

Portrayal of gender in advertising

An overview of ethical ad standards around the world



About this document

- A number of advertising regulatory bodies use dedicated standards to help prevent the depiction of potentially harmful gender stereotypes in advertising.
- Sourced with support from the Advertising Standards Authority in the United Kingdom, this document considers the positions of 28 countries, plus the UK, on the portrayal of gender in advertising.
- These examples are meant to help the Alliance identify ways in which self-regulation can help tackle those gender stereotypes that have the potential to cause harm.
- The case studies (France, UK) provide concrete actions taken – or under implementation – to tackle harmful gender stereotypes.
- WFA's ambition within the Alliance is to explore the potential to strengthen ads standards globally based on such best practice cases through cooperation with the ICC, ICAS and EASA.

Gender portrayal in regulation and self-regulation

In a 2017 report, the Advertising Standards Authority in the UK have considered the positions of 28 countries on the portrayal of gender in advertising. Out of those 28 countries, 24 restrict gender stereotypes in advertising through legislation or through a regulatory body.

The report identified:

Regulation prohibiting gender discrimination in advertising in general terms in	Regulation specifically addressing the portrayal of gender in advertising in	Self-regulatory rules using the ICC code in full or as basis / or similar in	Self-regulatory codes with specific rules re. gender stereotypes in	Guidance on gender stereotypes in	No legislation, rules or guidance re. to the portrayal of gender in advertising in
Belgium, France, Finland, Greece, Hungary, Ireland, UK	Norway, Spain	Australia, Bulgaria, Finland, France, Greece, Ireland, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Slovenia, Spain, UK	Finland, Ireland, Germany, India, Italy, Austria, South Africa, New Zealand	Belgium, Bulgaria, Canada, France, Sweden, USA	Cyprus, the Czech Republic, the Netherlands, Turkey

Regulation specifically addressing the portrayal of gender in advertising: **Norway**

- Section 2 of the Marketing Control Act states *“The marketer and the designer of the marketing shall ensure that the marketing does not conflict with the equality of the sexes and that it does not exploit the body of one of the sexes or convey an offensive or derogatory appraisal of women or men”*.
- The Forbrukerombudet (the Consumer Ombudsman) is responsible for enforcing the Act and has produced guidelines⁷⁸, including case studies, to provide context for the legislation and to aid compliance.
- The prohibition of sexist advertising was incorporated into the Act when Norway’s Gender Equality Act came into force in 1978. The objective of the law is “to promote equality between women and men, and in particular to improve the position of women”. As part of that objective, it is intended to address depictions of gender roles, which are “particularly biased or derogatory ...”, and gender characteristics, “ascribed to one gender ... that are seen as unfavourable ...”. In respect of the latter, the guidelines note that the “determining factor is not what the advertisement expresses in isolation, but how it is perceived by the general public, bearing in mind widespread perceptions of gender roles”.
- The guidelines note that “It may often be the case that it is the sum of individual advertisements that is questionable with regard to gender equality. However, [the law] applies to the individual ad or advertisement campaign”. The guidelines also state at 2.1 “Particularly intrusive advertising” that “An intensive ad campaign that is wide-ranging and long-term may therefore be assessed more strictly than advertising of more moderate means. In this regard, the particular means used to spread the message of the advertisement may be significant”.

Regulation specifically addressing the portrayal of gender in advertising: **Spain**

- Law 1/2004 was introduced to address violence against women. The Act seeks to reinforce an image of women that respects their dignity and equality, with particular reference to advertising. Title I, Chapter II, is devoted to women's protection in advertising and media.
- The legislation bans the use of a woman's image in a humiliating or discriminatory way, either by using specifically or directly their body, or parts of their body as an object, not linked to the advertised product, or by using a woman's image associated with stereotyped behaviours.
- It recognizes the role of advertising self-regulation
- In 2015, an ad for a cleaning product was banned in Spain for depicting multiple images of women using the product while not including any images of men cleaning.

Specific code rules on gender portrayal: **Finland**

- The Council of Ethics in Advertising (MEN) applies the ICC Code but also applies the principles of good marketing practice which states that an ad will violate good marketing practice if it portrays a man or woman as a sex object, or a person's sexuality is depicted in a degrading, disparaging or defamatory manner.
- Equally problematic are ads which claim or imply that the role of one sex is socially, economically or culturally below that of the other, or if they maintain stereotypical ideas on what is typical or characteristic of men or women, their personalities, or work performances.
- In 2016, a complaint about an online toy retailer was upheld because, by recommending dolls for girls and car tracks for boys, it was considered to be discriminatory.

Specific code rules on gender portrayal: Ireland

The ASA Ireland (ASAI), which has based its self-regulatory Code on the ICC Code, has a specific rule about equality between men and women which states:

“Marketing communications should respect the principle of equality of men and women. They **should avoid gender stereotyping and any exploitation or demeaning of men or women.** Where appropriate, marketing communications should use generic terms that include both the masculine and feminine gender; for example, the term “business executive” can be used to refer to both men and women.” (Section 3.18, general rules)

Specific code rules on gender portrayal: **Germany**

- Germany's Code of Conduct on Personal Denigration and Discrimination states that advertising – and especially advertising to minors – must not give the impression that specific persons are inferior, or can be subjected to arbitrary treatment in the community, the workplace or the family.
- Moreover, *“representations and claims must be avoided if they discriminate [against] any person by virtue of their gender... denigrate persons solely because they do not correspond to the prevailing ideas with regard to their appearance, behaviour, sexual orientation, characteristics or ways of life ... or that persons are equated with objects [or reduced to] their sexuality...”*
- During 2016, the German regulatory body recorded a 39% increase in complaints about gender stereotyping from 196 to 273 complaints (out of 441 individual ads). This represented 62% of cases.
- In 2016, the German regulatory body upheld a complaint about a poster, for aftershave, which featured the headline “REAL MEN SCORE”, because it reduced the woman to her sexuality, focusing on the lower part of her body, and because it implied men were only ‘real men’ if they have sexual success.

Specific code rules on gender portrayal: **India**

India deploys a rule which states that ads should not deride any gender:

“No advertisement shall be permitted which...(b) Derides any...gender...” (3.1.)

Specific code rules on gender portrayal: **Italy**

Article 10 of Italy's Code of Marketing Communication Self-Regulation states that:

“marketing communication [sic] should...avoid any form of discrimination, including that of gender” (Art. 10 – Moral, Civil and Religious Beliefs and Human Dignity)

Specific code rules on gender portrayal: **Austria**

The Austrian advertising code stipulates that advertising must not discriminate on the basis of gender and gives examples of what that discrimination might look like.

2.1 Advertising must not [discriminate] on the grounds of sex.

Sexually discriminatory advertising (sexist advertising) is [likely to arise where]

(a) Women or men [are depicted] in a pejorative manner

(b) The equality of the sexes is questioned

...

(d) The person is presented [as an object] ... no pictorial representations of naked female or male bodies, without a direct connection to the advertised product, may be used

(e) A degrading depiction of sexuality is present, or the person is reduced to their sexuality

(f) Persons who do not correspond to the prevailing [notions] of belonging to a gender (e.g. intersex, transgender people)...

The ARB has also developed several “Special Provisions”, though these relate only to women, such as “*advertising should not contain anything which contradicts the modern image of women...*”.

The Österreichischer Werberat (ÖWR) seeks advice from an Anti-Sexism Council, consisting of two experts in gender affairs. The experts give their independent (and non-binding) view in each case where gender discrimination is raised and this can be considered by the jury members when making their decisions.

Specific code rules on gender portrayal: **South Africa**

- The Advertising Standards Authority of South Africa's (ASASA) Code of Practice states at 3.5

“Gender stereotyping or negative gender portrayal shall not be permitted in advertising, unless in the opinion of the ASA, such stereotyping or portrayal is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom”.

- In March 2014, the ASASA upheld a complaint about a TV ad, for car insurance, because it was sexist and perpetuated misconceptions about men as irresponsible or bad drivers.

Specific code rules on gender portrayal: **New Zealand**

- The Advertising Standards Authority of New Zealand's Code for People in Advertising states

“Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which ... is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule”. (3.5. Gender)

Self-regulation guidance: **Belgium**

- **Jury voor Ethische Praktijken inzake Reclame / Jury d’Ethique Publicitaire (JEP)** issued its guidance on “Portrayal of the Person” in 2002, which prohibits discrimination and limits stereotyping.
- In early 2017, the Belgian regulator upheld a complaint about an ad for a recruitment company showing a girl with cleaning equipment and the text “dare to realise your dreams – become a domestic aid”, on the basis that the image reinforced a sexist stereotype, namely that cleaning services are essentially offered by women, and that the ad contributed to the perpetuation of social prejudices in this respect.

Self-regulation guidance: **Bulgaria**

The National Council for Self-Regulation issued a special recommendation on the use of sexual stereotypes in advertising in 2011. It states that advertising, among other things:

- should avoid open or hidden suggestions of gender-based subordination, sexual violence and sexism;
- must not demean in any way the human body or parts of it, presenting them only as an object of pleasure;
- should refrain from showing people of both sexes in extraneous social roles, creating degrading and humiliating associations.

Self-regulation guidance: **Canada**

- Advertising Standards Canada advises that Standards Councils should refer to the principles expressed in the “Gender Portrayal Guidelines” when considering consumer complaints about advertising.
- The guidelines consist of six points to consider, including that in terms of ‘decision making’, women and men should be portrayed equally as single decision makers for all purchases including big-ticket items.

Self-regulation guidance: **France**

- Autorité de Régulation Professionnelle de la Publicité's General Recommendations prohibits discrimination or demeaning stereotypes.
- However, the guidance also covers taste and decency issues and depictions of violence so does not appear to have been drafted specifically to address concerns about gender portrayal in advertising.

Self-regulation guidance: Sweden

The **Reklamombudsmannen** applies the ICC Code but has developed criteria to help it determine whether an ad is considered to discriminate against a gender:

- An ad portrays men or women as sex objects in a way which is offensive (objectification).
- An ad portrays men or women in a stereotypical way in terms of gender roles and where men or women are represented in a degrading way (stereotyping).
- An ad that is discriminatory or degrading in any other way.

In March 2017, an online ad for a fashion brand was upheld for its stereotyped depiction of gender characteristics.

In 2014, an online ad for a 'service finder' depicted a woman dressed as a cleaner and a man dressed as a construction worker. The complaint was upheld for depicting a stereotyped view of gender roles.

Self-regulation guidance: USA

- The US Children's Advertiser Review Unit Self-Regulatory Program for Children's Advertising (CARU) has in place guidelines¹⁰⁵ to ensure that advertising directed at children is not deceptive, unfair or inappropriate for its intended audience.
- In respect of gender stereotyping in advertising, the guidelines state at Section (C)(6) *“Advertisers should avoid social stereotyping and appeals to prejudice and are encouraged to incorporate minority and other groups in advertisements and to present positive role models whenever possible”*.
- There is no equivalent guidance produced by the National Advertising Division (NAD) in respect of advertising generally.

Case study: France


- Signed by the Ministry of Solidarity and Social Cohesion & the ARPP (Authority for the Professional Regulation of Advertising) and industry representatives, the charter '*Charte sur le respect de l'image de la personne humaine dans la publicite*' of 2012:
 - Recognizes the critical influence advertising has on society's perceptions of personal image;
 - Acknowledges self-regulation as a way to ensure the protection of personal dignity in commercial communication messages
 - Agrees that ARPP will conduct on an annual basis a **monitoring exercise to assess compliance** with the recommendation '**Image de la personne humaine**' (2001)
- This 2001 recommendation defines deontological rules addressing: 1) dignity and decency; 2) **gender**, social and racial stereotypes; 3) Submission, dependency, violence
 1. Advertising should not objectify human beings, particularly women
 2. Advertising should not suggest the idea of inferiority of individuals based on the social groups they identify with (belong to), particularly by reducing their role and responsibilities within the society
 3. When using stereotypes which identify representatives of a specific social, ethnical group, etc., one must respect the principles listed in this recommendation
 4. Advertising cannot exploit, even indirectly, feelings or attitudes which suggest exclusion, intolerance or racism

Case study: UK

- The UK Advertising Codes include rules that prevent ads from causing harm and serious or widespread offence and require them to be socially responsible. The CAP Code invites particular care to avoid causing offence on the grounds of gender.
- However, the rules do not specifically address gender stereotypes
- The ASA has ruled against ads that objectify or inappropriately sexualise women and girls, and ads that suggest it is acceptable for young women to be unhealthily thin, usually using rules on offence and social responsibility.
- The ASA has typically decided that depictions of stereotypical gender roles or characteristics or ads that mock people for not conforming to a gender stereotype are unlikely to cause harm, serious or widespread offence, or be otherwise socially irresponsible

Case study: UK

- In April 2016, ASA launches a project into gender stereotyping in ads to test whether the UK Advertising Codes and the ASA's enforcement of them take proper account of the relevant evidence base
- Six categories of gender stereotypes were identified: **body image, characteristics, objectification, roles, sexualisation, and mocking those who do not conform to stereotypes.**
- Responding to evidence in this report, CAP will develop **new standards** on ads that feature stereotypical gender roles or characteristics, which through their content and context, might be potentially harmful to people. This includes ads that mock people for not conforming to gender stereotypes.
- The new standards on gender stereotypes might elaborate on the **types of treatments** that might be problematic – for example:
 - An ad which depicts family members creating mess while a woman has sole responsibility for cleaning it up
 - An ad that suggests an activity is inappropriate for a girl because it is stereotypically associated with boys or vice versa
 - An ad that features a man trying and failing to undertake simple parental or household tasks



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