Girlguiding members aged 14 to 25 who lead the direction of Girlguiding's advocacy and research.

Overview

6. Girlguiding welcomes CAP and BCAP's proposal to extend current rules prohibiting the sexual portrayal of children in adverts from those under 16 to those under 18. Our research tells us that girls feel that there is too much female nudity in advertising and that the media too often shows women as sex objects, which can make them feel disempowered. Girls tell us they would like to see fewer sexualised images of women of any age, but that this is particularly important when the model or actor is/appears to be under 18. They also feel that the abundance of sexualised images of women has an extremely negative impact on girls' body confidence and contributes to a culture in

which women are valued more for their appearance than ability and in which sexism and harassment are frequently normalised. Unsurprisingly, girls tell us that such pressures are having a hugely negative impact on their emotional wellbeing and mental health. Girlguiding believes that this cannot and must not continue.

'We need... changes in advertising and the media to stop sexualising women...' (Girls' Attitudes Survey participant)

Girlguiding is particularly well-placed to respond to this consultation due to our extensive research and campaign activities in this area. Our Girls' Attitudes Survey has included questions on the sexualised portrayal of girls and women in the media over the years and we have actively called for advertisers to address the unfair and unequal representation of girls and young women since 2007. Our report published in that year, *Under 10 and under pressure*, examined girls' perception of body image. In 2010 we campaigned to introduce compulsory labelling to distinguish between airbrushed and natural images and, during the 2015 General Election, our *Girls Matter* campaign called on the next government to stop children's exposure to harmful sexualised content in mainstream media and empower girls to speak out on the impact of media sexism and stereotyping. While we recognise that the emphasis within this consultation is on the age of the models or actors featured in adverts (as opposed to that of the viewing audience being exposed to content), our research with girls and young women leads us to support any moves to reduce the huge number of sexualised images of women which they see on a daily basis.

Throughout this response, we outline our evidence relating to the sexualisation of women and girls in advertising as well as putting forward certain key issues which we feel require further consideration in order to ensure that the challenges faced by girls and young women are addressed meaningfully and effectively. These include the related area of gender stereotyping in advertising and the need to consider findings in conjunction with those from the recent ASA consultation on this subject as well as the potential challenges involved with determining whether portrayals are 'sexualised' and/or 'responsibly' so. While we recognise that the consultation raises important issues regarding the presentation of children and young people in general, as the leading UK charity for girls and young women, our response will focus on the portrayal of female models/actors (and the impact of this portrayal on girls and young women).

Safeguarding children and young people featuring in adverts

7. Girlguiding supports the proposed changes because, in line with our commitment to protect and safeguard children, we take the position that young people aged under 18 should not be portrayed in a sexualised way in advertising (or any form of media). While we agree that it is important to present issues such as sexual health in a realistic and accessible way, we believe that this does not have to involve sexualised portrayals of 16 and 17 year olds and that any such adverts should avoid the sexual

objectification of girls and young women (and, indeed, all children) under the age of 18.

We support CAP and BCAP's aim of reducing the sexualisation of under 18s. We also believe that it is positive to give advertisers greater clarity on how they can present 16 and 17 year olds. In addition, we agree that it is irrelevant that the national age of sexual consent is 16, as the rules outlined in this consultation relate to the *public* portrayal of children (as opposed to the private choices of individuals).

Objectification of girls and women in the media

8. In addition, we support the proposal because our research shows that girls and young women are concerned about the impact that advertising – including on TV and radio, online and in magazines and newspapers – is having on their lives and are critical of the ways in which girls and women are portrayed.

'If I could change one thing... I would reduce objectification of women's bodies in the media' (2015 Girls' Attitudes Survey participant)

Our Girls' Attitudes Surveys revealed that:

- 61% of 13 to 21 year olds feel that when women are portrayed as 'sex objects' it makes girls feel disempowered (2016)
- 70% of 11 to 16 year olds and 80% of 17 to 21 year olds feel that women are too often shown as sex objects in the media and online (2016)
- 52% had seen women pictured in newspapers or magazines in a sexualised way that made them feel uncomfortable (2015)

Furthermore, the proportion of girls who don't think women are portrayed fairly in the media has almost doubled in five years, rising from 27% in 2010 to 48% in 2015.

'The media influences society hugely, so if the media presents women as being sex objects, only there to satisfy men and be judged on their appearance, ordinary people start to believe that as well.' (Sarah, 18, Girlguiding Advocate)

A recurring theme within the feedback girls give us is the unnecessary nature of the nudity and near nudity of women in adverts – for example, where an actor/model's sexualised portrayal is entirely unrelated to the product being advertised. Girls also dislike that women's portrayal is far more sexualised than that of men within similar kinds of adverts. As one Advocate put it:

'To me an equal society for men and women would be one where shampoo adverts also include men washing their hair provocatively while frolicking in the shower.'
(Former Girlguiding Advocate, 16)

Sexualised portrayal of children under 18

9. Although girls tell us that they want to see a reduction in the sexualised portrayal of women of any age, this seems to be particularly important where the model featured is - or appears to be - under 18. One Advocate highlighted:

'I think that it's a good idea for 16 and 17 year olds to be protected from sexualisation in the media. Although the age of consent is 16, 16 and 17 year olds are in a phase of transition between adolescence and adulthood and are facing many pressures so shouldn't be subjected to blatant objectification.' (Katie, 16, Girlguiding Advocate)

'What's also really important is the apparent age [of an actor/model] to the viewer. Someone over the age of 18 could be dressed and made up to look childlike, which raises many questions as it could be seen to be encouraging adults to view children under 18 in a sexual way. If sexual content is to be used in advertising, it should be made completely clear that the participants are adults and that the act is consensual.' (Katie, 16, Girlguiding Advocate)

The impact of objectification

'Every day we are exposed to thousands of images and ideas from the media. That's why I think their sexualised and stereotypical representation of girls and women is one of the major reasons for the high levels of sexism still present across society. Constantly seeing airbrushed and sexualised images of women has an extremely negative effect on girls' body confidence, and it affects how men and boys think too. Giving girls a voice on how this can be tackled is really important. Things have to change.' (Morgan, 17, Folkestone, former Girlguiding Advocate)

Adverse treatment in society

10. Our 2016 Girls' Attitudes Survey shows that girls feel that objectification of women in the media negatively affects how women are treated in society:

- 53% of 11 to 21 year olds feel that people make girls think that how they look is the most important thing about them
- 75% of 11 to 21 year olds feel that women are more judged on their appearance than their ability.

Furthermore, girls feel that the widespread availability of pornographic images is contributing to the problem, with 68% of 13 to 21 year olds feeling that online pornography is influencing how women are portrayed in advertising and in the media (2016) and 80% feeling that pornography encourages society to view women as sex objects (2015). Girls also told us that such objectification made them feel unsafe, with 71% feeling that pornography makes aggressive and violent behaviour towards women seem normal and 71% feeling that it sends out confusing messages about consent.

'We don't want to be objectified. It has a negative impact not only on women but also on men and young boys, and changing this could lead to a decrease in gender-based violence.' (Girls' Attitudes Survey Participant)

Body confidence issues

11. Our Girls' Attitudes Surveys have consistently found that what girls see in the media has a big influence on how they perceive their own bodies:

- 37% of girls aged 11 to 21 say they compare themselves to celebrities most of the time or often and a further 29% do this sometimes (2016)
- 33% think they are more likely to be successful if they look like celebrities, rising to 43% among those aged 17 to 21 (2014)
- Almost half of girls (45%) sometimes feel ashamed of the way they look because they are not like girls and women in the media (2014) - this impacts girls as young as seven, 40% of whom say they feel embarrassed by how they look (2016)

During research for our 2016 '*Girls' Wellbeing Explored*' report, our focus groups confirmed that the widespread sexual objectification of women's bodies across media channels is shaping girls' expectations in relation to their own bodies and that this is a key area of anxiety and concern for them. Women are frequently portrayed in certain ways in the media, popular culture, society and pornography that young people are exposed to. Advertising forms a crucial part of this visual culture and can mirror and reinforce stereotyped and sexualised portrayals and ideals found in other areas of media culture. These ideals are pervasive and seep into girls' everyday lives.

'The media is always telling you how to look. You've always like got to look good. You feel like you're in competition with other girls.' (Young woman aged 16 to 18)

'You see photos of pretty girls and boys expect too much from girls. They expect like a model at our age which is a bit ridiculous. They expect a girl to like be skinny but have big boobs and a big bum. I think it's also like it's what's in your head. You think that's what they want. But you don't actually know.' (Girl aged 11 to 15)

Broader mental health concerns

12. At Girlguiding we recognise that such pressures can combine to produce a broader impact on mental health - one of the key areas of concern identified by girls in our Girls' Attitudes Surveys. Worryingly, 58% of girls aged 13 to 21 had experienced mental health issues (2015) and 69% of those aged 7 to 21 feel like they are 'not good enough' (2016).

Related issues and considerations

Gender stereotyping

13. CAP and BCAP's proposal to extend current rules to cover 16 and 17 year olds is a positive step. In addition, the issue of sexualisation of girls and women in advertising should not be considered in isolation but rather alongside the strongly related - and equally damaging - issue of gender stereotyping in advertising.

Girls report that they are surrounded by negative, limiting and stereotypical portrayals of girls and women and the vast majority of those responding to our Girls' Attitudes Surveys recognised how widespread a problem this is and the impact it has. Our Girls' Attitudes Surveys show that:

(2014)

- 69% of girls and young women aged 11 to 21 have noticed sexism in the media, including advertisements.
- 75% say that the women usually shown in the media are all too much alike, for example in body size and shape, ethnicity, age and profession.
- 65% agree that women too often appear in the media only because they are the girlfriend or wife of a famous man.
- 55% feel that there are not enough positive female role models in the media.

(2016)

- 52% of 11 to 21 year olds felt that seeing gender stereotypes makes them feel that they might be held back in life because they are a girl
- 78% of respondents said that they would like to live in a world without gender stereotypes.

'The media should include a diversity of images that portray women, for example, in politics, business, academia, engineering, science, technology, mathematics and leading professions. These images must also be taken seriously, not ridiculed or mocked for not conforming to the sexualised stereotype of women.' (Sarah, 21, Morecambe, Girlguiding member)

Gender and advertising

14. Given the inter-connectedness of issues of sexualisation and gender stereotyping, Girlguiding believes that it is crucial that the findings from this consultation are considered alongside those from the recent ASA consultation on gender stereotyping, which Girlguiding also submitted a [response](#) to. We consider it vital that a gendered approach is taken in analysing findings around sexualisation within advertising because this is an issue that disproportionately affects girls and women (although it has a negative impact on everyone).

The means of determining whether content is 'sexualised' or 'responsible' must be carefully considered to ensure that girls and women are not unintentionally discriminated against and their voices must be at the heart of this work. Examples of such unintentional discrimination could include judging content as sexualised simply because it includes a female body or judging the same position/facial expression/action as sexualised when it is performed by a female actor but not by a male. This is important due to girls' belief that they are 'judged more harshly for

sexual behaviour seen as acceptable for boys' - a statement with which 75% of 11 to 21 year old respondents to the 2016 Girls' Attitudes Survey agreed.

Relatedly, within Annex 1 of this consultation it is notable that every image judged to be 'sexually suggestive' or 'overtly sexual' features a female actor, with just two also including a male. The only portrayal of a lone male appears within an image that is 'mild' or 'non-sexual' in nature. Furthermore, within the 'sexual' images, it is primarily the woman whose attire or facial expression renders the image 'sexualised' (by the criteria given within the annex). Examples of this include the woman pulling back her bra-strap and the woman showing evident pleasure while the man with her - whose face is obscured - features much less prominently. While we do not dispute that these images are sexual in nature - or that there are far more available images that sexualise women - we would suggest that it would have been appropriate to include a more gender-balanced representation of actors and models in the annex (and, indeed, within the examples used by the ASA to determine whether content is sexual in nature). This could be achieved by including images of males on their own and/or wearing 'sexually suggestive' attire in the guidance to assist advertisers (and ASA representatives investigating complaints) to appropriately judge whether content featuring males is sexualised and challenge the idea that women are or should be the only objects of sexual consumption.

Conclusion and what girls want

15. Girlguiding believes that it is important to avoid sexualising women in adverts - particularly where they are or appear to be under 18. We also believe that, through adapting their codes to consider and address the underlying issues of sexism and objectification we have described, CAP and BCAP can play an important role in helping to challenge and change the current culture of sexualisation faced by girls and women. We propose that it will be valuable to consider the findings from this consultation alongside those from the ASA consultation on gender stereotyping - which Girlguiding also responded to.

In terms of 'responsible exemptions', we believe that sexual health campaigns and other similar content should be realistic and accessible, but that this should not involve objectifying 16 and 17 year olds. We also feel that determinations such as whether content is 'sexualised' or 'responsible' should be carefully considered using a gendered perspective.

Going forward, we would welcome more details about when and how these proposals would be implemented and what measures will be taken to ensure that advertisers adhere to them.

In terms of addressing the issues we have outlined, girls have a number of ideas which we believe should be considered by bodies such as CAP, BCAP and the ASA alongside the welcome proposal to prevent the sexualised portrayal of 16 and 17 year olds.

In 2014 we asked young women aged 17 to 21 what they would like to see media organisations - including advertisers - do to improve the representation of women.

- 89% think they should publicly commit to making sure they represent all women fairly.
- 84% think they should commit to showing more positive female role models.
- 83% think they should make sure that there is more difference represented among the women in the media.
- 77% agree that they should agree not to show airbrushed images of women.

Girlguiding recommendations

16. Girls tell us they want to see the advertising industry do more to tackle the sexualisation of girls and women and gender stereotyping and to promote gender equality. In order for this to happen, Girlguiding would like to see the advertising industry and its regulators take action through:

Engagement with Girls and Young Women

- a. Empower girls and young women to speak out and be heard on the impact of media sexism and stereotyping by making it easier for young people to lodge a complaint and making young people more aware of the process.
- b. Going forward, CAP and BCAP should work with girls and young women to create an advertising code that addresses their concerns.
- c. Endorse the use of resources to help young people recognise the tools and tricks advertisers use to influence young people.

Regulation and Guidance

- a. Support and endorse the [Be Real campaign's Body Image Code](#). The Code emphasises the need to show the varied roles that women play in our society and the diversity of women. Girls tell us that they want to see more women doing different jobs and a greater representation of the diversity of women.
- b. Stop children's exposure to harmful sexualised content in advertising by promising to ensure the CAP code operates on principles similar to those of the broadcast watershed.
- c. Help promote body confidence and reduce pressures on girls by discouraging the use of airbrushing. Girlguiding would welcome the opportunity to work with CAP in particular to explore how we could encourage advertising agencies to move away from using damaging and harmful airbrushing of bodies that create unrealistic expectations and representations of how bodies look to young people. This could include the development of a kitemark to support advertisers to consider the role and appeal of not using airbrushing.

'The main barriers to equality are the misconceptions that are deeply ingrained in our culture and the stereotypes that are portrayed by the media. Equality requires a change in perception and attitudes, not just laws, which is currently the case.'

Former Girlguiding Advocate, 22



CAP/BCAP Consultation on the sexual portrayal of under-18s in advertising

Submission by the Internet Advertising Bureau UK – January 2017

Introduction

- 1 The Internet Advertising Bureau (IAB UK) is the industry body for digital advertising in the UK. It represents over 1200 businesses engaged in all forms of online and mobile advertising, including media owners and advertising technology businesses.
- 2 The IAB's five key objectives are to:
 - Prove the value of digital media by delivering 'best in class' industry research and breaking down barriers to advertising spend;
 - Enable a trustworthy and responsible medium through cross-industry standards and self-regulation;
 - Educate and inspire marketers through intensive learning programmes and thought-leading events;
 - Improve ad trading efficiency through measurement guidelines and creative standards; and
 - Advocate for an optimum policy and regulatory environment for the market to continue to thrive.

Further information is available at www.iabuk.net.

- 3 This response is submitted by IAB UK in its capacity as member of the Committee of Advertising Practice (CAP). It should not be taken as representing the views of its members. As the trade body for digital advertising we have responded to the proposals to amend the CAP Code (not the BCAP Code), although our views on question 1 would apply similarly to the BCAP Code.

1. Do you agree or disagree with the introduction of CAP rule 4.6 and BCAP rule 4.4? Please provide any relevant evidence or reasoning in support of your answer.

- 4 Proposed rule 4.6 would prohibit 'any sexual portrayal – however mild – of someone under 18' in non-broadcast ads. As set out in the consultation document:

'The proposed rules would mean that in cases where the people featured were under 18, and portrayed in a sexual way, the degree of sexualisation or any aggravating factors, such as vulnerability or coercion would not be assessed...Similarly, the proposed rules would not allow for mitigating factors

to be taken into account. Such factors might include sexual imagery in a broadcast ad being fleetingly shown or being tangential to the main narrative of the ad; or in a non-broadcast ad, sexual imagery not being a significant feature.'

- 5 We disagree with the introduction of this rule to the CAP Code on the basis that:
 - We believe the current provisions in the Code provide adequate protection to those who are, or appear to be, 16 or 17
 - We do not believe that the evidence base justifies this change to the Code
 - We do not believe that an outright ban on those who are, or appear to be, 16 or 17 being portrayed in a sexual way is necessary or would be proportionate.
- 6 We acknowledge that the protection of children is a central tenet of the CAP Code, and that premature sexualisation of children can be harmful, and these are issues that we take seriously. We are not persuaded, however, that the case has been made for the introduction of this new rule (notwithstanding our view on the second consultation question, addressed at protecting under-16s).
- 7 The consultation notes that children (i.e. those aged under 16) are already protected by Rule 5.1 of the CAP Code: 'Marketing communications addressed to, targeted directly at or featuring children must contain nothing that is likely to result in their physical, mental or moral harm.'
- 8 The sexual abuse and exploitation of children and young people has become a more salient social issue in recent years, as has the issue of the premature sexualisation of children. The consultation notes, though, that 'the majority of ASA casework involving sexual imagery is concerned with children seeing images that are inappropriate for them...', and that the ASA receives 'very few complaints about sexualised imagery based solely on the age of the person featured in the ad'.
- 9 The ASA already has the interpretative power available under existing rules (relating to 'harm and offence') to deal with advertisements it deems to be offensive or socially irresponsible, and examples are given in the consultation document of where it has done so. To our knowledge, based on the information set out in the consultation, the ASA has not been in a position where it has been unable to rule against an ad on this basis where it believed that the sexualisation of the people in it has been inappropriate, and an express age-related rule would have allowed it to do so. It is not, therefore, in a position where it is unable to prevent harmful or offensive advertising because no such age-related rule exists.

10 As the consultation points out:

'CAP and BCAP are not aware of examples of complaints received relating to the age of the person being portrayed in a sexual way where the age, or apparent age, of that person was 16 or 17 or that they appeared to be 16 or 17. The few complaints received about sexualisation on grounds of age will either refer to "children" or to the person featured being "young" or "too young". In assessing these complaints, age will be one factor considered alongside other factors...'

- 11 Given that the level and nature of complaints does not indicate either a significant problem in advertising practice or a change in social views and norms, and that there is no external pressure or imperative, legal, political or otherwise to make a change, we do not consider that there is a sufficient evidence base for making the proposed change to the CAP Code.
- 12 We acknowledge that some laws relating to sexual harm apply protections to all those aged under 18, specifically the provisions in the Sexual Offences Act 2003 that relate to taking indecent photographs. We do not consider, though, that including someone in an ad who is (or appears to be) 16 or 17 in a sexual way (regardless of the degree or type of sexualisation) is analogous to an taking an indecent photograph of them. The ASA considers a range of factors in ruling on complaints relating to sexual imagery. This indicates that it is not a 'black and white' area, and that the degree of sexualisation and other factors as set out in the consultation document are relevant to its decision-making as to whether an ad is harmful or offensive. We are not convinced that to feature a 16- or 17- year old in a sexual way in an ad would necessarily, in itself, be harmful or offensive and that it is inappropriate to do so in all circumstances.
- 13 CAP and the ASA have a strong commitment to transparent, proportionate and evidence-based regulation. The same rigour should be applied to changes to this part of the Code as to any other, while taking into account the particular context and the risk of harm. The main evidence put forward in the chapter 5 of the consultation document relates to legislation in other areas. While this is relevant information, and important to consider, it does not in our view create a robust evidence base for change.
- 14 We believe that an outright ban on under-18s would therefore be disproportionate; that the existing protections are adequate; and they should continue to be used to provide protection to 16- and 17-year olds (notwithstanding our response to question 2 that addresses protections for those aged under 16), and to ensure that advertising is socially responsible and does not cause harm or offence.
- 15 We acknowledge that it is important that advertisers have clear rules to follow to avoid causing harm and offence, and that certainty is helpful. The consultation argues that:

‘...without a specific age-related prohibition, advertisers have no explicit signal not to do this and no certainty as to what images are likely to be acceptable. The proposed rules will allow CAP and BCAP to provide adequate protection to vulnerable people while ensuring that advertisers have greater certainty on the types of imagery that they may include in their advertising without running the risk of regulatory intervention.’

- 16 As set out above and in the consultation, the lack of an explicit age-related rule in the CAP Code has not been shown to cause problems in practice either for advertisers or for the ASA. In the recent case (relating to ads for Nobodys Child) upheld by the ASA, cited in the consultation document and which prompted the ASA Council to ask CAP and BCAP to consider a rule change, the model featured was aged 21 and the advertiser believed that she was not sexualised, and did to appear to be a child. The model was not a child (whether defined as under 16 or under 18) and the advertiser’s view was that she would not be perceived as being a child or vulnerable. It is not clear, then, that a specific prohibition relating to those who are, or appear to be, under 18 would in fact have meant that this ad did not appear in the first place. In any case, the ASA was able to rule against it.
- 17 We propose that CAP could produce guidance for advertisers to draw their attention to this issue, and educate them on the existing rules relating to harm and offence when it comes to featuring anyone, but particularly young people, in a sexualised way in their ads. Existing case studies could be used to illustrate ads against which complaints have been upheld and not upheld, and the criteria used by the ASA in such cases could be included in the guidance to help advertisers make responsible decisions about the content of their ads. Guidance could also make reference to targeting tools available to advertisers to ensure the advertising is delivered to the intended audience’.
- 18 If CAP decides to introduce the proposed new rule, we agree that there should be an exception for ads promoting the welfare of under-18s or aimed at preventing harm to them.

2. If you do not agree with the introduction of these rules, do you agree with the introduction of rule in the CAP Code to prevent the sexual portrayal or representation of under-16s? Please provide any relevant evidence or reasoning in support of your answer.

- 19 We support the introduction of a rule in the CAP Code that would prohibit an ad from featuring a person who is, or appears to be under 16 in a sexual way. While the CAP Code offers different age-related protections for children and young people for different purposes, and the ASA can make interpretative rulings relating to harm and offence, we do consider that featuring someone who is, or appears to be under 16 in an ad in a sexual way would be inappropriate in all circumstances.

20 In almost all other relevant circumstances of which we are aware, a person aged under 16 is deemed to be a minor or a child and in need of specific protections to reflect their potential vulnerability and that they are at greater risk of exploitation or harm due to their age. Such a rule would also be consistent with the existing BCAP rules. This would send a clear signal to marketers that featuring under 16s in this way in ads in any medium is not acceptable, but would also allow for finer judgements to be made, on a case-by-case basis, in cases where someone featured in an ad is, or appears to be, aged 16 or 17.

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

19 January 2017

CAP Consultation on the Sexual Portrayal of Under-18s in Advertising

Introduction

The IPA is the professional body for advertising, media and marketing communications agencies based in the United Kingdom. We have approximately 300 agency brands within our membership.

As a not-for-profit membership body, incorporated by Royal Charter, the IPA's role is two-fold: (i) to provide essential core support services to its corporate members who are key players in the industry; and (ii) to act as the industry spokesman.

The IPA is a member of CAP and BCAP.

Responses to Consultation Questions

Q. Do you agree or disagree with the introduction of CAP rule 4.6 and BCAP rule 4.4? Please provide any relevant evidence or reasoning in support of your answer.

A. The IPA agrees with the introduction of the proposed new rules.

Protecting vulnerable members of society is a critical obligation of the advertising industry and the self-regulatory codes must enable proportionate regulatory intervention when necessary.

At present, there is inconsistency between the CAP and BCAP Codes. Rule 5.5 of the BCAP Code provides that:

Advertisements must not portray or represent children in a sexual way.

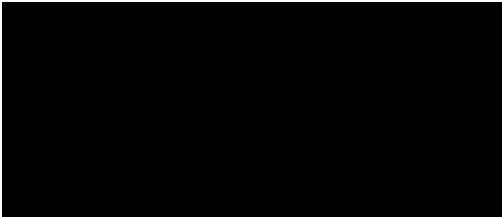
A child is defined as anyone under the age of 16. There is no equivalent, express rule in the CAP Code.

Not only is this age range inappropriate, but there needs to be a set of clear and consistent rules across all media for the protection of people aged under 18 and to enable advertisers and agencies to understand easily the boundaries of what is and is not acceptable.

The proposals will give clarity and allow the ASA to point to 'strict liability' transgressions rather than having to rely (in the case of non-broadcast ads) on general rules such as those dealing with social responsibility or harm and offence. Ads in which people under the age of 18 are portrayed or represented in a sexual way will be automatically in breach of the relevant Code.

The new rules should, therefore, benefit advertisers and agencies and increase the protection of young people.

Yours faithfully,



Consultation on the sexual portrayal of under-18s in advertising: Response from Mothers' Union

1. Mothers' Union is a Christian membership organisation with four million members throughout 83 countries. In 2010, Mothers' Union launched the *Bye Buy Childhood* campaign against the commercialisation and sexualisation of childhood, calling for an end to the treatment of childhood as a marketing opportunity, and for the tightening of regulations in advertising and selling to children. Shortly after the campaign launch, the then Chief Executive of Mothers' Union, Reg Bailey CBE, was invited by the Coalition Government to carry out a review into the commercialisation and sexualisation of childhood. The recommendations in his review, *Letting Children be Children*, were fully implemented; and we welcome the continuation of Bailey's legacy.

2. Mothers' Union welcomes CAP's consultation on the sexual portrayal of under-18s in advertising, and the proposals to strengthen rules to protect the welfare of children and young people.

3.1 In answer to the consultation question, Mothers' Union **agrees** with the introduction of CAP rule 4.6 and BCAP rule 4.4. We know that parents are still concerned about the prevalence of sexualised imagery and messaging in marketing and media in the UK - including parents with children up to the age of 18.

3.2 Our 2015 *Bye Buy Childhood* report found that 86% of parents, with children up to the age of 18, felt that broadcast, print and internet content make children sexually aware at a younger age than they would be otherwise; and 86% of parents are concerned in general about the sexualisation of childhood.ⁱ

3.3 We also know that parental trust in the regulation of advertising has decreased. In 2010, we found that 39% of parents agreed that advertising that can be seen by children is well regulatedⁱⁱ, yet this had decreased to 30% by the time of our 2015 report.

3.4 Our research has also found that nearly seven in ten - 68% - parents believe that advertising does have the power to cause harm to their children.

3.5 With these factors in mind, Mothers' Union agrees that it is right to address the portrayal of under-18s in a sexualised manner under the banner of harm and offence.

4. We are content with the proposed exemption from the rule for any advertisements that are actively seeking to promote the wellbeing of those under-18, such as public health adverts relating to sex and relationships. We believe that it is important for children and young people to learn about healthy relationships and issues such as sexualisation, consent and gender stereotyping.

5. We are also content that it is not incompatible to prohibit the portrayal of those under 18 in a sexualised manner with the current age of consent of 16. We do not think it is acceptable for advertisers to look at how young a person they can 'get away' with portraying in a sexualised manner for the purposes of selling goods or services.

6.1 Mothers' Union is, however, concerned by the narrative of 'premature' sexualisation used throughout this consultation. This suggests that 'sexualisation' is somehow inevitable or 'normal' after a certain age - a premise with which we strongly disagree, if, as we presume, the terminology of 'sexualisation' refers to the sexual objectification of a person.

6.2 We therefore call upon CAP and the marketing industry to address the sexualisation of women in general, throughout the media and advertising. We welcome the investigation into gender stereotyping launched by the Advertising Standards Authority, in 2016, and look

forward to the outcome. We also call upon industry and regulators to join up the dots in tackling the exploitation of women's and girls' bodies for the purpose of selling goods and services, which has resulted in the 'sexualised wallpaper' of society identified by the Bailey Review.

6.3 The importance of tackling gender stereotyping in the media in order to prevent violence against women and girls is highlighted in the UK Government's Ending Violence against Women and Girls strategy, as well as in numerous international agreements and standards such as the Beijing Declaration and outcomes of the UN Commission on the Status of Women. We therefore urge CAP, along with industry, to take action on this issue and observe good practice beyond CAP codes.

7. Finally, Mothers' Union would like to be assured that should the proposals be implemented, there will be meaningful sanctions against advertisers who fail to comply with the regulations. We have been disappointed in the past to see certain brands ignore the CAP codes on several occasions, despite having had a number of complaints on the grounds of using young looking models in a sexualised context, upheld against them by the ASA.

January 2017

Mothers' Union
Mary Sumner House
24 Tufton Street
London SW1P 3RB
policy@mothersunion.org

ⁱ *Bye Buy Childhood: A report into the commercialisation and sexualisation of childhood 2015*. Mothers' Union, March 2015.

ⁱⁱ *Bye Buy Childhood: A report into the commercialisation and sexualisation of childhood 2015*. Mothers' Union, August 2010

Consultation on the sexual portrayal of under-18s in advertising

Zero Tolerance Response

Thank you for giving us this opportunity to feed into your consultation on the sexual portrayal of under-18s in advertising. Zero Tolerance is a Scottish charity working to end men's violence against women by challenging attitudes which normalise violence and abuse.

The sexualized portrayal of under 18s, in particular the objectification of young women in advertising, forms part of a culture whereby women are less respected than men, and men's violence against women persists. This goes beyond the perception of children as sexual beings, and is connected to gender inequality and gender stereotypes which are instilled from a young age. The sexualisation, and sexual objectification of girls forms part of the ways in which gender norms, and gender inequality in society is perpetuated.

Where we welcome this change to the codes, and the associated additional regulatory powers, we caution against misunderstanding the issues inherent in 'pre-mature sexualisation' and the risk of harm. Our concern is not that 16-18year olds see themselves as sexual beings, but that unequal power roles will be promoted through media sexualisation which is dependent upon particular gendered norms. Equally, we are concerned that young women are depicted as sexual objects, which encourages men to see them as such, promoting attitudes which justify and normalize violence and abuse.

Advertisements which objectify women, use women's bodies in place of physical objects, or imply that women or women's bodies are in some way able to be 'owned' as status symbols directly contribute to assumptions that men should have power over women. In particular, the use of women's bodies to advertise products primarily to a male audience can, often deliberately, conflate the notion of owning a product with 'ownership' of a woman's body. This is not exactly the same as a sexual depiction, though the two are often related.

As an organization, we would not say that there is an age whereby sexual objectification is acceptable, though we understand the limitations of the framework within which the CAP codes operate. Within these limitations, we believe raising the age at which any sexual depictions (objectifying or otherwise) are permitted is a sensible, and welcome.

1. Do you agree or disagree with the introduction of CAP rule 4.6 and BCAP rule 4.4? Please provide any relevant evidence or reasoning in support of your answer.

Zero Tolerance agrees in principle with extending the age limits for sexualised media to 18 and under: we believe that this is a welcome step in addressing the objectification of young women in the media. We support measures to extend the definition of childhood to 18 as a measure to reduce the harm of premature sexualisation.

Our own research with young people, and staff who work alongside them suggests that hyper sexualised media had a significant impact on the way women view themselves.

Images used in advertising have a negative impact on girls' self-esteem, in a way that was particularly gendered. 72% of participants said that most or all girls their age wear tight or revealing clothing to be more attractive, and 56% said that most or all girls their age remove all pubic hair. This compares to only 8% and 12% for boys respectively.

Discussion in focus groups suggested that this emphasis on physical appearance is more about conforming to pressure to fit a certain stereotype of beauty than making 'empowered' or sexually liberating choices

We also support the caveat that marketing communications aimed at supporting the welfare of under 18s may include sexual content. Our research also found that young people felt that they didn't receive enough sex education. In this context it would be regrettable if any changes to the CAP codes restricted potentially beneficial educational resources from having a wide audience.

References and other useful links.

[Equally Safe: Scotland's Strategy for Prevention Violence Against Women and Girls](#)

[Scottish Social Attitudes: Attitudes to Violence Against Women in Scotland](#)

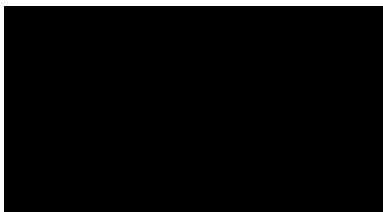
[He's the Stud and She's the Slut : Young People's attitudes to sex and relationships](#)

[Children and Parents: Media Use and Attitudes Report, Ofcom, 2013](#)

[Bye Buy Childhood: A report into the commercialisation of childhood, 2010](#)

[Letting Children Be Children: An Independent review of the commercialization of childhood](#)

[Sexualisation of Young People – A review.](#)



Sexual Portrayal of Under-18s Consultation
Regulatory Policy Team
Committee of Advertising Practice
Mid City Place
71 High Holborn
London WC1V 6QT

16 January 2017

Dear Sir/ Madam

Sexual Portrayal of Under-18s Consultation

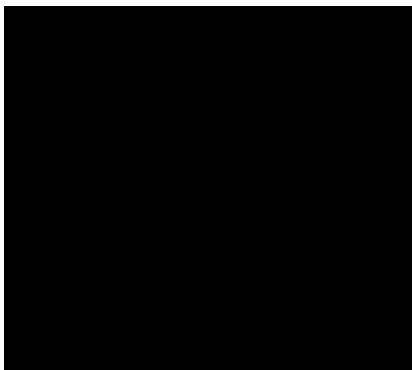
I am writing to you in response to the joint CAP and BCAP consultation on sexual portrayal of under-18s in advertising on behalf of Radiocentre.

Radiocentre is the industry body for commercial radio and works on behalf of more than 40 companies, representing 90% of commercial radio in terms of listening and revenue. Our clearance department pre-vets in excess of 30,000 radio advertising scripts each year.

The sexual portrayal of under-18s in advertising is an important and sensitive issue and we welcome the move to provide greater clarity in this area. Our main comments relate to the changes outlined in para 6.2 of the consultation document as far as this concerns radio.

We support both with the re-location of BCAP Rule 5.5 to Section 4 "Harm and Offence" and the proposed amendment. Specifically we agree that replacing the word "children" with "anyone who is, or seems to be under 18" will provide maximum protection. We also feel that the additional part (the second sentence) of new rule 4.4 will be useful to us when considering radio campaigns that seek to advise listeners of sexual health issues or the dangers of, for example, sexting. We would expect such material to fall clearly into the exemption highlighted by this section of rule 4.4.

The only other comment we would make is that some Radiocentre members also have significant digital and print businesses as part of their portfolio. These elements of their business (and the advertising they carry as covered by the CAP code) and likely to be more directly affected by these changes. As such we would simply ask that submissions from the respective trade bodies in these areas (and any issues raised) are also taken into consideration, with the agreed changes communicated clearly once they are finalised.





The sexual portrayal of under-18s in advertising

The Children's Society's written submission to Committee of Advertising Practice and Broadcast Committee of Advertising Practice's proposals for new rules

About The Children's Society

The Children's Society is a leading charity committed to improving the lives of thousands of children and young people every year. We work across the country with the most disadvantaged children through our specialist services. Our direct work with vulnerable groups including missing children, children with experiences of sexual exploitation, children in or leaving care, refugee, and migrant and trafficked children, means that we can place the voices of children at the centre of our work.

Our well-being research

We have been studying children's subjective well-being since 2005. Our Good Childhood Inquiry, launched in 2006, was the first independent national inquiry into childhood that sought to better understand modern childhood from children themselves. The final report includes a set of recommendations for parents, teachers, the government and society more broadly. We have produced annual reports reviewing children's subjective well-being since 2012 and have analysed the impact of a range of factors affecting the way children feel about their lives. We believe that it is only by listening to children and understanding their personal experiences that we can give them the best chance of flourishing.

Introduction and key recommendations

We welcome this important and timely review into the sexual portrayal of under-18s in advertising. Numerous reviews¹ and studies have presented a strong case that children are being prematurely sexualised by media and commercial culture² and we are concerned that this is having a very detrimental impact on their well-being and is not well recognised or acknowledged.

The Children's Society believes that companies should market their products in a responsible way and should not be encouraging adults to view children in a sexualised manner nor encourage children to regard themselves as sexual objects. This should be the case not only for adverts aimed at children but also for all adverts children and young people may easily and inadvertently view. We believe that all adverts should undergo child impact assessments. The potential impact they may have on adults should also be assessed. For example, any adverts seen to normalise the sexualisation of children or young people should be prohibited irrespective of the target audience, scheduled timing of the advert or the product that it seeks to endorse.

As well as regulating and restricting such depictions in advertising, children and young people should have access to good quality and statutory Personal, Social and Health Education (PSHE) in schools to ensure

they adopt a critical attitude to what they view in the media, including in adverts and to learn about sex and sexuality in a safe and supportive environment.

This submission is based on learning from our national well-being programme and our local well-being consultations with children and young people in school and community settings. Our evidence is also informed by our experience working with children and young people affected by CSE and from our policy research in this area.

We have included direct quotes from children and young people. We have chosen not to edit or censor the words of young people in order to provide a true reflection of how they perceive these issues. Our local well-being consultations provide a space for children and young people to record the words they thought reflected compliments, insults, kind words and unkind words. The words they recorded were not necessarily a record of language they normally use but of language they are familiar with.

Based on our research and direct work with children and young people we have developed the following recommendations to help inform CAP and BCAP's review of the rules relating to the sexual portrayal of under-18s.

Key considerations:

- ***Sexualised violence depicted in advertisements.*** CAP and BCAP should review the use of violence including sexualised violence in advertising as part of their regulations on the sexual portrayal of children in ads.
- ***Regulations around who features in ads.*** We believe that children and young people should be protected from all forms of exposure to inappropriate and sexualised advertising irrespective of the perceived level of harm associated with the product being promoted. We urge the Committees to scrutinise the way in which celebrities synonymous with youth culture are used within ads across the board.
- ***Outreach and training by regulators.***
 - We recommend that BCAP and CAP develop an educational programme to work with schools and others working with children and young people make clear to young people how judgements are made over which ads are considered appropriate and which are not.
 - PSHE should include a topic about body image and should support children in evaluating critically the images they see and understand the nature of advertising.
 - The PSHE curriculum should be made statutory to ensure that all children have access to appropriate good quality education on the subject of body image and well-being.
- ***Strengthening national definition and guidance to tackle sexualisation of children in the media and promotion of good practice.*** We recommend that The Department for Culture Media and Sport should strengthen guidance on the sexualisation of children and young people in media to ensure there is a shared understanding and definition between media regulators of what constitutes inappropriate and harmful materials, including those that may be viewed by children.

Question:

1. Do you agree or disagree with the introduction of CAP rule 4.6 and BCAP rule 4.4? Please provide any relevant evidence or reasoning in support of your answer.

The Children's Society agree with the introduction of CAP rule 4.6 and BCAP rule 4.4 on restricting the portrayal or representation of anyone who seems to be under-18 in advertising with the exception of those aimed at promoting the welfare of under-18s.

We are satisfied with the evidence based reviewed and considered by the Committees surrounding the legal and policy context in this area. We particularly welcome consideration given to the provision and protection of young people aged 16 and 17 irrespective of the legal age of consent. We outline our supplementary evidence and recommendations below.

1. Impact of sexual portrayal of under-18s in advertising

1.1. The sexualisation of children in the media and its impact on their self-confidence

The Children's Society has listened to the voices of 52,000 children and young people in 36 locations across the country through local well-being assessments since 2012. The well-being consultations are designed to provide an assessment of well-being amongst children and young people between the ages of 8 and eighteen in a local area. Local well-being consultations present a unique insight into some experiences of children in schools and communities that may be shaping their subjective well-being and their relationship with peers.

Though we do not ask children and young people about advertisements directly, comments from children and young people are regularly captured relate to CAP and BCAP's areas of examination, particularly around gender stereotypes and associated behaviours and expectations.

It is clear that advertisements and other forms of media have a real influence on the lives of young people. This is particularly true of secondary age girls who make links between the portrayal of girls and women in the media and the way they feel about themselves. Through our consultations, girls told us that they felt under pressure to adhere to a specific idea of what it means to be female, an idea which focuses strongly upon physical appearance. Teenage girls also comment upon the expectations others have upon them, particularly boys, which many identify as being unrealistic and shaped by images in the media.

"The way we dress is all to do with society and there is too much pressure on girls to look good all the time and to keep up with the fashion." - **Girl year 10**

"Girls are less happy with their appearance (compared to boys) because how the media portray how girls are supposed to look." - **Girl year 10**

"There are high expectations (on girls) due to media and famous women." - **Girl year 10**

"Girls are generally more self-conscious about their appearance as they get older this is because of models in mags and names." - **Girl year 8**

"Girls are more self conscious because they don't look like all the girls in magazines so boys think they're ugly because we're not all the same." - **Girl year 8**

"Girls generally feel more pressured. Social media and media in general have changed the way girls think about themselves. Comments from boys don't make it easier because they don't see a super model." - **Girl year 8**

“Girls are more self-conscious when they go to high school because of the expectations, boys and girls talking about you, magazines with fit girls in it and then look at me and us. Boys will think you should be perfect or get called a fat slag.” - Girl year 8

“Pictures and adverts in magazines – they all look perfect.” - Secondary age girl.

“If celebrities or people we look up to started to look natural we would consider that.” - Secondary age girl.

These findings are reinforced by our national well-being research that has shown that almost one-third of young girls (28 per cent) in England are unhappy with their appearance³. Girls in England rank bottom in terms of happiness with their body, appearance and self-confidence compared to all of the 15 countries we surveyed – except South Korea.

▪ **The risks associated with the sexualisation of children in the media**

Not only do sexualised forms of media, including advertisements, expose children to inappropriate sexual behaviours and expectations but they can often depict an unhealthy representation of sex and relationships. The sexualisation of children blurs the boundaries between childhood and adulthood and leaving children vulnerable to exploitation and can influence them to explore unhealthy relationships.

Young people have told us that they feel pressured to keep up with the latest trends and cultures both online and offline, which can diminish their self-esteem and lead children to engage with adult content and websites intended for adults, such as dating sites or chat rooms.

1.2. The inclusion of 16 and 17 year olds in rules pertaining to the sexualisation of children

Welcome the inclusion of 16 and 17 years in revisions made to CAP rule 4.6 and BCAP rule 4.4.

Our [Seriously Awkward campaign](#) reveals that because of their age, the most vulnerable 16 and 17 year olds are falling through the cracks of childhood and adulthood. They are being let down by the law and not getting the same basic protections as younger children to keep them safe.

Article 1 of the UNCRC recognises someone as being a child until the age of 18 and The Children Act 1989 defines a child as anyone who is under the age of 18 and recognises that children who are 16+ are as vulnerable to abuse and neglect as younger children. Despite the legislation being clear about this, too many Government policies currently assume a person's rights as a child stop on their 16th birthday. This makes it much harder to protect 16-17 year olds from harm and cruelty and sends a message that they do not require the same protection as younger children.

▪ **16 and 17 year olds experiencing or at risk of sexual offences**

Our research has shown that whilst this age group are at high risk of being a victim of a sexual offence very few of these young people see the perpetrators of those crimes brought to justice⁴. Many young people of this age are coerced into sexual acts through fear, drugs and alcohol or other imbalances of power, with the most vulnerable, including children in care, being particularly at risk.

The true scale of sexual offending against 16 and 17 year olds is not understood and is not presented in national and local statistics. With the exception of some sexual offences that cover 16 and 17 year olds in the same way as children under the age of 16 data on most sexual offences against children aged 16 and 17 is subsumed within the general adult sexual offending statistics.

Our *Old Enough to Know Better?*⁵ report found that females aged 16 and 17 are at the highest risk of becoming a victim of a sexual offence in comparison to older age groups with 8.6% saying that they had been a victim of a sexual offence over the last 12 months.

1.3. The impact of sexualised violence in adverts on children

In addition to reviewing the sexualisation of children and young people in ads, CAP and BCAP should examine the portrayal of violence and sexualised violence in adverts and its impact on children. In our well-being work, we recognise increased levels of violence in schools, whilst this has not been directly attributed to ads; we are concerned about their harmful impact.

Our local well-being consultations show that girls and boys experience different pressures and expectations. The pressures and expectations experienced by girls are not always seen, heard and understood. The transition from primary to secondary school creates a greater drop in well-being for girls than boys and a key factor in that experience is a decline in happiness with appearance, and the pervasive and demanding expectations placed on girls.

Young people today are exposed to an unprecedented level of both sexualised and violent media content. Extensive studies have demonstrated that violent depictions in the media has an association on young people's aggressive and violent behaviour⁶. Researchers also suggest that, by encouraging male viewers to internalise the notion of women as sexual objects, adverts create a hierarchy within which women are viewed as subordinate and, therefore, as appropriate targets for sexual violence⁷.

Recommendation:

- *CAP and BCAP should review the use of violence including sexualised violence in advertising.*

1.4. Regulations around who features in ads

We welcome BCAP's recognition that, indirect marketing for gambling advertisements may be potentially damaging to children and young people. BCAP code 17⁸ regulates the advertising of gambling, stating that: 'gambling advertisements are socially responsible, with particular regard to the need to protect under-18s and other vulnerable persons from being harmed or exploited'. This guidance prevents the use of advertising techniques such as the use of cartoon or licensed characters that appeal to children or young people, especially by reflecting or being associated with youth culture and the use of celebrity endorsement. These rules are similar for advertisements that promote alcohol and foods that contain high levels of fat, sugar and salt.

Whilst we welcome the review of the sexualisation of children and young people in advertising, we urge the Committees to scrutinise the way in which celebrities synonymous with youth culture are used within ads across the board.

We believe that children and young people should be protected from all forms of exposure to inappropriate and sexualised advertising irrespective of the perceived level of harm associated with the product being promoted. Celebrities who are highly regarded within youth culture are frequently used to promote products across the media and Internet, often in highly sexualised and unrealistic ways.

Justin Bieber's, Calvin Klein⁹ ad campaign features the celebrity, idolised by many children and young people, in a suggestive and arguably unrealistic way. Whilst we are not proposing that Bieber is portrayed as under the age of 18, we are concerned that a use of celebrities so highly regarded by many children and young people in ways such as these may have negative ramifications on the way in which they view themselves and their bodies.

The Children's Society believes that the inclusion of celebrities who have a strong youth following risks normalising behaviours and beliefs around body image that may be harmful to them throughout their life trajectory.

Recommendations:

- *We believe that children and young people should be protected from all forms of exposure to inappropriate and sexualised advertising irrespective of the perceived level of harm associated with*

the product being promoted. We believe that from conception, all ads shown before watershed should go through a child impact assessments. The assessment should consider any harm that may arise from a child or young person being exposed to its content.

- *Whilst we welcome the review of the sexualisation of children and young people in advertising, we urge the Committees to scrutinise the way in which celebrities synonymous with youth culture are used within ads across the board.*
- *Recommendation on scheduling and content of all ads with sexual imagery*

2.1. Outreach and training by regulators

As previously mentioned we are concerned that children and young people are being prematurely sexualised by media and online culture and that this is having a negative impact on their well-being. We believe that this is not being well recognised or acknowledged. Additionally, we feel that children are not receiving appropriate education and guidance to best equip them to deal with any negative emotions that exposure to these types of adverts may give rise to.

The British Board of Film Classification (BBFC) have developed an educational resource¹⁰ aimed at children and young people. Their resource provides detailed and transparent guidelines on the way in which they reach their classification decisions. This resource provides the opportunity for children and young people to understand the decision-making processes involved in film classifications which may better equip them to think critically about the content of films that they are exposed to.

We recommend that BCAP and CAP develop an educational programme to work with schools and others working with children and young people make clear to children and young people how judgements are made over which ads are considered appropriate and which are not. We feel there is a need for training materials that help teachers and others working with young people to convey to children and young people that adverts are not always a statement of fact and that do not always reflect reality. Research suggests that many young children are unaware of the intent of advertisements and therefore more susceptible to being misled by their messages¹¹. We believe that this resource may help enable autonomous and critical thinking by providing greater insight into the aims and objectives of advertising across media.

The Children's Society is of the view that schools can play a vital role in promoting safe and healthy attitudes towards body image and that well structured Personal, Social and Health Education (PSHE) can be a positive step towards improving the school experience for all pupils. In order to achieve this aim we believe that PSHE should include a topic about body image and should support children in evaluating critically the images they see and understand the nature of advertising. We want CAP and BCAP to produce materials that can be used in these lessons to better inform students about the techniques used in ads and the ways in which their content may differ from a healthy reality. The PSHE curriculum should be made statutory to ensure that all children have access to appropriate good quality education on the subject of body image and well-being.

Our Good Childhood Report 2015 found that England ranked bottom for a number of aspects of children's well-being, including those relating to school life, bullying and, especially for teenage girls, their sense of self-image, compared with the 14 countries involved in the international study on children's wellbeing.¹² The 2016 'Good Childhood' report found that one in seven girls are not happy with their bodies.¹³

'Because the girls feel pressured by the boys that they should look a particular way and that leads girls into depression or low self-esteem and makes girls feel ugly or worthless.' - **Secondary Age Girl**

We believe that The Committees of Advertising Practice should endorse The Children's Society's recommendation that alongside PSHE sessions, schools should be required to provide counselling provision for their students. We believe this would ensure young people are offered the opportunity to

discuss issues such as sex and body image in a private space in which they feel comfortable to voice concerns which may have been brought out by exposure to highly sexualised media and consumer culture.

Recommendations:

- *We recommend that BCAP and CAP develop an educational programme to work with schools and others working with children and young people make clear to young people how judgements are made over which ads are considered appropriate and which are not.*
- *PSHE should include a topic about body image and should support children in evaluating critically the images they see and understand the nature of advertising.*
- *The PSHE curriculum should be made statutory to ensure that all children have access to appropriate good quality education on the subject of body image and well-being.*

2.2. Strengthening national guidance to tackle sexualisation of children in the media

We believe that to effectively clamp down on the sexualisation of children in the media, regulatory bodies need to respond uniformly and consistently. Regulators should also have a common understanding of the impact sexualisation of children in the media has on different age groups of children and on adults.

It is clear that updated national guidance is required to establish and define what is and is not acceptable in the media, including in advertising. This will promote a shared understanding between all media regulators including in definitions and examples set out in their respective guidelines.

Recommendation:

- *The Committees of Advertising Practice should share the learning and outcomes of this consultation with The Department for Culture Media and Sport. This should help inform guidance on the sexualisation of children and young people in media to ensure there is a shared understanding and definition between media regulators of what constitutes materials which may be inappropriate and harmful.*

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- 1 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf
 - 2 Papadoplous, L . 2012. Sexualisation of young people. <http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/documents/sexualisation-of-young-people.pdf>
 - 3 <http://goodchildhood2015.childrenssociety.org.uk/i>
 - 4 <http://www.childrenssociety.org.uk/what-we-do/resources-and-publications/old-enough-to-know-better-why-sexually-exploited-teenagers-are>
 - 5 <http://www.childrenssociety.org.uk/what-we-do/resources-and-publications/old-enough-to-know-better-why-sexually-exploited-teenagers-are>
 - 6 L. Rowell Huesmann, Jessica Moise-Titus, et al. Longitudinal Relations Between Children's Exposure to TV Violence and Their Aggressive and Violent Behavior in Young Adulthood: 1977–1992. University of Michigan.
 - 7 Lanis, K., & Covell, K. (1995). Images of women in advertisements: Effects on attitudes related to sexual aggression. Sex Roles, 32, 639–649.
 - 8 https://www.cap.org.uk/~media/Files/CAP/Help%20notes%20new/CAP%20and%20BCAP%20Gambling%20Help%20Note%20_Final.ashx
 - 9 http://i.dailymail.co.uk/i/pix/2015/01/06/2475FA8C00000578-2899538-image-a-3_1420582858561.jpg
 - 10 <http://www.cbbfc.co.uk/>
 - 11 Gaines, L., and Esserman, J. F. (1981) A quantitative study of young children's comprehension of television programmes and commercials. In J. F. Esserman
 - 12 <https://www.childrenssociety.org.uk/sites/default/files/TheGoodChildhoodReport2015.pdf>
 - 13 https://www.childrenssociety.org.uk/sites/default/files/pcr090_mainreport_web.pdf

Scottish Women's Convention response to:

The Committee of Advertising Practice and Broadcast Committee of Advertising Practice's Consultation on the Sexual Portrayal of under-18s in Advertising

January 2016

The Consultation

This consultation outlines proposals to introduce new rules prohibiting the sexual portrayal or sexual representation of under-18s (or those who appear to be under 18) in advertising. It is being carried out by CAP and BCAP.

- The Committee of Advertising Practice (CAP) is the author of the UK Code of Non-broadcast Advertising and Direct and Promotional Marketing (the CAP code).
- Broadcast Committee of Advertising Practice (BCAP) is the author of the UK Code of Broadcast Advertising (the BCAP code).

CAP and BCAP consider that premature sexualisation and its links to harm mean that new rules are a necessary and proportionate strengthening of existing rules to protect the welfare of under-18s. CAP and BCAP's proposal is about the potential for some adults to view under-18s in general as sexual beings or the potential for under-18s to be pressurised to view themselves as sexual beings. The proposal is also concerned with the protection of the individual models featured in advertising.

At present, BCAP Rule 5.5 states that '*advertisements must not portray or represent children in a sexual way*'. For the purposes of the BCAP code, a child is anyone under the age of 16. There is no equivalent CAP code rule to this. The proposed rules would mean that in cases where those featured were under 18, and portrayed in a sexual way, the degree of sexualisation or any aggravating factors, such as vulnerability or coercion, would not be assessed. Any sexual portrayal – however mild – of someone under 18 would automatically breach the Codes.

Similarly, the proposed rules would not allow for mitigating factors to be taken into account. Such factors might include sexual imagery in a broadcast ad being fleetingly shown or being tangential to the main narrative of the ad; or in a non-broadcast ad, sexual imagery not being a significant feature.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues around the sexual portrayal of under-18s in advertising as outlined below.

**Do you agree or disagree with the introduction of CAP Rule 4.6 and BCAP Rule 4.4?
Please provide any relevant evidence or reasoning in support of your answer.**

The Scottish Women's Convention (SWC) has long been concerned by the sexualisation of young women in the media. The organisation therefore welcomes the opportunity to comment on proposed new rules around the portrayal of under-18s in advertising and marketing communications. The SWC believes that the sexualisation of young women is a form of Violence against Women and Girls (VAWG) and is, as such, both a cause and consequence of gender inequality.

The female body and outdated ideas as to women's place in society are exploited by advertising, primarily in order to make money for multinational companies. They sell not just a product, but a lifestyle for consumers. Women's worth is determined by their physical and sexual attractiveness, as well as their ability to attract a man. When that is combined with so many objectifying comments and images of idealised beauty, it can be toxic.

"The way in which young women are portrayed in the media is so damaging - it's as if you only have worth if you're strutting about in a bikini or underwear. It sends a really negative message about what's really important."

Too many images used in advertising, particularly in print media and on billboards, have a strong focus on the way a woman looks, how she acts and what she wears. There are few which promote positive female role models, concentrating on unrealistic and potentially harmful body images instead of, for example, professional or sporting abilities.

The increased sexualisation of young women is an example of gender inequality with pressure to conform, commercialism and social media all acting as contributing factors. Many young women have spoken about the difficulties in challenging stereotypical and unrealistic images presented in the media, as well as peer pressure to conform. The increased use of social media perpetuates views of how young women should look and act. It also allows anonymous comments and images to be posted of impressionable and vulnerable people. This is having a detrimental impact on young women.

The media has a huge role to play in the prevention of VAWG. There is continuous use of sexualised images in advertising, which promote women's bodies as nothing more than commodities. The proposed changes to CAP and BCAP rules have the potential to make a difference by not allowing advertisers to use any kind of sexualised image of a person under the age of 18.

"The media in general presents a really skewed view of sex and sexual relationships. If these rules were changed, there would be fewer instances of the use of hyper sexualised adverts. This could, in turn, change young people's perceptions on a range of factors such as, for example, the portrayal of women and healthy relationships."

Many adverts for products aimed specifically at men, such as computer games, magazines and aftershave, objectify women's bodies. They are often extremely sexist, but because they are seen in so many places, it becomes normalised and people become used to this as the norm.

“In some cases women are completely naked. We don’t use men’s bodies in that way.”

The idea that the ‘perfect woman’ is one who can be dominated by a games console controller; or that the best way to test a deodorant for men is to see whether a picture of a half naked young woman bent over an oven can make him “lose control”, are just some of the examples of adverts which have been in the public domain. Many companies consistently use inappropriate, highly sexualised images in order to sell basic items of clothing such as socks and shirts.

“I fail to see why big companies think showing women as nothing more than sexual objects is a sensible way to advertise their products. The sad thing is, it’s now so normalised and accepted that people don’t get offended any more. They’re so used to seeing this type of image. Yet so often women who breastfeed in public are subject to abuse. It’s not right.”

Images used in advertising are seen to enforce the idea that women have to be constantly performing in order to be valued. For example, an advert for a camera showed two women in their underwear cavorting on a bed. This image had no correlation to the selling of the product.

“More often than not there’s no connection between how products are being advertised and the item which is actually being sold.”

There is a real blurring of lines between adult and child in many images which are used in advertising. Women have expressed their views on the importance of stricter regulation of the use of this type of image.

“It’s not just desirable to look like a teenager – some companies are using models as young as 4 to sell products such as makeup.”

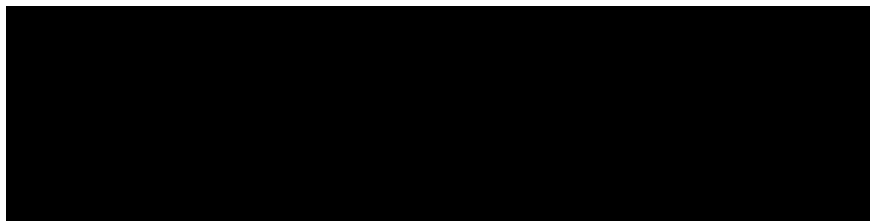
The SWC would also like to see further examination of the rules which pertain to advertising aimed at young children. Products are often hyper-sexualised. Dolls aimed at young girls are often disproportionate to what real women look like, with cinched in waists, enlarged breasts, big hair, false eyelashes and painted nails. Even toy horses are sexualised, wearing high heels, fake hair and jewellery. These toys are constantly advertised on television, in newspapers and magazines, aimed specifically at young girls. This has the potential to be extremely damaging, skewing their image of what girls and women should look and act like, as well as creating and promoting unrealistic expectations for boys and men.

Conclusion

The SWC fully supports proposals to change CAP and BCAP rules. The normalisation and subsequent societal acceptance of the hyper-sexualised presentation of women in advertising, as well as the reinforcement of stereotyped views of gender roles and gender specific marketing to children, is a contributing factor to deep rooted gender inequality within society.

As long as this is allowed to continue and women are allowed to be presented as nothing more than objects within advertising, women and men will never be considered equal. There needs to be more emphasis on what women can do, their skills and abilities, and much less of a focus on the way they are portrayed, as well as how they look, act and dress.

“We do not have to be depicted in a picture to be objectified. We are objectified simply by being women in a society where images like this are normal, accepted and widespread.”



www.scottishwomensconvention.org

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to mental health in Scotland.

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