

Consultation on rule to ban 'harmful' gender stereotypes from adverts

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The Committees of Advertising Practice (CAP) has launched a public consultation on introducing a rule prohibiting advertisements from including gender stereotypes that are likely to cause harm, or serious or widespread offence and accompanying guidance on how the rule would transfer to practice. The consultation seeks views on the introduction of the rule to the ad codes which will cover broadcast and non-broadcast media, and which must be submitted before 26 July 2018. Experts in advertising from Lewis Silkin LLP and The Institute of Promotional Marketing (IPM) assess the level of impact the new rule would have, and its implications surrounding meaning and conveyance in advertising.

The consultation follows an Advertising Standards Authority (ASA) report published in 2017, which presented a case for stronger regulation of ads that feature types of gender stereotypical roles and characteristics which have the potential to cause harm by contributing to the restriction of people's choices and opportunities, interactions with others, and aspirations.

The purpose of the new rule and its guidance is to identify specific harms which should be prevented, as opposed to banning gender stereotypes altogether.

The proposed wording of the new rule is:

'Advertisements must not include gender stereotypes that are likely to cause harm, or serious or widespread offence.'

Agencies must consider messages in future ads

Increasing consciousness surrounding messages and perceptions in advertisements will be vital to agencies and brands should the rule come into force, according to Helen Hart, solicitor and regulatory affairs manager at the IPM.

She remarks how currently 'unconscious bias' is an issue in advertising, particularly that with a wide audience, such as TV and posters. Therefore, agencies must consider the messages their ads will convey, and the role stereotyping plays in them:

'...when pitching ideas, agencies should consider whether there is any element of stereotyping, and brands should be conscious of the issue as well. The proposed rules require an element of harm or offence, so harmless stereotyping should not be an issue, but may still lead to complaints to the ASA that a brand has to deal with, even if it ends up not being upheld. So, it will probably be wiser to try to avoid any unnecessary stereotyping at all.'

Brinsley Dresden, partner at Lewis Silkin LLP specialising in advertising and marketing law, on the other hand calls the proposed rule 'fairly anodyne' as it 'does not take matters much further than the existing rules' tackling gender stereotyping. He does, however, note that 'it does recognise that not all gender-stereotypes are harmful and the importance of this particular societal issue'.

Instead, Dresden draws attention to the more in-depth drafted Advertising Guidance which is also part of the consultation. He argues that it 'fleshes out the bones of the rule' by identifying 'types of harmful stereotyping, relating to gender specific roles or characteristics, mocking people for not conforming to stereotype'. The guidance includes several scenarios which are likely to cause problems in future ads, such as depictions of body type and domesticity.

Concluding, Dresden looks forward, saying, 'the really interesting thing will be to see how they are applied by the ASA in due course'.

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Source: [Consultation: Tackling harmful gender stereotypes in advertising](#)

Interviewed by Samantha Gilbert.

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