

## ASA Consultation Response

*1. Do you agree with CAP and BCAP's proposal to introduce a new rule and supporting guidance into the Advertising Codes? Please include relevant evidence to support your view, whether you agree or disagree with the proposals. \**

### Yes

Thank you for offering us this opportunity to feed into the consultation on the proposed rule and guidance to address the use of gender stereotypes in advertising. Zero Tolerance is a Scottish charity working to end men's violence against women (VAW) by challenging the attitudes and structures which normalise violence and abuse.

Zero Tolerance supports the new rule and associated guidance and is pleased to see that the harms of gender stereotyping and sexist advertising are acknowledged throughout. We believe this will go some way to challenging the norms and values which permit and excuse VAW.

The Scottish Government rightly recognises that VAW is a cause and consequence of gender inequality. Unequal power relationships and expectations of how women and men are supposed to act, cause violence and allow it to continue. This is outlined in Equally Safe: Scotland's Strategy for the Elimination of Violence Against Women and Girls, which states within its foreword: '*We need to eliminate the systemic gender inequality that lies at the root of violence against women and girls*'. This strategy is equally clear on the role of the media, stating that it has a '*key role to play*' in shaping attitudes. There is compelling evidence that people who hold stereotypical views about gender are also more likely to tolerate violence against women and girls or hold attitudes which perpetuate it. The Scottish Social Attitudes Survey<sup>1</sup> found that 'those with stereotypical views on gender roles were less likely to think that the man slapping his wife after she has had an affair was seriously wrong and caused her harm.' There is also much evidence that gender stereotypes contribute to homophobia and transphobia<sup>2</sup>. Advertising therefore has a key role in the production and reproduction of gender stereotypes which fuel inequality and violence, we are delighted to see the ASA take steps to challenge gender stereotyping in advertising.

*2. Do you agree with the wording of the proposed new CAP and BCAP rules? If not please include suggestions for how the proposed rules could be improved to achieve the aims set out in this consultation. \**

### No

Zero Tolerance remains concerned about the power of advertising to perpetuate gender inequality through stereotyping. Most of this stereotyping is subtle and will not be affected or covered by the new guidance and therefore could continue. For example, the continual stereotypical portrayal of women as domestic with primary responsibility for childcare and domestic duties is a cumulative process of messaging across many advertisements. Similarly, the portrayal of men as strong, in

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<sup>1</sup> <http://www.gov.scot/Publications/2015/11/5577>

<sup>2</sup> <https://www.tandfonline.com/doi/abs/10.1080/016396290931614>

leadership positions and powerful, is continuous and runs through multiple advertisements. Taken together, this stereotyping creates a landscape and culture with the very real potential to cause harm through the promotion of inequality. Additionally, it is harmful to the wellbeing of people of all genders who do not fit into gendered expectations. We are concerned the draft guidance does not take into account the cumulative impact of gender stereotyping in advertising as it still allows for individual adverts to use stereotypes. Any action taken which fails to place individual adverts within a wider context of gender inequality within advertising and the media will have a limited impact.

While we are pleased that the new rule acknowledges the harm caused by gender stereotyping, we are concerned that the guidance only refers to 'some' or 'certain kinds' of gender stereotyping as being harmful. All gender stereotyping is harmful, and we would challenge the ASA to identify a form of gender stereotyping that does not cause harm. We would like to see the guidance remove all references to 'some' or 'certain kinds' of stereotypes being harmful. We would urge the ASA to take a clearer stance, like the Scottish Government, by explicitly connecting gender stereotypes and VAWG.

Zero Tolerance would like to see the guidance take a much stronger stance on gender stereotyping in advertisements aimed at children. In 2015, we undertook a survey<sup>3</sup> of over 1,300 Scottish parents on gender stereotyping in the early years to find out about parents' perceptions of how and where gender stereotyping influenced their children. We asked parents where they saw gender stereotypes occurring most frequently: 60% of parents responded that their children see gender stereotyping occurring most frequently in children's TV and media.

*"The main issue is TV and if there was any way to lobby commercial TV to be more responsible about the advertising then this would have a huge impact. You can't stop your kids watching TV (well I can't) but adverts are completely backwards in terms of gender equality."* Respondent to parents' survey, 2015

Additionally, studies have found that watching three to four hours of television a day can make children more likely to believe that others think boys are better than girls.<sup>4</sup> It is therefore important that advertisements aimed at children not only avoid perpetuating harmful gender stereotypes but also provide examples of people doing the opposite of gender stereotypes, i.e. boys being nurturing and caring, girls being active and assertive. Under point 8. the guidance states that,

*"Ads shouldn't explicitly depict members of a specific gender being excluded from or dismissive of an activity. This doesn't prevent an ad from depicting children undertaking an activity stereotypically associated with their gender, using colours, language, music or settings which are also stereotypically associated with that gender."*

Unfortunately, in the highly gender segregated culture we live in, using certain colours and settings will act as a barrier for children when viewing these adverts. These limits placed on children and perpetuated through advertising will hinder them from engaging in the activities and play they want to. We would like to see the guidance emphasise the importance of countering gender stereotypes as well as simply avoiding them. We would also like to see the wording of section 9. strengthened by changing,

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<sup>3</sup> <https://www.zerotolerance.org.uk/resources/The-default-setting.pdf>

<sup>4</sup> Halim, Ruble & Tamis-LeMonda 2013: 131.

*“An ad that seeks to emphasise the contrast between a boy’s stereotypical personality (e.g. daring) with a girl’s stereotypical personality (e.g. caring) needs to be handled with care. Explicit labelling of children that contrasts stereotypical characteristics in a way that reinforces perceptions of what children can or cannot be, because of their gender, is more likely to be problematic.”*

to,

*“An ad that seeks to emphasise the contrast between a boy’s stereotypical personality (e.g. daring) with a girl’s stereotypical personality (e.g. caring) reinforces perceptions of what children can or cannot be, because of their gender, is more likely to be problematic.”*

Zero Tolerance urges to ASA to take a stronger stance on representations of idealised bodies. The new proposed guidelines currently read,

*“Ads may feature idealised body shapes and physical features stereotypically associated with women (e.g. a small waist) and men (e.g. an abdominal ‘six pack’)”.*

This wording suggests that advertisers can continue to prescribe what a “good” and “attractive” body is. The new guidance does not address the fact that these standards are often sexist, racist and ableist nor does it acknowledge the fact that unhealthy beauty standards are disproportionately forced on women and that that this is harmful gender stereotyping.

We would like to draw the ASA’s attention to the possibility that advertisers may deliberately create sexist and racist adverts in order to generate controversy and thus additional coverage. Multiple think pieces have been published regarding this concerning possibility (recent notable examples include adverts by Bic, Dove, H&M and Heineken). The premise that all publicity, even negative publicity, is desirable to certain advertising campaigns is especially convincing in cases of campaigns in which women or people of colour are not the target audience. This issue relates directly to how the ASA decides to respond to companies who do not comply with the new rule. We suggest that companies do not receive any form of publicity for breaking this rule and instead lose media space. This approach would mitigate the likelihood of advertisers deliberately breaking the rule in order to receive additional, free publicity.

### **Recommendations regarding specific wording:**

1. We are pleased that in the section titled, ‘Key factors guiding the ASA’s assessment’, the ASA recognises that jokes at the expense of a gender stereotype are not acceptable. Humour is often used as an excuse for abhorrent views that should be dismissed along with that defence. However, if depictions are “unacceptable”, we would question why the response cannot be stronger than “unlikely to be mitigated”. We advise that this wording is changed to *‘Unacceptable depictions will not be mitigated by the use of humour or banter.’*
2. We support the ASA’s position stated in the section titled, ‘Key factors guiding the ASA’s assessment’ that it will be likely to consider stereotypes from the perspective of the group of individuals being stereotyped. However, we question why the ASA is only ‘likely’ to consider such an important perspective. We would instead suggest that the ASA *always* considers stereotypes from the perspective of the group being stereotyped. This will ensure that this key perspective is not overlooked.

3. Section 4. of the ‘Scenarios featuring gender-stereotypical roles and characteristics’ section reads,  
“Care should be taken not to suggest in an ad that women should prioritise their appearance over their professional conduct in the workplace.”  
We advise that this statement is expanded to,  
“Care should be taken not to suggest in an ad that women should prioritise their appearance over their professional *ambition or other aspects of their life.*”

3. Do you consider the draft guidance to be clear and practicable? If not, please include suggestions for how it could be improved to achieve the aims set out in this consultation.\*

**Yes**

The draft guidance is mostly clear and practicable however the previously mentioned references to only ‘some’ or ‘certain kinds’ of gender stereotyping as being harmful could be confusing to users and undermine the strength of the messaging contained within the guidance.