

August 2, 2017

Gender has been a hot topic in the news over the past two weeks. The gender pay gap is under scrutiny, President Trump has banned transgender people from serving in the US military and the new female Dr Who is even causing a stir. Meanwhile, in the advertising world, after a year-long enquiry, the Advertising Standards Authority (ASA) has completed the most significant investigation it has ever undertaken into gender stereotyping in UK adverts.

The ASA has specifically looked at the role that advertising plays in the reinforcement of gender stereotypes and the detrimental impact this may have on individuals, the economy and society in general. The ASA has concluded that stricter regulation is needed in this area.

Current principles and background to the investigation

There are already established principles regarding gender, sex and relationships in advertising. In assessing complaints from the public on such issues, the ASA currently takes into account a number of factors, including the context of the advert and where it is placed. For example, its assessment could involve the appropriateness of nudity in swimwear adverts versus food adverts; or sexually provocative images in an adult magazine as opposed to on a poster that could be seen by children.

A balance also has to be struck in the case of prevailing social standards. Given our culturally rich society and diversity of beliefs, it is all the more important for the ASA to be sensitive to such differences in opinion. Advertisers are advised not to trivialise sensitivities around products which can be legally advertised, but which may nevertheless cause offence to some. For example, light-hearted innuendo is more likely to be tolerated than references to excessively explicit sexual activity in an advert for emergency contraception. Given the importance of freedom of expression, political views on these types of issue are not prohibited, provided such expressions are handled carefully and are not offensive.

Other factors assessed by the ASA in dealing with any complaints include whether the advert is insulting or demeaning, or whether it reinforces negative gender stereotypes. In light of the number of complaints regularly received in this area, the ASA was prompted into looking at the issue of gender in more detail and on a wider basis than purely on the objectification and sexualisation of women. In a direct attempt to eradicate offensive gender stereotyping, the ASA has specifically addressed gender stereotypes for the first time in order to increase regulation in this area. It has recognised that more needs to be done in respect of the depiction of gender roles and characteristics and notably mocking behaviour, which has to date been ruled as unlikely to cause harm.

The investigation

In addition to the issue of sexualisation and objectification of individuals, the ASA identified a further four categories of gender stereotyping and behaviours to review, applicable to both men and women. The full list of categories investigated is as follows:

1. Roles associated with a specific gender.
2. Characteristics associated with a specific gender.
3. Mocking people for not conforming to a gender stereotype.
4. Sexualisation of individuals.
5. Objectification of individuals.
6. Unhealthy body image.

Interestingly, the ASA has acknowledged mocking behaviour as a particular category, which behaviour the ASA is actively trying to challenge by questioning people's unconscious bias in relation to gender roles and characteristics. The term "unconscious bias" has gained traction in recent years, particularly in the wake of organisations wanting to actively challenge subconscious attitudes and create environments where such opinions cannot be justified. The ASA recognises that there is "significant evidence of potential harm for adults in reinforcing already internalised images about how they should behave and look on account of their gender". Unfortunately, gender stereotyping is a fundamental area in which unconscious bias is still prevalent in our society.

The investigation involved an analysis of academic, regulatory and public policy material regarding gender stereotyping in adverts as well as public surveys and consultation with expert stakeholders, and the ASA's findings were set out in its report *Depictions, Perceptions and Harm* published on 18 July 2017¹. It concluded that a stricter stance needs to be taken in the UK to ensure that gender-specific adverts do not have the potential to be harmful.

"Potentially harmful"

Although the ASA recognises that UK advertising is a mere strand in the web of unconscious bias that has been weaved over society generation after generation, it is nevertheless important for it to step up to its responsibility as consumer protector to address adverts that could be "potentially harmful". But what does this mean in practice?

Gender stereotypes, whether by depiction of roles or characteristics, inevitably invite the audience to make assumptions about their perceptions of themselves as well as question the opinions of others. These assumptions can exacerbate negative views and can subconsciously restrict the choices individuals make in both their personal and public lives, which not only have a negative impact on the individuals concerned, but also have a ripple effect on the economy and society in general. The ASA recognises that this impact could affect both adults and children alike, which has driven the rationale behind identifying the six particular categories of gender stereotyping listed above.

Realistic goals

Whilst this is clearly a progressive move for the ASA, it is realistic about what can and cannot be done in this area. Balancing the commercial interests of advertisers and their right to freedom of expression is still at the forefront of its mind; however, this needs to be viewed in the context of the potential for wider harm.

Although the advertising world is not as outdated as it once was, there is still room for progress. This also becomes clear when viewed against the general movement towards equality in all arenas and in particular, since the Equality

Act 2010, which lists the sex of an individual as one of the nine protected characteristics under this legislation.

To help draw a distinction between what may or may not be acceptable, the ASA gave examples of adverts that would now be problematic, such as adverts that suggest certain activities are more appropriate than others for a particular gender or an advert that shows a woman having sole responsibility for clearing her family's mess. At the same time, the ASA acknowledges that it would be "unrealistic" to ban adverts depicting a woman cleaning (the converse of this being perhaps a man doing DIY), illustrating that the context would be vital to interpretation.

Next steps

The Committee of Advertising Practice (CAP) has now been tasked with developing new standards for adverts that feature "stereotypical roles or characteristics which, through their content and context, might be potentially harmful to people". An update from the CAP is expected before the end of this year.

This is new ground for both the ASA and the CAP that should be welcomed, as current rules simply focus on preventing adverts from "causing harm and widespread offence" and encourage socially responsible behaviour.

What adverts might be investigated for "potential harm"?

Many adverts have already attracted attention for gender-related issues. For example:

- The 2015 Protein World "beach body" advert, which was prohibited by the ASA from further use due to a range of health and weight loss claims, along the way was also investigated as to whether "beach body ready" implied that certain body shapes were superior to others and/or would shame women into believing they needed to take a supplement to feel confident. These complaints were not upheld.
- The long-running Yorkie chocolate advert, with the original tagline "it's not for girls" from 2002, also attracted complaints which were not upheld (the tagline being seen as more tongue in cheek).
- The 2016 Home Office advert against domestic abuse, showing men as domestic abusers, attracted complaints that it was stereotyping abusers only as men and not women, demonstrating that adverts also have the potential to cause offence when derogatory towards men instead of women. The complaints were not ultimately upheld.

It will be interesting to see if and how any new regulations on gender stereotyping affect future treatment of similar such adverts.

Opportunity for positive reaction to "progressive" adverts on gender

Recent "progressive" adverts on the gender issue have shown the ability to significantly boost a brand's reputation.

Take, for example, the 2014 Always #LikeAGirl campaign, which posed the question "when did doing something 'like a girl' become an insult?" The advert featured clips of adults and children demonstrating doing an action "like a girl". All of the adults portrayed each action (running, throwing, fighting) in a demeaning and haphazard fashion, whilst the young girls all showed determination and tried their best to succeed, thereby showing the juxtaposition in viewpoints

between two generations.

Meanwhile, in India, Ariel's 2015 laundry detergent advert showed a father observe his working daughter singlehandedly take care of the family and household responsibilities whilst her husband sat on the sofa. He pens a letter to his daughter apologising on behalf of every dad who set the wrong example and recognising that he should have stopped her playing house as a child, given that what his daughter observed from her own parents, she learnt. The advert ends with a scene showing the father helping his own wife with the laundry, with a caption inviting dads to "SharetheLoad". As noted above, the ASA's report specifically stated that adverts depicting women having the "sole responsibility" of cleaning up household mess have the potential to be harmful. Ariel's #SharetheLoad campaign addresses this directly.

The move towards creating gender equality in the advertising world clearly presents an opportunity for a brand to be at the forefront of change, and challenge unconscious bias surrounding gender roles and characteristics. Following the recent announcement by the ASA, we expect to see more and more brands take advantage of this opportunity.

¹<https://www.asa.org.uk/resource/depictions-perceptions-and-harm.html>

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