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# Addressing and preventing sexist advertising

An analysis of local and global promising practice



## Abstract

This research paper explores the efficacy of interventions that aim to address sexism or promote progressive gender representations in advertising, highlighting examples of local and global promising practice. Interventions to prevent or address sexist advertising may occur through several distinct mechanisms: legislative frameworks; self-regulatory and co-regulatory systems; the provision of educational resources to the broader community; industry initiatives to re-shape advertising culture and promote diverse, inclusive and ethical practice; and the exertion of influence on advertisers and regulators through consumer activism. The paper explores the strengths and limitations of each mechanism and illustrates interventions in practice through a variety of case studies. Critical to addressing sexist advertising is a whole of system approach with mutually reinforcing interventions that capitalise on different opportunities for influence. Concluding summations are offered throughout with a range of recommendations drawn from these at the end of the paper.

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## Executive summary

This research paper explores the efficacy of interventions that aim to address sexism or promote progressive gender representations in advertising, highlighting examples of local and global promising practice. Interventions to prevent or address sexist advertising may occur through five distinct mechanisms, as outlined below. Yet, critical to addressing sexist advertising is a whole of system approach with mutually reinforcing interventions that capitalise on different opportunities for influence.

### Legislative Frameworks

Within legislative frameworks, law limits the behaviour of advertisers and provides legal recourse to complainants. Legislation may restrict advertising through general provisions regarding gender equality and non-discrimination, as well as regulating the content of advertisements in general and sexist advertising in particular. Where these frameworks exist, non-compliant advertising may be sanctioned through recourse either to formal courts of law, specific government agencies, or through co-regulatory agreements where the powers of public regulators are referred to industry bodies. Legislative systems offer substantive capacity to restrict sexist advertising, yet face a range of challenges to their successful implementation. Critical to the successful regulation of advertising is: evidence that demonstrates economic, social or cultural harm; political will and community support for regulation; mitigating opposition from affected industries; consideration of pre-existing protections for free speech; and clear and unconflicting jurisdictional responsibility. Broad based recognition of the problem of sexist advertising exists at a supra-national level and the legislative frameworks of some countries offer a broad range of protections that restrict practices of sexist advertising. Yet, in Australia, legislation does not currently regulate sexist advertising and recourse regarding sexist advertising through legislative and judicial bodies and specialist agencies is thus limited.

### Regulatory Systems

Much of the regulation of advertising both around the world and in Australia takes the form of self-regulation, with industry peak bodies producing codes of practice and ethics by which their members voluntarily abide, and establishing complaint resolution mechanisms in the form of industry-run juries or tribunals. Advertising standards bodies and other industry self-regulatory organisations around the world are increasingly taking action to ensure progressive gender portrayals in advertising. Self-regulatory systems offer a range of benefits, including efficiency and a lack of taxpayer burden, a protection of free expression and market activity and the internalisation of norms of behaviour through industry participants. However, a range of limitations are also apparent, with conflicts of interest leading to ineffective regulation, perverse incentives provided for those willing to transgress voluntary regulations and a limited capacity for effective sanctions. Carefully-designed co-regulatory systems appear to offer some solution to these flaws. Under co-regulatory schemes, self-regulation may be backed up by legislative requirements, and hence all advertisers must theoretically comply with codes. This exerts pressure on industry to maintain standards, allows for government intervention where appropriate and offers the capacity



for real punitive action where required. As a system, it appears more responsive to pressure from the public, statutory regulators and elected legislators. Key to the regulation of advertising are effective and transparent complaints mechanisms, and without them the effect of broader regulations, whether legislative or voluntary, is substantially diminished. Of concern here are how complaints are made, who assesses them, how they are assessed against the extant standards or codes, what form the appeals process takes, and in the case of self-regulatory arrangements, whether there is recourse to pursue a complaint beyond industry bodies. In Australia, the complaints process has drawn criticism for the regular dismissal of complaints, time lags with complaints and a disconnect between complainants and regulators. Currently, over half the complaints to Ad Standards in Australia concern gender portrayals, however there is no relevant gender expertise at either the Community Panel or Independent Reviewer levels of the complaints system.

## **Community Resources**

The provision of resources to the broader community is a common tool in reshaping the consumption of advertising. Sexist advertising is addressed through two mechanisms - social marketing and media literacy education. Social marketing can reshape gender norms and portrayals in pursuit of public health goals. Evidence points to the positive impacts of social norms campaigns in promoting women's rights, challenging gender stereotypes and addressing norms supportive of violence. Key here is engaging with the full breadth of the population, as narrowly targeted campaigns can prove ineffective or even counter-productive. In Australia, public social marketing interventions have focused primarily on addressing domestic violence, including the drivers of violence. Media and advertising literacy aim to provide citizens with the skills necessary to use and critically analyse media and advertising content, with a particular emphasis on children and young adults. By understanding and critically engaging with media and advertising representations of gender, sex and sexuality, young people can develop the capacity to embrace and use media to the fullest as well as understand and assess the information it presents them with. In Australian school curricula, there is limited focus on issues of sexualisation, body image and gender stereotypes in relation to media and advertising content.

## **Industry Initiatives**

Though sexist advertising in many ways reflects problems inherent in the culture and structure of the advertising industry, behaviour within industry is evolving in a range of ways. Industry-based initiatives include formal and informal alliances at supra-national, national and sectoral levels as well as efforts launched by movements of practitioners in advertising as well as individual advertising practitioners and agencies. Such initiatives work to change the lack of representation of women in both leadership and creative positions in advertising, widespread sexual harassment, the promotion of progressive representations of women and the adoption of ethical positions in advertising work. This is contributing to an increase in diverse and inclusive advertising practice that is recognised through specific industry awards. Yet limitations remain, for adoption of principles is no guarantee of improvements in practice where wholesale cultural change has not taken effect. Moreover, questions as to whether advertisers are merely exploiting a socially progressive stance for commercial gain remain. Advertising ethics is limited, with the industry working towards compliance as opposed to articulating ethical norms in everyday practice. In



Australia, there is limited uptake of government efforts to shape ethical practices however international developments highlight increasing emphasis on ethical advertising practice.

### **Consumer Activism**

Consumer activism offers a further means to exert change, having demonstrated a clear capacity to marshal public sentiment and exert pressure on regulators, advertising agencies and their clients. In some cases, consumer activist groups have become key industry players. In relation to sexist advertising, these initiatives focus on issues including sexualised and stereotyped representations of women, a lack of diversity in advertising portrayals and the gendering of products (particularly children's toys). A range of tactics have emerged, including boycotts, targeted lobbying, broader awareness-raising and the building of capacity in other institutions, such as schools and families. The rise of the internet and social media offer particular opportunities for consumer activism to influence the behaviour of regulators and advertisers. Key to successful consumer activism is making an economic case for change, or imposing an economic cost for inaction, as well as establishing harm and consumer vulnerability. Both of these areas require further development in the case of sexist advertising. However, at times consumer activism may struggle to translate public support into concrete change, maintain relevance following the achievement of key goals and, particularly in the case of sexist advertising, can attract a hostile reception and pushback from other consumers.





## 1. Introduction

Advertising is a significant industry in the media landscape, with advertising spending in Australia expected to reach \$17.2 billion in 2019 (Mason 2018). Advertising is a constant presence in our everyday lives and functions as a 'distorted mirror' that reflects cultural values on a selective basis – reinforcing certain ideas, behaviours and values more frequently than others (Pollay 1986). This is echoed in the perspectives of citizens around the world, who feel that advertising does not reflect the world around them but nevertheless has the power to influence how people see both themselves and others (Lacey 2018).

Advertising plays a powerful cultural role in shaping gender norms and relations. In turn, this influences what attitudes and behaviours are considered acceptable and how men and women come to be both understood and valued in society. This highlights the critical role that advertising can play in either undermining or promoting gender equality. Hence, addressing sexism in advertising is imperative as part of broader efforts to achieve gender equality.

This research paper examines regulatory mechanisms and other interventions that aim to address sexism or promote progressive gender representations in advertising. In each section, extant research regarding the efficacy of such interventions is presented alongside analysis and illustrative case studies of local and international practice. Concluding summations are offered throughout, with a range of recommendations drawn from these in the final section.

### Definitions

*Sexism* is an ideology or practices that maintain patriarchy or male domination. It is a historically and pervasive form of oppression against women that is systemic but often subtle – infiltrating almost every aspect of social, cultural, political and economic life and operating at institutional, interpersonal and unconscious levels. (Cudd and Jones 2004).

*Advertising* is a paid form of communication from an identifiable source, delivered through a communication channel, and designed to persuade the receiver to take some action now or in the future (Grewal et al. 2017). Its promotional messages are capable of reaching a mass audience and communicate not only the attributes of what is being sold, but also a range of values, meanings and identities (Tuten and Solomon 2017). As a form of communication, it comprises a concentrated set of both images and ideas.

In Australia, *advertising* is defined as: 'any material which is published or broadcast using any medium or any activity which is undertaken by, or on behalf of an advertiser or marketer over which the advertiser or marketer has a reasonable degree of control, and that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct'. It does not include 'labels or packaging for products; corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy and the like; and in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel or station' (Australian Association of National Advertisers 2018a p. 2).



*Sexism in advertising* can take a range of forms, including: gender-based discrimination and vilification; gender roles and stereotypes; unrealistic and unhealthy body ideals; sexualisation and objectification; and representations of violence against women (Gurrieri 2019a).

*Progressive portrayals in advertising* employ messages that do not confine women and men to a traditional or limited role but instead show them as authentic and multidimensional (World Federation of Advertisers 2018).

*Gender equality* refers to the equal rights, responsibilities and opportunities of women, men, trans (and gender diverse) and intersex people. Equality does not mean that everyone will become the same, but that their rights, responsibilities and opportunities will not depend on their gender (Department of Health and Human Services (Victoria) 2018).

*Gender inequality* refers to the unequal distribution of power, resources, opportunity, and value afforded to men and women in a society due to prevailing gendered norms and structures (Department of Health and Human Services (Victoria) 2018; OurWatch 2015).

## **The need to address sexist advertising**

Evidence identifies that sexism in advertising has harmful impacts on health and wellbeing (McKenzie et al. 2018).

Gender roles and stereotypes can limit the aspirations, expectations, interests and participation of girls, boys, women and men in society (Chandra-Mouli et al. 2017; Our Watch 2018).

Portrayals of unrealistic and unhealthy body ideals, sexualisation and objectification negatively affects both women and men's body dissatisfaction and increases their self-objectification (Karsay, Knoll and Matthes 2018; Krawczyk and Thompson 2015; Ward 2016). In turn, this contributes to disordered eating, lower self-esteem and reduced mental health; and results in reduced satisfaction in sexual relationships and reduced participation in physical activity and exercise (Moradi and Huang 2008; Schaefer et al. 2018; Slater and Tiggemann 2015; Szymanski, Moffitt and Carr 2011; Ward et al. 2018).

Advertising that objectifies or excludes women in public spaces decreases women's perceptions of safety (Matthewson, Kalms and Salen 2017). Objectifying and sexualised advertisements and media content is associated with attitudes that support violence against women, including a greater support for sexist beliefs, attitudes that blame victims for sexual violence, a greater tolerance of sexual aggression, and men's use of sexually coercive behaviour (Capella et al. 2010; Lanis and Covell 1995; MacKay and Covell 1997; Reichl, Ali and Uyeda 2018; Ward 2016; Wright and Tokunaga 2016). Advertising portrayals of women as dehumanised, subordinated or victimised are not uncommon and undermine broader efforts to prevent violence against women (Gurrieri, Brace-Govan and Cherrier 2016; Stankiewicz and Rosselli 2008).

Sexist advertising works to negatively shape norms, attitudes, public discourse and lived experiences related to gender. The powerful cultural role of advertising is increasingly recognised by policy, with recent Government frameworks and strategies highlighting advertising and the media as priority settings in efforts to promote gender equality and prevent violence against



women (Department of Health and Human Services (Victoria) 2018; Department of Premier and Cabinet (Victoria) 2016).

## Mechanisms of regulation

Understanding the various mechanisms through which advertising is regulated requires consideration of the following four factors:

- (1) the *content* of regulation, which deals with the variety of advertising topics that might be subject to regulation (such as the obligation to identify commercial messages and separate them from editorial content, the maximum amount of advertising, the prohibition of offensive content, etc.)
- (2) the *level* of regulation, which addresses the distinction between national and supra-national regulation
- (3) the *mode* of regulation, which reflects the differences between statutory-compulsory regulation and voluntary or self-regulation
- (4) the *technological distinction*, which refers to differences in advertising regulation between traditional media (such as print, radio and television) and new media (the Internet and mobile phones) and to the difference in regulation between traditional advertising practice (such as spot-advertising in television) and new techniques (such as 'pop-ups' in digital advertising) (Ginosar 2011).

For the purposes of this paper, the regulatory *content* in focus are the five domains of sexist advertising identified above that house the potential to cause harm or offence at an individual or societal level.

The *level* of regulation that is the main focus of attention in this paper are national regulatory systems, as this is both where the bulk of regulatory mechanisms are implemented and where change may most directly be effected, however the impact of supra-national principles and alliances is considered, as are sub-national attempts at reshaping the regulation and practice of sexist advertising.

The key distinction in the structure of this paper concerns the *mode* of regulation, with legislative frameworks, self-regulatory systems and co-regulatory systems all considered. In addition, the nature and efficacy of the complaint-handling mechanisms on which these modes rest are explored.

In terms of *technological distinction*, both traditional and new media are considered, however it is acknowledged that new media has presented challenges in relation to both sexist advertising and the regulation of advertising practice more broadly.

## Other interventions to promote promising practice

Beyond mechanisms of regulation, other promising forms of interventions exist to address sexist advertising. Many of the issues with sexist advertising reflect problematic norms regarding women held by both public and industry, and these may be addressed directly through a variety of means.

Resources can be provided to the broader community to promote critical awareness of often-problematic media and advertising content. Social marketing campaigns can be used to counter



problematic portrayals and promote respectful behaviours. Media and advertising literacy can provide citizens with the skills necessary to use and critically analyse media and advertising content, with a particular emphasis on children and young adults. Within the advertising industry, a range of initiatives have sought to change the culture of the industry itself and develop more diverse, inclusive and ethical practice relating to gender portrayals. Finally, where problematic practices persist, consumer activism offers a means to exert pressure on industry and regulators.

## **Methodology**

Searches of extant research were conducted using the Google Scholar, ProQuest and Ebscohost academic databases. Keywords were derived from the key topics of each section and common variants (for example: legislative/statutory/regulatory; self-regulatory/voluntary).

A review of this literature was conducted to determine further avenues for research, revealing comparative examples of advertising regulation (tobacco, alcohol, advertising to children), examples of and proposals for promising practice, and cases of regulatory failure.

Australian and comparative systems were explored through analysis of regulatory authority websites and the underlying legislation, with further literature searches to draw out specific analyses and critiques.

Regulator websites and media coverage were analysed to draw out appropriate illustrative case studies, which were further explored using searches of regulator rulings, the Factiva database of media coverage, and targeted searches of industry-specific news sources.



## 2. Legislative Frameworks

Legislative frameworks may restrict advertising through general provisions regarding gender equality and non-discrimination, as well as laws regulating the content of advertisements in general and sexist advertising in particular. Where these frameworks exist, non-compliant advertising may be sanctioned through recourse either to formal courts of law, specific government agencies, or through co-regulatory agreements where the powers of public regulators are referred to industry bodies.

Currently, seven countries have in place a form of legislation that prohibits gender discrimination in advertising in general terms (Belgium, France, Finland, Greece, Hungary, Ireland, UK), while two countries have in place legislation that specifically addresses the portrayal of gender in advertising (Norway and Spain) (World Federation of Advertisers 2018).

### Rationales for the regulation of advertising

There are three complementary imperatives behind the regulation of advertising – economic, societal and cultural (Ginosar 2011). The economic imperative concerns the impact of advertising on the economy, with a particular focus on its impact on competition and prices. The core focus of regulation of this type is truth and transparency in advertising, and the avoidance of misleading or deceptive conduct.

The societal perspective concerns the coercive and manipulative impact of advertising and its capacity to persuade consumers to purchase goods and services they do not need or want, as well as its capacity to promote forms of consumption deemed harmful. Regulation in this mould focuses on techniques such as subliminal advertising, advertising to vulnerable consumers such as children, and the advertising of products with negative health impacts such as tobacco, alcohol and gambling.

Finally, the cultural perspective concerns the capacity for advertising to transgress against and/or weaken the norms and values of a society. Sexual content in advertising is the obvious example here. Another is the pervasiveness of advertising contributing to the propagation of materialism.

Legislative constraints on advertising seek to protect consumers from harm, though each perspective interprets harm in its own way – harm as increased economic costs as a function of deception or incomplete information; harm as a function of being persuaded into the consumption of harmful products; and harm through the propagation of offensive values or ideas that may have negative social or health impacts.

In a context of addressing sexist advertising, we are concerned with all three perspectives. From the cultural perspective, sexist advertising may propagate and perpetuate problematic gender norms and stereotypes, bodily ideals and unrealistic standards of beauty and health. From a societal perspective, the propagation of these ideas may lead to harmful consumption or behaviour among consumers. Finally, from an economic perspective these claims may be deemed deceptive or misleading, particularly when advertising promotes unrealistic or unhealthy bodily ideals and practices.





## Effectiveness of legislative frameworks on advertising regulation

The evidence regarding the effectiveness of legislative constraints on advertising is partial, due to a lack of established regulation around many potentially harmful practices, particularly in evolving contexts such as sexist advertising.

In an analysis of the potential to regulate advertising of unhealthy foods to children in Australia, four key regulatory challenges were highlighted: demonstrating jurisdictional responsibility for regulation, marshalling sufficient public demand to sway regulators, mitigating industry lobbying, and providing evidence of the necessity and effectiveness of regulation (Chung et al. 2012).

The best example of the impact of legislative frameworks, as well as the challenges of implementing these, is the prohibitions on the advertising of tobacco products. These have been introduced over the past several decades, after the health dangers of tobacco became well known. The impact of tobacco advertising has been well demonstrated, with a range of longitudinal studies establishing a clear correlation between exposure to tobacco advertising and promotion and the take-up of smoking by adolescents (Lovato et al. 2003). Accordingly, comprehensively restricting this advertising is effective, with an analysis of tobacco control measures across 22 OECD states demonstrating that comprehensive tobacco advertising bans correlated with reduced tobacco consumption, while limited advertising controls had little or no effect (Saffer and Chaloupka 2000). Similarly, restrictions on alcohol advertising correlate with lower alcohol consumption (Cook, Bond and Greenfield 2014).

Pushback from targeted industries is to be expected and evidence suggests it can be highly effective. The tobacco industry has successfully had European Union restrictions on tobacco advertising relaxed (Neuman, Bitton and Glantz 2002), employing tactics such as political lobbying, the use of third party allies and front groups and the drafting of alternative proposals. Subsequently, Europe lags behind other regions in tobacco advertising regulation (World Health Organization 2013).

In the Australian context, plain cigarette packing laws have proven demonstrably effective and survived legal challenge from the tobacco industry, albeit on a Constitutional basis rather than one of efficacy or necessity (Lieberman 2013; Wakefield et al. 2013). This highlights the importance of political will and community support for legislative frameworks on advertising regulation.

The case of regulating the advertising of food on children's television is similar. For example, the development of regulation in the US has been influenced through periods of public activism-driven tightening and industry-driven loosening (Curran and Richards 2000). In Australia, the regulation of advertising unhealthy food products to children remains limited despite long-running evidence regarding its relationship with issues such as childhood obesity (Morton et al. 2005; Obesity Policy Coalition 2018). Again, this highlights that evidence of harm alone is not sufficient for change, as well as the importance of political will in countering the power of industry lobbying.

In sum, the extant literature demonstrates that legislative constraints can prove effective if well designed and implemented with sufficient public and political will. However, their successful implementation faces a range of challenges, including unclear and conflicting jurisdictional responsibility, a lack of public and political will, resistance from affected industries and difficulty in demonstrating the necessity and impact of regulation.





## Australian legislative framework

Australian legislation regarding advertising practice is narrow. It is primarily concerned with the economic impacts of advertising, particularly issues of misleading or deceptive conduct. The *Commonwealth Competition and Consumer Act 2010* contains two fundamental rules for advertising, namely that advertisers must not:

- engage in conduct that is likely to mislead or deceive; nor
- make false or misleading claims or statements.

Broader legislation exists concerning issues of discrimination, for example the *Commonwealth Sex Discrimination Act 1984* and the *Victorian Equal Opportunity Act 2010*. However, this legislation primarily concerns itself with discrimination in employment or access to goods, services or facilities, as opposed to issues of representation in media and advertising. The *Sex Discrimination Act* contains no protections against discriminatory speech or unequal representations, beyond restrictions on the advertisement of an intention to discriminate in the areas identified above and a broad objective of ‘the promotion of equality between men and women’ (Australian Government 2018a). Protections against sexist advertising are thus limited to broad-based prohibitions against vilification and the incitement of hatred or violence on the basis of gender, and only in New South Wales, Queensland, Tasmania and the Australian Capital Territory, which expressly include gender-based vilification under anti-discrimination law (Australian Human Rights Commission 2012). By comparison, in Iceland sexist advertising is directly regulated through an explicit Article (29) under the *Act on the Equal Status and Equal Rights of Women and Men*. This mandates that ‘advertisements are not belittling or disrespectful towards either sex and that they do not run contrary to gender equality in any way. Such advertisements may not be published in the media or any other public venue’ (Ministry of Welfare 2008). Violations are monitored by the Centre for Gender Equality, which communicates with advertisers suspected to contravene the law and who can be fined if they do not voluntarily remove the advertisements after being instructed to do so. The Complaint Committee of Gender Equality examines cases and delivers rulings on whether violations of the Act have occurred – however few cases exist to date (Kosunen et al. 2017).

There are no such explicit protections in Commonwealth or Victorian anti-discrimination law, nor in the *Victorian Charter of Human Rights and Responsibilities* (Victorian Government 2014). Further, vilification is very difficult to prove – it must be shown that ‘the respondent’s conduct was capable, in an objective sense, of urging or arousing other people to feel hatred towards the complainant, on the ground of their sexual orientation or sex and/or gender identity’ (Australian Human Rights Commission 2012). Finally, freedom of speech is protected to some degree in Australia. Although no Constitutional protection exists beyond freedom of political communication, state level human rights charters such as that in operation in Victoria feature explicit protections for speech.

Recourse regarding sexist advertising through legislative and judicial bodies, as well as specialist agencies such as the Australian Human Rights Commission or Victorian Equal Opportunity and Human Rights Commission, is thus limited.



## Case study: Wicked Campers

Wicked Campers is a camper van rental company based in Brisbane, Queensland (Wicked Campers 2019). Their product is marketed towards younger drivers and backpackers, with each van featuring a unique spray-painted design and slogan, which are often intentionally offensive. Many of these slogans are overtly sexist or degrading, with examples including:

- 'In every princess, there's a little slut who wants to try it just once'
- 'Nice legs, what time do they open?'
- 'I wouldn't trust anything that bleeds for five days and doesn't die'



Image: Wicked Campers

Source: Burke and Silva, 2017

The company has attracted long running controversy, being the subject of a 12,000-signature petition in 2014 (Trigger 2014) and having had 79 complaints upheld against it by the Advertising Standards Bureau (now Ad Standards) as of March 2018 (Dawson 2018a), which the company have simply ignored (Herbison 2014).

Frustrated by the ineffectiveness of the self-regulatory system and bowing to public pressure to act, Queensland introduced legislation allowing it to deregister individual commercial vehicles subject to adverse ASB rulings, where the owner failed to abide by them (Burke and Silva 2017). Although Tasmania, the Australian Capital Territory and Northern Territory followed suit, vehicles registered in other states remain immune to de-registration (Stephen and Hartley 2018). As such, if all States and Territories had supported the legislation, it may have proved to be more effective.

The example of Wicked Campers demonstrates both the necessity of legal recourse in cases where self-regulation proves ineffective, as well as the challenges in implementing effective legislative constraints in a complex jurisdictional arrangement such as the Australian Federal system, where the regulation of advertising on vehicles is conducted on a state by state basis. Although the case highlights how legislation is able to add the weight of Government to the decisions of self-regulatory bodies, such a model is unable to address the problems inherent in the self-regulatory complaint handling process.





## International obligations

There is broad based recognition of the problem of sexist advertising at a supra-national level. As discussed below, both the United Nations and the Council of Europe have established that member states should employ all available measures, including legislation, to counteract practices that contribute to gender inequality and stereotypes, including sexist advertising. However, concrete supra-national human rights protections do not explicitly extend to representations in media and advertising. While both the UN *Universal Declaration of Human Rights* and the *European Convention on Human Rights* prohibit discrimination, these require direct maltreatment and so (as with Australian protections) generally only apply in areas such as employment and access to goods and services (European Equality Law Network 2017). International efforts are thus largely aspirational, however alongside non-binding conventions and resolutions these are reflected in the legislative and regulatory systems of some member states. However, this implementation at the national level is inconsistent (Council of Europe Gender Equality Commission 2018; Public International Law & Policy Group 2015).

Article 5 of the United Nations *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) reads as follows:

Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women (United Nations 1979).

Further, the United Nations action plan for women's rights (the Beijing Platform for Action) called upon 'governments, the international community and civil society, including non-governmental organizations and the private sector' to take strategic action in a range of areas, notably 'in the stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media', and to promote 'a balanced and non-stereotyped portrayal of women in the media' (United Nations 1995).

These imperatives are reflected in the United Nations 2030 Sustainable Development Goals, particularly goal 5, the achievement of gender equality and empowerment of all women and girls, as well as goals 10, the reduction of all inequalities, and 3, the ensuring of healthy lives and the promotion of well-being for all (United Nations 2015).

The Council of Europe has further developed on this with a range of more concrete regulations and resolutions. Its 2016 *Gender Equality Strategy* holds that member states should:

- Promote a positive and non-stereotyped image of women and men in the media;
- Encourage the media to pursue policies to promote equality between women and men and to combat gender stereotypes;
- Reconcile media freedom and the promotion of gender equality;
- Promote female leadership positions in the media as a tool for positive change;
- Strengthen self-regulatory mechanisms and codes of conduct to condemn and combat sexist imagery, language and practices; and
- Proactively address the effects of gender stereotyping by educating and raising awareness in society through the media coverage of issues such as gender-based violence against women (Council of Europe 2016).





Building on this, the Council actively pursues and advocates for promising practice in the field, producing a report that compiles practices that prevent and combat sexism in Council of Europe Member States, according to a range of themes that include 'media, social media and advertising' (Council of Europe Gender Equality Commission 2018).

A related initiative is UNESCO's *Gender-Sensitive Indicators for Media*, which provides a framework of indicators to gauge gender sensitivity in media operations and content (UNESCO 2012). This includes a section for advertisers on gender portrayals, as well as sections on gender balance in working conditions/decision making in media organisations and the need to promote ethical codes, policies and initiatives.

## **Comparative legislative framework: France**

France presents as an example of a stringent legislative framework, offering a broad range of protections that restrict practices of sexist advertising. This framework is informed by pre-existing requirements to monitor 'human dignity' and discrimination in the media, but its current focus on the representation of women is particularly driven by the 2014 *Law for Real Equality between Women and Men*, which aims to achieve comprehensive equality between men and women by addressing inequalities in the private, professional, and public spheres of life (European Women's Lobby, French Coordination 2014; Government of France 2017). This was introduced to coincide with the 70th anniversary of women's emancipation in France (Haines 2015 pp. 51–52) and was championed by Najat Vallaud-Belkacem, Minister for Women's Affairs, who noted the legislation was the first 'to address equality between women and men in all its dimensions' (Vallaud-Belkacem 2013).

For the purposes of this analysis, media law is of most relevance, with provisions in place regarding the respect of human dignity, diversity, and women's rights, and the prohibition of discrimination in the field of audio-visual media (Public International Law & Policy Group 2015 pp. 7–8). The High Authority for Audiovisual Media (*Conseil Supérieur de l'Audiovisuel*, CSA) monitors all publicly available programs and advertisements for their respect for human dignity and the principle of non-discrimination between men and women, with a particular focus on content that objectifies women, sexually or otherwise. Whilst the CSA does not have the power to actively censor content, it can act on offending material after the fact and imposes obligations on all French broadcasters to comply with all legislated imperatives, with the CSA able to sanction non-compliance accordingly (Conseil Supérieur de l'Audiovisuel 2018a, 2018b; Government of France 2013). The use of underweight models and retouched images has been restricted since 2017, on the basis that 'exposing young people to normative and unrealistic images of bodies leads to a sense of self-depreciation and poor self-esteem that can impact health-related behaviour' (Dearden 2017a).

While the French system offers strong protections against objectification, regulation regarding broader issues such as stereotypical gender norms remains weaker, confined to voluntary codes. Recommendations from the CSA that regulations be expanded to mandate that 'advertising messages shall not be based on gender-based prejudices', and nor 'shall it convey gender-based stereotypes' were rejected by the French government (Public International Law & Policy Group 2015 p. 26).



Complaints in France may be lodged directly with the CSA, thus bypassing the representative industry body, the Authority for Self-Regulation of Advertising (*Autorité de Régulation Professionnelle de la Publicité*, ARPP) (Conseil Supérieur de l'Audiovisuel 2018c). Where the CSA believes a violation has occurred, it first issues a formal warning to the broadcaster. If the broadcaster does not voluntarily comply, the case is passed to the Independent Rapporteur, who investigates and recommends the appropriate sanction. The CSA then adjudicates the prosecution from the Rapporteur and defence from the broadcaster in an adversarial format before reaching a determination on guilt and sanction. Sanctions may include orders to cease broadcasting offending content or to broadcast corrections/apologies, financial sanctions, reducing the length of or terminating broadcast licenses, and referring matters to state prosecutors (Conseil Supérieur de l'Audiovisuel 2018b; Public International Law & Policy Group 2015 p. 24).

The representative industry body, the ARPP, also assesses complaints on a broad range of advertising issues (Autorité de Régulation Professionnelle de la Publicité 2019). The ARPP prohibits a wider range of sexist practices, including the condoning of 'the idea of a person's inferiority by reason of gender, background, social group affiliation, sexual orientation or gender identity, or any other criterion of discrimination, in particular by reducing its role and responsibilities in society', and the promotion of, 'even indirectly, feelings or behaviours of exclusion, intolerance, sexism', however these carry no legislative weight (Autorité de Régulation Professionnelle de la Publicité 2019). Complaints to the ARPP are assessed by its Advertising Ethics Jury (Jury de Déontologie Publicitaire, JDP) (Jury de Déontologie Publicitaire 2018a). The JDP allows its decisions to be appealed to its own Ethics Reviewer, but beyond this any further grievances must be pursued through the courts (Jury de Déontologie Publicitaire 2018b), where the law offers less protection in many facets of sexist advertising than do the ARPP codes. Under a new initiative introduced by the CSA in March 2018, participating advertisers further agreed to periodically report on their efforts to combat sexism, and to face sanction for any advertisements deemed 'excessive' (Charlton 2018). This initiative commits the ARPP to encourage its members to abide accordingly and reflects sexualised advertising content having become subject to CSA oversight and sanction under a reform to advertising law stemming from the *Law for Real Equality between Women and Men* (Conseil Supérieur de l'Audiovisuel 2018d).

The French system demonstrates the power of clear legislative instruments, offering government regulators the capacity to remove offending content and sanction advertisers. However, in articulating these requirements in a narrow manner the state has limited the capacity of regulators to address the breadth of sexist advertising. Further, by separating both the legislation and its regulatory administrator from the industry and its mechanisms of self-regulation, a disconnect is created regarding the appropriate bounds of advertising as well as potential confusion over the mechanisms of responsibility and regulation.

### **Case study: Paris outdoor advertising**

The case of outdoor advertising highlights a gap in the French legislative framework, in that the CSA has power only over audio-visual broadcast content. Posters and billboards thus remain under the purview of the ARPP. A 2017 ARPP ruling against fashion brand Yves Saint Laurent led to the introduction of municipal bans regulating outdoor advertising in Paris.

The Yves Saint Laurent poster campaign in Paris consisted of one image showing a reclining woman in a fur coat and fishnet tights opening her legs, and another of a model in a leotard and roller-skate stilettos bending over a stool. The campaign attracted more than 120 formal complaints, dubbing it 'porno chic' and 'incitement to rape', and was judged by the ARPP to have 'incontestably breached' the self-regulatory code, and it ordered to YSL to modify the advertisements (Agence France-Presse 2017). A similar episode had occurred in 2012.



Image: Yves-Saint Laurent billboard, Paris

Source: Breslin, 2017

The City of Paris deemed this response insufficient and within weeks introduced a new policy for all billboards controlled by the municipal government. These regulations prohibited any 'sexist, lesbophobic and/or homophobic stereotypes, as well as degrading, dehumanising and vexatious representations of women and men', as well as 'any form of discrimination based on ethnic origin, national origin, religion, sex or age or that undermines human dignity', with all advertisements screened prior to release by JC Decaux, who hold the contract for the management of the billboards (Dearden 2017b). Due to the recency of its introduction, evidence as to the efficacy of the policy and its reception by the broader community is still to be determined. However, instances of non-city-controlled billboards that transgress the standards without repercussion have presented a challenge. For example, an advertising campaign by lingerie brand Aubade that was prominently displayed on the façade of Galerie Lafayette was denounced as sexist. However, Galerie Lafayette was not part of the working group that worked with the Paris municipality to not create, support or distribute sexist advertising campaigns (Saidi 2019). Nevertheless, other cities, including London, Stockholm and Berlin, have proposed or are implementing similar policies on sexist outdoor advertising (Kale 2018).

This example demonstrates the potential of strong legislative constraints on advertising, which rely on public control of advertising media to vet advertising material prior to public release. Such initiatives may be effective to prevent the harm associated with sexist advertising, but have prompted industry concern that they will 'infringe on artistic or sexual freedoms held dear by many in France' (Charlton 2018).



## Summary

Legislative systems offer substantive capacity to restrict sexist advertising, yet face a range of challenges to their successful implementation. Public and political will is necessarily required for their introduction, while opposition from industry must be mitigated lest it sway regulators to loosen constraints, as has been the case with tobacco controls in Europe. Further, the imperative of regulating problematic forms of advertising must be balanced against protections for free speech and market activities. However, where evidence of harm can be clearly demonstrated, such as in the advertising of products like tobacco, alcohol and gambling, or in advertising to children, advertising can successfully be legislatively constrained. These constraints have been demonstrated to have an impact on consumer attitudes and behaviour. This highlights the need for both evidence on and the awareness of the harms of sexist advertising, so that Governments can understand and recognise possible harmful social and health impacts.

Australia takes a narrow approach to legislative constraints, focusing primarily on protecting consumers from misleading and deceptive conduct on the part of advertisers, with few constraints on sexism and stereotyping in advertising and little recourse under broader anti-discrimination legislation. Where clear restrictions have been implemented, such as in the case of offensive advertising on commercial vehicles, the jurisdictional complexity of the Australian federal system has limited its efficacy.

France presents as a contrasting case, with stringent controls on sexist content in broadcast media. However, the system remains partial, with limited control over other forms of advertising such as print and outdoor campaigns, and a disconnect between legislative and self-regulatory frameworks leading to a lack of clarity around regulatory and complaint mechanisms. Local authorities such as the City of Paris have responded by imposing tighter restrictions within their jurisdictions, however these have prompted concerns around their impact on freedom of artistic and commercial expression. A key question for regulators is thus how principles of free speech should be balanced against sexist representations of women in advertising and in media more broadly, and indeed to what extent regulation can restrict advertising without falling foul of pre-existing protections for free speech.







### 3. Self-Regulatory and Co-regulatory Systems

The control of advertising may occur through self-regulation, in conjunction with or in the absence of effective legislative constraints. Advertising in Australia, like many countries around the world, is largely governed through a system of self-regulation, with industry peak bodies producing codes of practice and ethics by which their members voluntarily abide and establishing complaint resolution mechanisms in the form of industry-run juries or tribunals.

Under co-regulatory schemes, industry develops and administers its own arrangements, but government provides legislative backing to enable the arrangements to be enforced, hence all advertisers must theoretically comply with codes.

In relation to sexist advertising, fourteen advertising regulatory bodies apply the International Chamber of Commerce (ICC) *Code of Advertising and Marketing Communication Practice* or have used it as a basis for their own Codes<sup>1</sup>. These comprise Australia, UK, Bulgaria, Finland, France, Greece, Ireland, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Slovenia, and Spain. Eight international advertising regulatory bodies have specific rules in regulatory codes relating to gender portrayals (Finland, Ireland, Germany, India, Italy, Austria, South Africa and New Zealand). Six advertising regulatory bodies have published guidance on gender portrayals that is intended to be read alongside rules and legislation or exist as a stand-alone document (Belgium, Bulgaria, Canada, France, Sweden and the USA) (Advertising Standards Authority 2017a; World Federation of Advertisers 2018 p. 8).

#### Rationales for the self-regulation of advertising

Self-regulatory systems offer a range of benefits as well as significant limitations. Central to both is the integration of industry into the regulatory process, and the consequences that stem from this. Self-regulatory arrangements can exert three capacities to compel compliance on the part of their members: punitive, normative and cognitive (Gunningham and Rees 1997). Through these capacities, self-regulatory industries can potentially provide a high degree of compliance without the necessity of government intervention.

Punitive capacities echo those of legislative arrangements, yet without the backstop of law. Participants must voluntarily agree to accept and be bound by punitive decisions made by the self-regulatory body.

Normative capacities reflect the ability for industry bodies to develop normative structures and institutionalise responsibility (Gunningham and Rees 1997). By implementing regulation through participatory industry bodies, advertisers are drawn into mutual normative arrangements and engage in institutional isomorphism (i.e. imitation or mirroring), aligning their practices with those of their industry (Byramjee, Klein and Batra 2010). Governments and the public are able to exert

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<sup>1</sup> Article 4 of the ICC Code, 'Social responsibility', states that: 'Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation'





pressure on these industry regulatory bodies, creating a means by which rules, norms and standards of behaviour can be propagated through the industry on a basis that is both voluntary and effective.

Cognitive capacities reflect the power of self-regulatory bodies to demonstrate that participation is in the best interest of industry players. Self-regulation serves three key stated purposes: that advertising is truthful, accurate, and not misleading or deceptive; all claims are adequately substantiated; and there is compliance with federal, state, and local laws and regulations (Edelstein 2003). Yet none of these require or are exclusive to a self-regulatory system. Rather, the industry has a clear interest in maintaining these standards, both to maintain consumer confidence and hence the efficacy of advertising, and to avoid the time and expense of either active government regulation or private lawsuits (Edelstein 2003). A self-regulatory arrangement is considered to be increasingly likely as the costs to industry for self-management decrease, and the costs to government of an alternative legislative model increase – while compliance is a function of whether legislative intervention is a realistic threat (Ashby, Chuah and Hoffmann 2004).

## **Effectiveness of self-regulatory frameworks on advertising regulation**

While self-regulation may offer benefits in terms of efficiency of both regulation and behaviour change, it also presents substantial limitations. Key here are the conflicted interests of the advertising industry, which undermine all three capacities of self-regulatory systems. The punitive power of self-regulatory arrangements rests either on industry peak bodies or legislative protections, both of which tend to be organised at the national level. The increasing prevalence of cross-border advertising, both within multinational jurisdictions such as the European Union and through new media technologies such as the internet, limits the capacity for any regulatory system to exert punitive pressure upon all market participants (Caraher, Landon and Dalmeny 2006; Cunningham 2000).

The very existence of self-regulation's normative pressures can provide incentive to violate these norms (Parsons and Schumacher 2012). Industry players may be driven by the market, in which case they are expected to conform, or they may act as market drivers. These may provide publicity benefits to those few players who step beyond the mainstream, potentially through the violation of self-regulatory norms (Gurrieri, Brace-Govan and Cherrier 2016).

Cognitive pressures, driven as they are by an industry focused on maintaining consumer trust and avoiding government pressure, mean issues that do not attract substantive attention are often not deemed worthy of self-regulation. One such example is the gendering of toys, where despite evidence as to the harmful impact this can have on children and the established capacity of government and self-regulators to constrain advertising to children in cases where harm may occur, no action has been taken (Smith 2015b).

Even in cases where products are recognised as harmful and/or audiences as vulnerable but regulation has been left to the industry concerned, these regulations have regularly been identified as inadequate and ineffective.

In the case of television advertising of food to children, a range of problems with self-regulatory systems have been identified. A review of government and industry regulatory arrangements across 20 countries found a clear divergence in approach between the food industry on the one



hand and civic society and government on the other (Caraher, Landon and Dalmeny 2006). Where concern over the impact of advertising unhealthy food to children was growing among public regulators (e.g. in Sweden, Ireland, UK and USA), the industry was instead engaged in obfuscation of the problem through disputing the claims of opponents and commissioning rival research. In Australia, similar tensions have seen self-regulation of junk food advertising achieve limited impact. Despite public focus on the issue, self-regulatory initiatives have had limited impact. A 2009 quick-service restaurant industry (QSRI) self-regulatory initiative on fast-food advertising to children on Australian commercial television did not change children's exposure to unhealthy fast-food advertising (Hebden et al. 2011). Likewise, the introduction of a 2009 self-regulatory initiative on unhealthy food marketing to children in Australia highlighted that while some companies have responded to pressures to reduce unhealthy food advertising on television, this was limited by the extent of uptake of the overall number of food companies (King et al. 2011).

Self-regulation of alcohol advertising has exhibited similar limitations. Despite a regulatory system intended to restrict the advertising of alcohol to young consumers, a House of Commons inquiry in the UK revealed the alcohol industry had continued to appeal to the youth market beyond the reach of the regulations, using subtler appeals to masculinity and sociability, sponsorships and an expansion into new media contexts (Hastings et al. 2010). In Australia, critiques exist of Australia's self-regulatory system whereby complaints regarding alcohol advertising are regularly dismissed by the Australian Advertising Standards Bureau (now Ad Standards), finding a clear disjuncture between the decisions of regulators and those of reference panels compiled for a research study of marketing academics and advertising students, both of whom were significantly more likely to consider complaint-attracting advertisements to be in violation of the relevant codes (Jones and Donovan 2002). Nevertheless, Ad Standards regularly purports that there is largely an alignment between Board decisions and community views (Advertising Standards Bureau 2017), including – relevant to sexist advertising – on the issue of the use of sexual appeals in an exploitative and degrading manner (Advertising Standards Bureau 2013).

Australia's previous system of advertising self-regulation broke down in 1996 and 1997.<sup>2</sup> Bearing these failures in mind, seven key principles are needed for an effective regulatory system: adequate funding; creation of written codes; acceptance of all complaints; enforcement of the code; periodic audit; education within the industry; and the creation of public awareness (Harker 2003). Yet this does not solve the fundamental issue that self-regulatory industries are not incentivised to produce model outcomes; rather, to do merely enough to keep consumers satisfied

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<sup>2</sup> Harker (2003, p.95-96) notes: 'The Australian Competition and Consumer Commission revoked the Media Council of Australia's accreditation system for advertising agencies because it felt that the benefit to the public from the system (i.e. protection from unacceptable advertising) was deemed insufficient for outweighing the associated anti-competitive detriment ... The revocation of this system meant that the advertising self-regulation scheme had no means of enforcing decisions after 1996. The Australian Competition and Consumer Commission also announced a review of advertising standards in Australia, encompassing both the codes of conduct and the complaint handling body, namely the Advertising Standards Council. Within a month the Media Council of Australia declared its intention to disband at the end of 1996, effectively leaving Australia with no advertising self-regulation system. The Australian Competition and Consumer Commission's (1997) review found that a material change of circumstance had occurred since 1988 with regard to the following: (1) Outdated codes: lack of responsiveness of the codes to changes in community needs; (2) Lack of compliance: diminished powers to ensure compliance with the codes beyond 3 February 1997; (3) Lack of administrative control: administration of the codes; (4) Lack of confidence in the membership of the Advertising Standards Council; (5) Lack of commitment to the codes by the charter organizations.'



and legislators at a safe distance. The result is that the regulation of advertising and media is weak compared to other industries, such as law or medicine. Under the 'moderate' self-regulation model of advertising, 'professional guidelines and codes tend to be less specific, sanctions – aside from public opinion – tend to be weak or non-existent, and there are fewer or no enforcement procedures at the group or professional level' (Shaver 2003 p. 294). In contrast, the high self-regulation mechanism of traditional professional groups, such as medicine and the law, tends towards highly formalised codes of conduct, a system of sanctions for violations of codes that may result in professional expulsion and sophisticated, clear-cut monitoring/enforcement mechanisms exist that are often backed by the force of law (Shaver 2003).

If a substantive behaviour change is required, real punitive power is necessary, as is recourse beyond industry gatekeepers. In relation to Australian self-regulation more broadly, some legislative backing is key to any effective regulatory regime:

Society cannot expect miracles from self-regulation when the substantive law is weak. Traders will be part of a self-regulatory code when it offers an alternative to legislation and/or litigation. In many ways the best thing Government can do for self-regulation is to provide for effective general laws. No trader will submit her/himself to stringent standards if she or he has little liability at general law ... All codes have to work against the background that the law itself will provide a less palatable sanction to industry than will self-regulatory codes. This is the incentive to make self-regulatory codes operate effectively. (Pengilley 1991)

In an attempt to reconcile overly-rigid legislative frameworks and overly-flexible self-regulatory systems, several jurisdictions have adopted co-regulatory arrangements, including the United Kingdom and Israel (Ginosar 2013). Under such arrangements, legislative constraints on advertising content exist, but their enforcement is delegated to industry peak bodies. Thus, the industry-derived normative and cognitive incentives to compliance with regulation are maintained, while real punitive weight (or at least the potential thereof) is granted to enforcement, while government retains the capacity to intervene, provide avenues for appeal or even revoke regulatory authority in cases of regulatory failure or breakdown.

Such a system appears to offer the best of both worlds, combining the strengths and mitigating the weaknesses of both legislative and self-regulatory schemes. Co-regulation offers independence, transparency and enforcement capacity (Ginosar 2013). However, the case of Israel demonstrates that in spite of the new spirit of collaboration between the state and the industry, it has been difficult to achieve in practice, given the necessary surrender of authority on the part of the state, and of autonomy on the part of industry (Ginosar 2013).

## **Australian self-regulatory system**

Advertising in Australia is largely governed through a system of self-regulation. The peak body for the advertising industry is the Australian Association of National Advertisers (AANA). According to the AANA, self-regulation is 'the preferred model and is regarded by government and stakeholders as the most effective system for managing marketing communication in Australia.' For the AANA, self-regulation involves 'industry adopting a responsibility to the consumer and demonstrating to regulators a result in ethical communication'. According to the AANA, this lessens the risk of regulators '[proscribing] activity at a level that affects all of industry in response to one issue or a few voices'. The AANA says the benefits are that 'AANA members

can expand their marketing communication activities into new channels without unnecessary regulatory obstacles' (Australian Association of National Advertisers 2018b) – as clear an articulation of the cognitive capacity of self-regulation as might be found.

## Codes of Practice

The AANA has developed a number of codes of practice. The core instrument (and the focus for this paper) is the AANA Code of Ethics, which is supplemented by Codes for Advertising and Marketing Communications to Children, Food & Beverages Advertising, Environmental Claims and Wagering Advertising. All AANA members agree to comply by these codes, though the AANA offers bolder aims: the Code of Ethics 'provides the overarching set of principles with which all advertising and marketing communications, across all media, should comply' (Australian Association of National Advertisers 2018a). As a member of the international peak body, the World Federation of Advertisers (WFA), the AANA develops these codes in response to domestic legislative requirements, 'community standards' and WFA-developed principles.

The AANA Code of Ethics (and its supplementary Industry Practice Notes) addresses the core areas identified above through Section 2 of the Code, 'Community Complaints'. Section 2 provides 'the self-regulatory rules around portrayal of people, violence, treatment of sex, sexuality and nudity, appropriate language and Prevailing Community Standards in advertising or marketing communication' and reads as follows:

- 2.1 Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.
- 2.2 Advertising or Marketing Communication shall not employ sexual appeal:
  - (a) where images of Minors, or people who appear to be Minors, are used; or
  - (b) in a manner which is exploitative or degrading of any individual or group of people.
- 2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
- 2.4 Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
- 2.5 Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
- 2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety (Australian Association of National Advertisers 2018a).

Importantly, the entirety of Section 2 is to be read (and enforced) in light of 'prevailing community standards'. This both provides the capacity and impetus for evolution of the at-times vague and open wording of the code to meet community expectations, as well as an ability to reject complaints deemed unrepresentative of these undefined standards.

The present interpretation of the Code of Ethics is reflected in the AANA's November 2018 Industry Practice Note and its supplementary Practice Note, Managing the Portrayal of People.



Collectively, the Code and Practice Notes offer guidance relevant to this paper on issues of violence, discrimination and vilification, gender stereotyping, sex, sexuality and nudity, particularly exploitative or degrading sexual appeals, and body image.

Violence is prohibited 'unless it is justifiable in the context of the product or service advertised', with sexual violence and violence against animals always barred. The consequences of violence are also generally prohibited, however there is a specific exemption when justified by the community safety message involved, for example in campaigns targeting domestic violence or traffic accidents (Australian Association of National Advertisers 2018c).

Discrimination and vilification against people within groups sharing a range of characteristics, including gender, is prohibited. Discrimination is defined as 'unfair or less favourable treatment' and vilification as content which 'humiliates, intimidates or incites hatred, contempt or ridicule' (Australian Association of National Advertisers 2018d). Humour is not a defence.

In 2018, the prohibition on discrimination extended to the portrayal of gender stereotypes. 'Gender- stereotypical roles ... [and] ... characteristics' are permitted, such as 'a woman cleaning the house or a man doing DIY', or 'a man being assertive or a women being sensitive to others' needs', to the extent that they do not suggest that these are 'always associated with that gender; the only options available to that gender; or never carried out or displayed by another gender' (Australian Association of National Advertisers 2018d).

Sex, sexuality and nudity must be 'treated with sensitivity to the relevant audience'. Images that are both 'sexually suggestive' and 'inappropriate to the relevant audience' are prohibited, as is full frontal nudity. Sexual appeal in a manner that is 'exploitative of, or degrading to, any individual or group' is prohibited (Australian Association of National Advertisers 2018d). This was amended in 2018 (Ad Standards 2018a), as previously an advertisement needed to be considered both exploitative and degrading (Ad Standards 2019). Nevertheless, previous cases highlight that sexualised representations are not considered degrading if a woman is depicted as 'confident and in control'- despite research demonstrating that 'empowered' sexual portrayals still negatively impact women (Halliwell, Malson and Tischner 2011).

In 2018, there was also reform of the AANA's guidelines concerning representations of body image. This builds on Section 2.6 of the Code, which requires that advertising 'should not depict material contrary to prevailing community standards on health and safety'. The AANA's current interpretation of this standard bars the portrayal of body shapes or features that are 'unrealistic or unattainable through healthy practices'. Post-production such as retouching or digitally enhancing is not prohibited, unless it alters images to the extent that bodies are no longer deemed realistic or attainable through healthy practices, unless the changes are 'justifiable in the context of the product or service advertised' (Australian Association of National Advertisers 2018d). Though a positive development, this framework represents a more limited approach than has been advanced previously in Australia (see: Industry Initiatives – Advertising Ethics – Case Studies).

Finally, advertising is subject to context-dependent codes for specific media, for example the Commercial Television Industry Code of Practice, Commercial Radio Code of Practice Australia and the Outdoor Media Association Code of Ethics. These largely defer to the AANA Code insofar as the content of advertising is concerned.





## The Complaints Process

The AANA's complaints resolution process is managed by Ad Standards (formerly the Advertising Standards Bureau), a body encompassing a secretariat, an Industry Jury for complaints regarding Section 1 issues of truth in advertising, and a Community Panel for complaints regarding Section 2 issues around community standards. According to Ad Standards, the community panel represents the diversity of the Australian community and thus functions as a proxy of 'community standards':

The centre piece of the self-regulation system is the dedication, composition and independence of the Ad Standards Community Panel. The Community Panel includes people from a broad range of age groups and backgrounds and is gender balanced – representative of the diversity of Australian society.

Individual Community Panel members do not represent any particular interest group and are individually and collectively clearly independent of the industry. On the rare occasion an individual member has a connection with a party concerned in a particular determination, that Community Panel member absents herself or himself from the meeting.

The Community Panel discharges its responsibilities with fairness, impartiality and with a keen sense of prevailing community values in its broadest sense. Its task is often a difficult one and the outcomes of its determinations will not and cannot please everyone.

Ad Standards accepts complaints on a number of grounds (Ad Standards 2015a). For the purposes of this paper, those concerning a subset of Section 2 issues are relevant – the portrayal of sex/sexuality/nudity, the portrayal of people, exploitative and degrading images, language, and violence. Though narrowly framed, when read in conjunction with the AANA's practice notes they cover the breadth of the code. As with the AANA's guidance, Ad Standards also explicitly notes that common stereotypical representations are not necessarily grounds for complaint – however this does not consider the cumulative impact and normative power of such stereotypical representations, for example:

- Where a woman is shown completing household chores, where this depiction is not negative or demeaning. For example an ad for Coles where a woman talks about washing her husband's shirts (0520/14) and in an ad for Mr Muscle which shows a mother cleaning (0495/14).
- Ads which show children playing with gender specific toys. For example in an ad for Huggies nappies, boys and girls are shown participating in different activities, the Community Panel found that there was no suggestion that anything is wrong with the stereotypical activities, and there is no suggestion that the activities of the children are limited to what is shown on screen (0266/10) (Ad Standards 2018b)

Only a single written complaint is needed to instigate a formal investigation of an advertisement. This complaint must be submitted via the online complaints form or by post or facsimile. However, not all complaints are forwarded to the Community Panel – such as those not falling within Ad Standards' jurisdiction, if an advertisement complained about has been previously considered or if it pertains to an issue the Community Panel consistently dismisses. The Community Panel considers complaints in accordance with the Codes and Initiatives. It meets twice a month to consider complaints and reaches its decision through a majority vote. If a vote is tied, the Chair has a casting vote. The position of Chair is rotated among Community Panel members on a meeting by meeting basis.



When a complaint is upheld, the advertiser is notified of the decision and provided with a draft case report within 48 hours. The advertiser then has 5 days to respond to the Ad Standards Community Panel's decision and confirm that the advertisement has been or is being removed. The Community Panel's decision and the final case report, incorporating the advertiser's advice that the advertisement has been removed, is provided to complainants and the public within 8-10 days of the Community Panel's decision. Advertisers are advised within 48 hours of the Community Panel's decision when a complaint is dismissed. During that time, a draft case report is prepared by Ad Standards and submitted to the Community Panel Chair for approval. Usually, within 10 business days of the Community Panel's decision, complainants are advised of the decision and all case reports are made publicly available.

If an advertising or marketing communication is found to breach a provision of a Code or Initiative and the advertiser/marketer does not modify or discontinue the advertising or marketing communication within the allowed time frame, Ad Standards will: include the advertiser/marketer's failure to respond in the case report; forward the case report to media proprietors; post the case report on Ad Standards' website, and if appropriate, Ad Standards can refer the case report to an appropriate government agency.

Both the complainant and the advertiser/marketer concerned may appeal a decision of the Community Panel. This must be made within 10 days of the date of Ad Standards' final letter of notification of a determination and comply with the specified grounds for review. The cost of lodging a request for review is \$100 for complainants, \$500 for complainants from not for profit organisations, \$1000 for advertisers who pay the advertising levy and \$2000 for advertisers who do not pay the levy. The review is then assessed by one of Ad Standards' Independent Reviewers. An Independent Reviewer may uphold the original decision or require that the Community Panel itself review its decision. Reviewed decisions are deemed final, with no further appeals possible within Ad Standards (Ad Standards 2015b).

Currently, Independent Reviewers comprise respected figures drawn from relevant backgrounds, such as law or advertising, with the positions currently held by Victoria Rubensohn AM and Robin Creyke AO (Ad Standards 2015c). However, there is currently no expertise in gender or sexist advertising specifically, despite other efforts around the world to address this gap. For example, in Austria where over half of advertising complaints relate to gender portrayals, an advisory board on anti-sexism to the Austrian Advertising Council was installed that included gender experts as a means of countering gender discriminatory advertising (Council of Europe Gender Equality Commission 2018). It did this through both monitoring gender discriminatory content and enabling the Advertising Council to stop advertisements that violated norms, in turn promoting the practice of progressive portrayals in the industry. Currently, over half the complaints to Ad Standards in Australia concern gender portrayals, (Ad Standards 2018c), highlighting the extent to which this issue dominates.

Ad Standards claims a 99% compliance rate with its rulings, with exceptions notable in their rarity, such as Wicked Campers, discussed above (Micaleff 2016). Yet where an advertiser refuses to abide by an Ad Standards ruling, the body has little capacity to exert meaningful pressure – to the point that decisions can be flaunted for years on end (Roper 2016). The issue of time lags with the complaints process is important, for by the time an advertisement has been released to the public and the complaints process is completed, the harm has already been caused by an advertisement – particularly if it has created controversy and attracted widespread media attention (Gurrieri, Brace-Govan and Cherrier 2016).



Where the relevant party does not respond within 60 days or their response is deemed inadequate by the complainant, complaints regarding television and radio advertising content may be referred to the Australian Communications and Media Authority (ACMA). However, ACMA are limited in their capacity to act on issues beyond classification, placement and volume of advertisements, and the content of gambling advertisements specifically (The Australian Communications and Media Authority 2018). There appears to be no avenue to pursue complaints regarding non-television/radio advertisements beyond Ad Standards, with neither government bodies nor the representative industry bodies (the Australian Press Council, Independent Media Council and Outdoor Media Association) hearing such complaints.

Support for the current Australian complaints process contends that compared with a system of direct regulation by Government, the self-regulatory approach achieves similar outcomes to government regulation in compliance and effectiveness, and performs better in terms of cost, efficiency and responsiveness (Deloitte Access Economics 2017).

Critiques of the Australian complaints process highlight that the vast majority of all complaints to Ad Standards are dismissed. For example, according to the 2018 annual review, 83% of complaints were dismissed, and a similar figure was recorded in 2017 (Ad Standards 2018d, Ad Standards 2017). Researchers suggest that this points to an issue with either the standards, the complaints, the complainants, or the processes and procedures for administration of the standards (Brennan, Jevons and Brady 2014). As the bulk of complaints tend to be made in the category of sex, sexuality or nudity, calls have been made for more nuanced categorisation, allowing for a clearer framework for assessing complaints, an educative function to active or potential complainants, better assessment of the code against community standards, mediation between the Code, regulators and those segments of society who perhaps depart from prevailing 'community standards', and the development of clearer rules against which broader issues of sexism in advertising might be assessed. This critique does however predate the most recent amendments to the Code, as well as the more detailed interpretation offered in the accompanying Practice Notes.

The multiplicity of complaint handling bodies is a further issue, with clarity and transparency central to an effective complaint management process (Harker 2003). While ACMA offer brief guidelines as to how and where to lodge complaints, the Australian Senate Standing Committee on Environment Communications and the Arts proposed in 2008 that a centralised clearinghouse for all media and broadcasting complaints be established to support and direct consumers. However, the Government of the day demurred (Australian Government 2009; Standing Committee on Environment Communications and the Arts 2008). More specific guidance is limited. The City of Melbourne produced a Guide to Reporting Sexist Advertising as part of its strategy for the prevention of violence against women (City of Melbourne 2013, 2016). This guide outlines the pathways and mechanisms for lodging complaints, the standards against which content is assessed, and offers advice on alternate responses, including awareness raising and engagement in consumer activism. While consumer activist groups offer similar guidelines, the City of Melbourne's guidelines appears to be the only global example of guidelines specifically focused on sexism in advertising issued by a government body without direct responsibility for regulating advertising.

## Case Study: Ultra Tune

Ultra Tune, an automotive servicing and roadside assist company based in Melbourne, have run a series of controversial advertisements since 2014 featuring highly sexualised representations of women. Early ads relied entirely on sexual innuendo, such as women in rubber costumes buying tyres with the tagline 'We're Into Rubber', while the more recent 'Unexpected Situations' series involves the women getting into automotive accidents largely through inattentive driving, with male celebrities often coming to the rescue. Ultra Tune often target high profile events with its campaigns, such as the Australian Open, ensuring a wide audience.



Image: Ultra Tune 'Rubber Girls'

Source: Beers, 2016

The advertisements have attracted a broad range of complaints, and have been among the most-complained about in recent years, topping the rankings in 2016 and 2017. The offending 2016 ad was the second most complained about Australian advertisement of all time to that point (Carmody 2017; Jefferson 2016). Complaints focused on the women's appearance as well as their behaviour. As one complainant wrote, 'The women are shown in an openly sexual way, as tarts, with exaggerated lips and revealing clothing, and almost suggestive of rubber sex dolls — worst of all they are represented as stupid' (Jefferson 2016).

Ultra Tune have consistently defended the campaign. Executive Chairman Sean Buckley offered an insight into their rationale, explaining that 'most advertising today is pretty sanitised so what's wrong with taking a risk? Everything is so politically correct these days but we wanted to do something a bit comical' (Jefferson 2016), arguing that the campaigns had been a clear commercial success (Hepburn 2016). These sentiments reflect that within an otherwise-sanitised advertising environment, pushing the boundaries can provide commercial rewards to advertisers willing to court controversy (Parsons and Schumacher 2012).

In the few cases where complaints have been upheld, the panel has focused on representations that portray women as ignorant of safety, rather than the sexualised representations that run throughout the Ultra Tune campaign. For example, in ruling against an advertisement where women broke down on railway tracks and were oblivious to the danger posed, Ad Standards deemed that 'the advertisement presents women as ridiculous suggesting that they don't look after their cars, react passively to breaking down, and are unaware of their surroundings', while



dismissing complaints that the advertisement was exploitative and degrading, violent, or unnecessarily sexualised (Advertising Standards Board 2016).

That the more controversial advertisements, where complaints focus on the portrayal of women rather than the situations they find themselves in, have been deemed acceptable by Ad Standards, suggests a continuing disjuncture between the implementation of the relevant codes and of the concerns of members of the community (Brennan, Jevons and Brady 2014).

## Co-regulation in the United Kingdom

The United Kingdom operates a co-regulatory system of advertising regulation, with the public communications regulator, the Office of Communications (Ofcom), contracting the regulation of advertising out to the advertising industry through two interrelated bodies – the Committee of Advertising Practice (CAP), responsible for the development of codes, and the Advertising Standards Authority (ASA), responsible for their administration (Advertising Standards Authority 2019a). Ofcom's responsibilities are established by the Communications Act 2003. Section 319(2)(h) prevents 'the inclusion of advertising which may be misleading, harmful or offensive in television and radio services', while Section 319(4) mandates that Ofcom standards must assess 'the degree of harm or offence likely to be caused by the inclusion of any particular sort of material' in broadcast content, including advertising.

The ASA/CAP Broadcast and Non-Broadcast Codes reflect these requirements with clear prohibitions against any content which would 'cause serious or widespread offence against generally accepted moral, social or cultural standards', and specifically against the condoning or encouraging of 'harmful discriminatory behaviour or treatment' or 'violence, crime, disorder or anti-social behaviour', as well as any prejudicing of 'respect for human dignity' (Advertising Standards Authority 2018a). From this are derived offences regarding sexual objectification as well as inappropriate sex, sexualisation or nudity (Advertising Standards Authority 2018b, 2019b). Following an inquiry and report into the impact of gender stereotypes, *Depictions, Perceptions and Harm* (Advertising Standards Authority 2017a), a new restriction on 'gender stereotypes that are likely to cause harm, or serious or widespread offence' was introduced in June 2019 (Advertising Standards Authority 2018c), including both gender roles and unrealistic body images (Committee of Advertising Practice 2018). Guidelines around sexual and domestic violence are looser, requiring only that advertisers do not 'offend or condone anti-social or violent behaviour' (Advertising Standards Authority 2018d).

ASA/CAP offer a broad range of resources to both advertisers and the public to aid in understanding of and compliance with the Codes (Advertising Standards Authority 2018e). ASA handles all complaints regarding advertising content, with appeals only possible to ASA's Independent Reviewer, and only where a 'substantial flaw of process or adjudication' is established. Advertisers, and broadcasters who do not comply with ASA determinations may however be referred to Ofcom and Trading Standards for further action (Advertising Standards Authority 2017b).

ASA's standards, and particularly recent developments regarding stereotypes and representation, reflect recognition by both community and Government that upholding commitments to women's safety and freedom from violence requires a focus on problematic gender representations,





including stereotyping and objectification (House of Commons Women and Equalities Committee 2018a). This reflects both a commitment to equality and human rights derived from international and domestic legislation, and a recognition that upholding these commitments requires a focus on problematic gender norms (House of Commons Women and Equalities Committee 2018b).

In sum, the strength of the UK system of co-regulation lies in its grounding in legislative instruments, which in turn reflects a broad government commitment to action on issues of gender inequality and discrimination.

### Case Study: Protein World

Protein World, a UK-based fitness and weight loss supplement manufacturer and retailer, launched a billboard-based advertising campaign across London's public transport network in 2015. The billboards featured the slogan 'Are you beach body ready?' alongside a photograph of a slim model in a bikini and an advertisement for Protein World's 'Weight Loss Collection' of dietary supplements (Digital Training Academy 2015).



Image: Protein World, 'Beach Body Ready'

Source: Graham, 2015

The campaign sparked fierce public opposition, including allegations of 'body shaming' and 'encouraging women to starve themselves', defacing of billboards, and some 380 formal complaints to the ASA (Advertising Standards Authority 2015; Sanghani 2015). Protein World, which had only launched 18 months previously and spent just £250,000 on the campaign, revelled in the attention, doubling down through their social media channels, labelling complainants 'terrorists' and 'sympathisers for fatties', and claiming the additional publicity had contributed to £1,000,000 of sales over just four days (Smith 2015a).

Transport for London, who owned the billboards, advised that they did not breach its policies, but would not be renewed. The ASA ruled that the ad was neither offensive nor misleading, accepting Protein World's argument that the question of whether the audience felt their bodies were beach-ready should be read independently from the idealised body image presented directly alongside it. The campaign was however withdrawn on the basis that the health claims made about the



product did not have the appropriate authorisations under European Union advertising laws (Advertising Standards Authority 2015).

Several policy shifts occurred in response to this episode. Lord Mayoral candidate Sadiq Khan campaigned on and introduced a ban on any ads ‘which could cause body confidence issues, particularly among young people’ from Transport for London’s billboards (Crerar 2016). The ASA noted ‘increasing political and public debate on equality issues’, including from the Shadow Minister for the Creative Industries and former head of telecoms at Ofcom, Chi Onwurah, who suggested the statutory regulator might ‘step in when the market isn’t going to drive things in the right direction with self-regulation’ (Vizard 2016). In response, the ASA launched an inquiry into its regulations around objectification, sexualisation and stereotyping, which ultimately resulted in the *Depictions, Perceptions and Harm* report and the corresponding reforms to regulations introduced in 2019 (Advertising Standards Authority 2017a; BBC News 2017).

This episode highlights the importance of a self-regulatory body that is responsive to any disjuncture between its regulations and their interpretation, and broader community standards. Namely, that legislators were able to exert more direct pressure, or at least the threat thereof, through the co-regulatory agreement ASA holds with Ofcom.

Finally, it is important to note that Protein World later ran a substantively similar campaign in the US without attracting any real opposition (Hackman 2015). This could reflect differences in community standards, differences in the focus of community activism occurring in different countries and/or differences in levels of understanding about the harms caused by sexist advertising. It highlights the need for greater community and industry awareness of the impact of sexist advertising.

## Summary

Much of the regulation of advertising takes the form of self-regulation, with industry peak bodies producing codes of practice and ethics by which their members voluntarily abide and establishing complaint resolution mechanisms in the form of industry-run juries or tribunals.

The effectiveness of these codes hinges on their acceptance by industry, voluntarily or otherwise. Under self-regulatory agreements, adherence to codes is voluntary, with sanctions limited in their application to those advertisers who voluntarily agree to adhere to these codes of practice. In contrast, under co-regulatory schemes, self-regulation may be backed up by legislative requirements, and hence all advertisers must theoretically comply with codes.

Further, the mixed motivations behind self-regulatory schemes may lead to conflicts of interest in their enforcement. Visibly-active regulation is necessary to the degree that it perpetuates the system of self-regulation and demonstrates some degree of acting in the public interest. In tension with this is the fact that self-regulatory industry bodies primarily reflect the interests of advertisers over those of the public or government regulators.

Self-regulatory systems offer a range of benefits by co-opting of industry towards its own control. These include efficiency and a lack of taxpayer burden, a protection of free expression and market activity, as well as the internalisation of norms of behaviour through industry participants. However, a range of limitations are also apparent, with conflicts of interest leading to ineffective regulation,



perverse incentives provided for those willing to transgress voluntary regulations, and a limited capacity for effective sanctions. Carefully-designed co-regulatory systems appear to offer some solution to these flaws, with underlying legislation exerting pressure on industry to maintain standards, allowing for government intervention where appropriate, and offering the capacity for real punitive action where required, while still retaining many of the benefits of a self-regulatory system.

Australia operates a self-regulatory system, addressing the breadth of issues of sexist advertising through voluntary industry codes of practice, and with clear mechanisms through which the public can make complaints. However, the Australian system is marked by limitations. The complaints process has drawn criticism for the regular dismissal of complaints, time lags with complaints and a disconnect between complainants and regulators. Although Ad Standards purports that there is largely an alignment between Board decisions and community views, evidence of complaints suggests a continuing disjuncture between the implementation of the relevant codes and of the concerns of members of the community. Compounding this is a lax legislative framework that offers little guidance to a self-regulatory industry, little recourse to complainants frustrated by it, little protection to those who may be harmed by sexist representations in advertising, and little capacity for legislators to exert pressure on self-regulatory bodies. This reflects observations that the self-regulation of advertising and media is weak compared to other industries such as law or medicine, whereby it is not incentivised to produce model outcomes; rather, to do merely enough to keep consumers satisfied and legislators at a safe distance. Key limitations of the Australian system include the lack of specificity in its codes, limited enforcement, non-existent sanctions and a multiplicity of complaint handling bodies for the media.

By contrast, the co-regulatory system in the UK benefits from its grounding in legislative instruments, which in turn reflect a broad government commitment to action on issues of gender inequality and discrimination. Co-regulation offers independence, transparency and enforcement capacity. The system remains imperfect, with regulations requiring constant development to meet the challenges of an evolving advertising market and shifting community standards, but does appear more responsive to pressure from the public, statutory regulators and elected legislators.

A future challenge for all systems of advertising regulation pertains to new media technologies, the global nature of which warrants further consideration.

## 4. Community Resources

The provision of educational resources for the broader community is a common tool for addressing sexism or promoting progressive gender representations in advertising, either through countering or critiquing problematic representations and their associated messages. Social marketing campaigns seek to change behaviour through the provision of information and support to target audiences. Media and advertising literacy education, particularly provided through schools, can equip children and young adults with the necessary skills and tools to evaluate media representations of gender, sex and sexuality, tackle public attitudes around gender norms and promote healthy behaviours.

### Social marketing

Social marketing applies commercial marketing techniques to the analysis, planning, execution and evaluation of programs designed to influence the voluntary behaviour of target audiences in order to improve their personal welfare and that of society (Stead, Hastings and McDermott 2007). It is an approach that has achieved a range of behaviour change ends – improving diet, increasing exercise, and tackling the misuse of substances like alcohol, tobacco, and illicit drugs –with a range of target groups and in different settings. This has been achieved through both a ‘downstream’ focus on individual consumers and an ‘upstream’ focus on regulators (Gordon et al. 2006), with research further highlighting the complementary nature of these approaches (Hoek and Jones 2011). In the case of sexist advertising, social marketing has provided an important means to countering sexist representations of women in advertising.

Yet, social marketing can face a range of challenges and limitations. Practical issues include problems of design, assessment and diffusion (Grier and Bryant 2005), particularly when messages run contrary to dominant discourses within a corporate marketing environment (Wymer 2010). Social marketing can also present a range of ethical quandaries including: moral justifications; power differentials; the (at times unintended) impact on target individuals, communities and others, such as labelling, stigmatising and expanding social inequalities; and the tensions that can arise between marketers and target groups (Grier and Bryant 2005; Gurrieri et al. 2018; Gurrieri, Previte and Brace-Govan 2013; Guttman and Salmon 2004; Paluck and Ball 2010).

Social marketing related to addressing gender inequality and violence against women has worked to change social norms, particularly where social norms are not universally accepted (Herrick 2007) and negative community norms need to be changed so that positive personal beliefs are easier to express (Paluck and Ball 2010). Evidence points to the positive impacts of social norms marketing campaigns to challenge norms supportive of violence (Herrick 2007), reshape gender norms and promote women’s rights (World Health Organization 2009a, 2009b). In such interventions, engaging with and involving men is critical for success (Flood 2011). Key here is engaging with the full breadth of the population, as narrowly targeted campaigns can prove ineffective or even counter-productive.

Negative, deterrent-based campaigns are effective, with social marketing campaigns that demonstrate gender-based violence to be a criminal act with consequences more effective than those that encourage alternate forms of expression, counselling or consideration of victims (Quinn et al. 2007), however when the only men that feature in these campaigns are portrayed as abusive they can alienate target audiences and even lessen men's concerns around violence against women (Gadd et al. 2014; Keller, Wilkinson and Otjen 2010). As one domestic violence expert explained, these campaigns 'may have unintentionally angered some men because the ads repeatedly portrayed women as victims and men as perpetrators, without any other men on screen that a man who is not abusive could identify with' (Keller, Wilkinson and Otjen 2010). It is thus essential to demonstrate not just the consequences of target behaviour, but the range of and existence of positive alternatives.

### **Case Study: Australian domestic violence campaigns**

Public social marketing campaigns in Australia have focused primarily on addressing domestic violence. This provides both an important mechanism to change behaviour in relation to violence against women and counter negative gender portrayals in advertising, such as those that glamourise violence. Despite recognition of the harmful impacts of gender portrayals in government policy that identifies media, popular culture and advertising as priority settings for shaping social norms around gender (Department of Premier and Cabinet (Victoria) 2016; Respect Victoria 2017), few campaigns have focused to any significant extent on the issue of how women are represented in media and advertising. Our Watch is a notable exception, with the #BecauseWhy campaign that provides support and practical guidance for parents in challenging gender stereotypes (OurWatch 2016a). Our Watch's The National Media Engagement (NME) Project also engages media to increase quality reporting of violence against women and their children and build awareness of the impacts of gender stereotyping and inequality (OurWatch 2016b).

Campaigns to address violence against women are now moving beyond targeting perpetrators to consider the drivers of violence against women. Two key campaigns, building on the *National Plan to Reduce Violence against Women and their Children 2010-2022*, are the Federal Government campaign *Stop It at the Start* and the Victorian Government campaign *Respect Women: Call it Out*.

*Stop it at the Start* focuses on the impact the attitudes of adults have on the development of children, and is targeted at parents, family members and other role models in the lives of children, encouraging them to 'reflect on their attitudes, and have conversations about respect with young people' (Australian Government 2018b). The campaign involves a series of television advertisements highlighting the impact of domestic violence and cultural norms of inequality and disrespect on the behaviour of children (Australian Government 2018c).

*Respect Women: Call it Out* focuses on bystanders, aiming to provide them with 'the tools necessary to call out disrespectful and sexist behaviour, a known driver of violence against women' (Minister for Prevention of Family Violence (Victoria) 2018). As well as providing a range of online resources, the campaign features a series of television advertisements demonstrating the straightforward steps bystanders can take to address issues of everyday sexism (Dawson 2018b).





Image: Respect Women: Call it Out (Victoria)

Source: Women Victoria, 2018

By demonstrating how the behaviour of bystanders impacts on sexist/abusive behaviour, and in how abusive behaviour impacts children as third parties, these campaigns engage a broader audience and demonstrate the wider impact of behaviour, both abusive and respectful. In turn, this highlights the possibility of behaviour change across the breadth of society, with men engaged as partners in changing attitudes and preventing violence.

### Case Study: This Girl Can

This Girl Can is a major public health campaign developed by Sport England (Sport England 2019), aimed at encouraging participation in physical exercise among women of all ages and levels of fitness, subsequently licenced by VicHealth for a local campaign (VicHealth 2019).



Image: This Girl Can (UK)

Source: Sport England, 2019





Image: This Girl Can (VicHealth)

Source: VicHealth, 2019

The aim of the campaign was simply, as Sport England briefed its advertising agency, FCB Inferno: 'to get more women from the age of 14-40 regularly active and into sport and to keep them playing.' The campaign was rooted in broad research highlighting the barriers women faced when it came to engagement in sport and other physical activity, and consists of broadcast, print and online advertisements of a diverse cast of women engaged in fitness activities, challenging stereotypes and tackling stigma around body shape, age and cultural expectations (Sport England and FCB Inferno 2016).

These advertisements direct the target audience to a website featuring exercise ideas, guidance and motivation, in depth profiles of a diverse range of active women, and collation of social media content from participants (Sport England 2019).

The campaign boasts significant impact, with research conducted after its first year indicating some 2.8 million (around one in four) 14-40 year old women had engaged in greater physical activity as a result of the campaign, with 1.6 million engaging in sport, and 150,000 now active at least once per week, every week. The campaign further demonstrated significant social media impact across the same period, with 660,000 tweets using the #ThisGirlCan hashtag and 37 million views of its films on YouTube and Facebook.

Academic assessment of the campaign was less positive. The impact of campaign materials was tested under controlled conditions, and found to be mixed – viewing campaign content increased both women's appearance satisfaction and exercise intentions, but these returned to prior levels over time, and were further eroded by and didn't decrease the comparison effect of viewing idealised body images (Mulgrew et al. 2018).

Two further critiques have been raised. Though This Girl Can might tackle stereotypes around physical activity, it does nothing to address the objectification of women, and rather subjects a broader range of female bodies to sexualisation (Francombe-Webb and Fullagar 2015). Another issue is the huge success of the campaign, whereby imitators risk making progressive advertising portrayals of women formulaic (Hobbs 2016).





## Media and advertising literacy

Media literacy is the capacity to understand, produce and negotiate meanings in a culture of images, words and sounds. A media literate person can:

decode, evaluate, analyse and produce both print and electronic media. The fundamental objective of media literacy is a critical autonomy relationship to all media. Emphases in media literacy training range widely, including informed citizenship, aesthetic appreciation and expression, social advocacy, self-esteem, and consumer competence (Aufderheide 1993).

Advertising literacy, as a subset of media literacy, reflects the specific capacity to understand the techniques of advertising and critically engage with advertising content (Malmelin 2010; O'Donohoe and Tynan 1998). Within the present context, we are concerned with the capacity to understand and critically engage with media and advertising representations of gender, sex and sexuality.

Two distinct streams emerge in media literacy theory, respectively interpreting media literacy as a tool for protection against media content and as a tool for empowerment through media use (Cappello, Felini and Hobbs 2013; Hobbs and Jensen 2009; Kellner and Share 2005). These have been broadly integrated in contemporary policy, for example in the European Commission's conception of media literacy, which encompasses both the capacity for young people to embrace and use media to the fullest, and to understand and assess the information it presents them with (European Commission 2007).

From a protectionist perspective, it has been argued that advertising literacy equips children with a capacity to identify and resist advertising content, however the evidence on this front is mixed (Hudders et al. 2017; Livingstone and Helsper 2006; Rozendaal et al. 2011). Similarly, the capacity for media literacy to empower has been questioned. For example, adolescent girls' media literacy may help them to understand the techniques and messaging behind sexualised media content, but does not necessarily mitigate the harm that content continues to exert (Gill 2012). Nevertheless it has been argued that media literacy should be included in sex and/or respectful relationships education to aid young people in mitigating the impact of harmful representations (Papadopoulos 2010). This may comprise young people openly discussing their media consumption and the ways in which it informs their understanding around issues of love, sex, relationships and body image (Lumby and Albury 2008).

### Case Study: Media literacy education in Australia

Australian school curricula do not specifically focus on issues of sex, sexualisation, body image and gender stereotypes in relation to media and advertising content. The Victorian Curriculum is representative. While there is some discussion of these issues, it is delivered in a piecemeal fashion and spread across a variety of units, including Media, Sexuality Education and Health and Human Development.

Media curricula address theory and practice, including analyses of advertising practice, and with some discussion of the construction of representations including gender at VCE level, but no focus on sexualisation (Victorian Curriculum and Assessment Authority 2015, 2017a). Sexuality Education curricula focus on sexual health, sexuality and relationships, with some discussion of





body image and pornography, but no extensive focus on the intersection between these issues and media representations (Department of Education and Training (Victoria) 2018). Health and Human Development curricula address issues of mental health and wellbeing, including discussion of body image pressures, but not the intersection with media representations (Victorian Curriculum and Assessment Authority 2017b). More recently, the Respectful Relationships initiative that supports schools and early childhood settings to promote and model respect, positive attitudes and behaviours includes curriculum relating to gender and identity and gender relations, such as gender stereotypes (Department of Education and Training (Victoria) 2019). Although there is not an explicit focus on media literacy, it is considered to a degree through two individual activities within broader modules on gender representation within the Years 3-4 and 7-8 curricula.

A range of initiatives exist to address this lack of central focus. One such example is the SeeMe resources developed by the Queen Victoria Women's Centre Trust (SeeMe 2012). SeeMe aims to promote positive body image norms and practices, and to tackle the impact of young people's internalisation of idealised media portrayals of beauty and gender stereotypes. Its core offering is a suite of ICT activity modules for use in schools, covering issues including gender stereotypes, body image, advertising literacy, healthy lifestyle choices, fashion and cosmetics and photoshopping. However, without formal inclusion in curricula, the uptake of such programs is necessarily limited and inconsistent.



Image: SeeMe

Source: Queen Victoria Women's Centre, 2012

## Case Study: Media literacy education in the United Kingdom

Media literacy as it pertains to gender representations, body image and sexualisation is a specific focus within the Personal, Social, Health and Economic (PSHE) area mandated for all high school students in the UK. PSHE encompasses three key themes: health and wellbeing, relationships and 'living in the wider world', which focuses on economic and careers education. Education regarding media representations falls under the health and wellbeing component of PSHE. Key capabilities include equipping students to recognise, understand, manage and challenge:

- pressure to conform to media stereotypes (or manipulated images), including how the media's portrayal of idealised and artificial body shapes, can adversely affect body image and the impact this can have on self-esteem
- gender stereotypes
- the role of sex in the media and its impact on sexuality (including pornography, gender and sexual 'norms')
- the spread of sexualised imagery on social media (PSHE Association 2019)

PSHE is reinforced through the provision of Media Smart resources for primary school aged children. Developed through collaboration between the UK Government Qualities Office and the Advertising Association, these teaching materials aid students in exploring the relationship between advertising, gender representation and body image (Media Smart 2018), and help teachers and parents 'improve primary school children's understanding of how gender is represented in the media and their resilience to negative content' (House of Commons Women and Equalities Committee 2018b).

This highly targeted emphasis is a direct outcome of recent trends in UK government policy, with the 2010-2015 *Violence against Women and Girls* policy platform, the *Ending Violence against Women and Girls Strategy* 2016-2022 and the 2017 House of Commons Women and Equalities Committee *Inquiry into sexual harassment of women and girls in public places* all highlighting the importance of addressing deep-seated gender norms and the utility of both education and social marketing campaigns in pursuit of this end (HM Government 2015, 2016; House of Commons Women and Equalities Committee 2018b).

### **Case Study: Geena Davis Institute on Gender in Media**

The Geena Davis Institute on Gender in Media is a research-based organisation working within the media industry to engage creators, marketers and audiences about the importance of progressive gender representation within media targeted at children.

The Institute has developed a range of research-backed educational resources, intended to assist parents and teachers in equipping children to challenge gender stereotypes (Geena Davis Institute on Gender in Media 2019). Examples include the 'Guess Who?' video series and accompanying curriculum, which seeks to challenge children's gender preconceptions by showing men and women in non-traditional jobs and engaging children in the development of progressive and aspirational portrayals, and an eight-lesson gender equality curriculum that explores gender representation in a variety of media contexts and its influence on issues such as self-image, sexual harassment and bullying.

The Institute also seeks to engage industry actors in the development of progressive content, through a series of gender equality symposiums and salons and the provision of research on the nature and impact of differing patterns of gender representation in the media (Geena Davis Institute on Gender in Media 2019).



## Summary

A broad range of initiatives seek to support the broader community in addressing the issue of sexist advertising, including social marketing and media literacy education. Social marketing offers a means to shape public behaviour in pursuit of public health goals, but must address a range of limitations. Key efforts in this space to reshape gender norms and portrayals include campaigns to address violence against women and motivating women to engage in physical exercise through tackling the norms and stigmas that dissuade participation. Media and advertising literacy show some promise in their capacity to offer both protection and empowerment to young people by equipping them with the skills necessary to critically use and analyse sexist media and advertising content. However, a more explicit focus is perhaps required, as the Australian curriculum does not directly address issues of sexualisation and stereotyping in the media as it does in the United Kingdom.





## 5. Industry Initiatives

Sexist advertising practices reflect, to a substantial degree, problems inherent in the culture and structure of the advertising industry. As such, it is vital to understand advertising industry culture, the efforts and successes in its reshaping, and the impact this is having on advertising practice. Progressive practices are similarly worthy of focus, to explore the potential and limitations of efforts by industry to be more inclusive and diverse. In the absence of widespread ethics training within the advertising industry, and in recognition of the ethical issues that persist within it, a range of guidance materials and training has also been made available through representative industry bodies and Government.

### The culture of advertising

Advertising content is heavily shaped and constrained by the institutional context within which it is created. In relation to gender portrayals, advertising professionals legitimise their ethical perceptions and activities through adherence to the legal, moral and cultural boundaries set by the agencies they work within, as well as broader institutional forces, namely clients, the broader media and regulatory bodies (Stumberger and Golob 2016; Tuncay Zayer and Coleman 2015). Creatives 'learn to develop the type of work that is validated and rewarded by the social system' (Windels and Lee 2012) and learn to anticipate the desires of their superiors (Draper 2014).

The gender dynamics within agencies are a key factor here, with hyper-masculine cultures that reinforce traditional masculine and feminine gender norms that feed into both advertising representations and gender balance within the industry (Tuncay Zayer and Coleman 2015). Senior positions are dominated by men and women are under-represented in advertising creative departments (Grow and Deng 2014, 2015; Mallia 2009, 2016; Windels and Mallia 2015). As women in advertising and marketing have been observed to make more ethical decisions than men (Drumwright and Murphy 2009; Lane 1995; Lund 2008), these gender imbalances have a discernible impact on the culture within firms (Broyles and Grow 2008; Gregory 2009; Grow, Roca and Broyles 2012). The resulting behaviour is a 'moral myopia', a distortion of vision that precludes ethical issues coming into focus, or 'moral muteness', where they are simply not discussed (Drumwright and Murphy 2004). Behaviour is also rationalised in the face of moral stigma towards the profession, with advertisers developing narratives around 'doing good' through the satisfaction of clients, creation of meaningful advertisements, and the development of consumer-brand relationships (Cohen and Dromi 2018). Thus, ethical issues in advertising practice are often not given the attention they warrant within the industry, which in turn impacts on the nature of advertising content.

Further, advertising work is primarily validated through industry awards, which are given great credence by both practitioners and clients (Kilgour, Sasser and Koslow 2013), and are connected to company profitability (Tippins and Kunkel 2006). However, award juries are overwhelmingly male, and reward work that is male-driven and male-targeted (Broyles and Grow 2008). External attempts at exploiting this desire for recognition have not always been successful, for example, the Australian Government launched a slate of Positive Body Image Awards in 2013 to reward



progressive portrayals in advertising, fashion and media, but these were abandoned following a lack of engagement from industry (Joye 2013). In contrast, awards for reporting on violence against women and children have been well-received by journalists (OurWatch 2018).

However, institutions can both constrain and empower, and so reshaping the cultures within them can reshape practice in a progressive manner (Tuncay Zayer and Coleman 2015). For example, by continually challenging and inverting client-creative power struggles, creatives convinced a recalcitrant client in Nike to present progressive, empowering representations of women in their advertising (Grow and Wolburg 2006).

As the culture within the industry has evolved, representations have in turn shifted – with more egalitarian representations of men and women, greater diversity, appeals to hitherto ignored groups such as LGBT consumers, and the rise of femvertising – advertising to women using representations of ‘empowered’ women – all becoming more common (Grau and Zotos 2016).

These progressive portrayals by advertisers and their clients can be seen as a form of corporate social responsibility – self-driven ethical behaviour – yet are not without commercial imperative as consumers increasingly demand higher ethical standards. The drivers of corporate responsibility and underlying ethical values are both external, originating in pressures and constraints outside the company, and internal, based on a collective awakening to new needs and sensitisation to values. These imperatives can be classified into three groups: negative, reaction-driven motivations, in response to consumer unrest; positive, value-driven motivations shaped by evolving internal cultures; and utilitarian, performance-driven motivations, seeking to satisfy evolving consumer sentiment for profit (Fassin and Buelens 2011).

These socially responsible behaviours can be effective if they demonstrate congruence between corporate positions and consumer beliefs around ethical issues, but can provoke backlash where consumers do not fully embrace the ethical position taken, and so rely on some critical mass within the target market (Sen and Bhattacharya 2001). For example, the recent backlash to Gillette’s new advertisement ‘We Believe: The Best Men Can Be’, was fuelled by Gillette consumers that saw the advertisement as a denunciation of men (Gurrieri 2019b). Progressive advertising can be seen as occupying a continuum, ranging from ‘coded’ messages that seek to appeal to a target audience (and/or challenge stereotypes) without alienating others, to more overt campaigns that take positions proudly and openly (Grau and Zotos 2016).

A further risk posed by progressive behaviours is that of provoking perceptions of hypocrisy, when campaigns and claims do not accord with broader corporate behaviours (Fassin and Buelens 2011). Such campaigns might be tokenistic or opportunistic, and provoke particular opprobrium when negative corporate behaviours come to light after socially responsible campaigns have been launched, as opposed to reactive campaigns launched to redress pre-existing negative publicity (Wagner, Lutz and Weitz 2009). For example, Gillette was criticised of such ‘woke washing’ in the wake of its advertisement that tackled sexism for continuing to impose a ‘pink tax’ on its female-centric products that cost more than the male equivalent (Vredenburg et al. 2019).



## Re-shaping advertising culture

The reshaping of culture and practice within the industry has taken a range of forms. At its most formal are conscious efforts by industry peak bodies, in alliance with a range of partners, to develop principles for promising practice and charters for ethical behaviour. Within the industry, conscious change has also been driven from movements that unite female advertising practitioners to challenge and change problematic and harmful industry norms and practices. Change has also been driven at the level of the individual agency, with female-focused agencies increasingly offering both more progressive, female-targeted campaigns, and internal cultures that better respect and address the needs of female advertising professionals (Kemp 2018). From these agencies have come a range of campaigns and initiatives aimed at reshaping the culture within the industry more broadly. A key outcome of these efforts has been observable shifts in advertising award practice, with new awards focusing specifically on progressive, egalitarian representations, and higher ethical standards applied more broadly.

### Case study: The Unstereotype Alliance

The Unstereotype Alliance, launched in 2017, is a collaboration between the United Nations, as part of the implementation of its 2015-2030 Sustainable Development Goals, the World Federation of Advertisers, the peak representative body of the global advertising industry, and a range of corporate and non-profit partners. According to its mission statement, the Alliance is:

a thought and action platform that uses advertising as a force for good to drive positive change. It seeks to eradicate harmful gender-based stereotypes. The alliance is focused on empowering women in all their diversity (race, class, age, ability, ethnicity, religion, sexuality, language, education, etc.) and addressing harmful masculinities to help create a gender equal world (Unstereotype Alliance 2018).

The Alliance offers a range of research highlighting the importance of empowering gender portrayals, highlights positive practices by its members, and a Code of Principles to which these members commit:

As Members of the Unstereotype Alliance, to realize our common vision, we commit to create unstereotyped branded content by:

- Depicting people as empowered actors
- Refraining from objectifying people
- Portraying progressive and multi-dimensional personalities not vacuous

We aim to foster an unstereotyped culture, through:

- Driving gender balance in senior leadership and creative roles
- Directly addressing unconscious bias, diversity and inclusion through training as a standard across the industry
- Challenging each other as advertisers and advertising agencies to deliver the best unstereotyped marketing content - and ensuring, as brands, that we only buy the best, most unstereotyped work
- And we pledge to hold ourselves accountable by setting clear goals and measuring change annually, aiming for significant change by 2020 (Unstereotype Alliance 2017)

Key founding partners of the alliance include the multinational consumer goods giant Unilever, which has adopted positive gender principles as part of a broader pursuit of the Sustainable Development Goals (Tarrant and Walker 2018), the marketing and advertising conglomerate IPG, and telecommunications firm AT&T.

Reflecting the aims of Unstereotype, the WFA has issued a *Guide to progressive gender portrayals in advertising*, making a social and business case for moving beyond gender stereotypes in advertising and offering guidance to marketers to this end (World Federation of Advertisers 2018).

These operate in conjunction with the International Chamber of Commerce's Advertising and Marketing Communications Code (International Chamber of Commerce 2018), which theoretically forms the basis of national advertising standards. Article 2, Social Responsibility holds that marketing communications 'should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability or sexual orientation.' Article 3, Decency, holds that marketing communications 'should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.'

Unstereotype members have produced a growing number of advertisements aimed towards fostering an unstereotyped culture, including a P&G Gillette Venus advertisement that diversified images of beauty and GSK Women's Horlicks that disrupted the stereotypical image of Indian women in advertising (Unstereotype Alliance 2019). It remains too early to assess the impact of Unstereotype on advertising practice more broadly. However, analysis suggests corporate adoption of the Sustainable Development Goals does not necessarily impact on practice to the extent hoped (Mhlanga, Gneiting and Agarwal 2018).



Image: My Skin, My Way (Gillette)

Source: Gillette Venus, 2018

## Case study: Swedish Fashion Ethical Charter

Sweden does not formally regulate sexist or otherwise discriminatory advertising. Similarly to Australia, the Swedish Discrimination Act prohibits discrimination on the basis of gender, among other characteristics, in a range of areas including employment, education and access to medical care (Government Offices of Sweden 2015), but Swedish media and marketing law contains no such protections (Public International Law & Policy Group 2015). Attempts have been made to introduce protections and prohibitions against sexist advertising, however they have been

rejected by the Swedish Government on the grounds that they clash with legislative protections of free speech and freedom of the press (Public International Law & Policy Group 2015), and that while Sweden shares its neighbours' commitment to gender equality, 'gender stereotypes in advertising are not regarded as a problem of sufficient magnitude that legislation against it can be accepted' (Svensson and Edström 2014 p. 482).

What regulation occurs is thus entirely voluntarily. One such example is the Swedish Fashion Ethical Charter, adopted in 2017 (Swedish Fashion Council 2017a). The Charter, a collaboration between the Association of Swedish Fashion Brands, the Swedish Fashion Council, ELLE Magazine and the model agency MIKAS sought to establish shared ethical principles and a mutual responsibility to promote healthy body image, beauty ideals and social responsibility (Swedish Fashion Council 2017b). On announcing the initiative, the Secretary General of the Association of Swedish Fashion Brands, Emma Ohlsson, proclaimed her confidence that the initiative would 'contribute to positive changes regarding diversity, body image and beauty ideals for young people.'

The Ethical Charter is open to fashion designers, retailers, modelling agencies and photographers, and among its principles are several focusing specifically on representations and body image:

- We value diversity when it comes to ethnicity, body type and age. We are aware of and take responsibility for the impact that the fashion industry has on body and beauty ideals, mainly amongst adolescents.
- We advocate a healthy lifestyle and healthy body image that reflects a wholesome relationship with food, body and exercise.
- We strive towards a diversified representation of appearances, ethnicity and body types
- We offer at least a size 36 as standard sample size (women) and 48 (men) and welcome additional sample sizes at photo shoots (Swedish Fashion Council 2017b)

Yet these principles are narrowly focused on body image, and broader issues of gender stereotypical representations persist. Analysis of the representation of women in advertisements from signatories to the Charter found the persistence of stereotypical representations of women, either through sexualisation or portrayal in traditional maternal roles (Holten and Aller 2019).

A similar initiative has been replicated and launched in Denmark (Danish Fashion Ethical Charter 2018). By exerting pressure on industry to take responsibility, only signatories in Sweden and Denmark can participate in fashion week events which are crucial to the success of fashion businesses. Moreover, by listing participating companies on the Charter's website, a mechanism of naming and shaming is enacted, whilst participating companies in both countries can use a logo to promote their participation and compliance and are listed on a number of fashion websites, including Fashion Council, model agencies and fashion magazines. So far in Sweden, 180 companies have signed and must continually demonstrate compliance through checklists and an evaluation body (Swedish Fashion Council 2019).

### **Case study: #SeeHer initiative**

In 2016, the Association of National Advertisers, the largest marketing and advertising association in the United States, launched the #SeeHer initiative in partnership with The Female Quotient to

increase the accurate portrayal of women and girls in advertising and media by 20 percent by 2020 (#SeeHer 2018a). Since launching, 'positive portrayals' of women have increased from 51% to 61% in 2018. The initiative has developed toolkits for advertisers to create unbiased messaging and highlights the best ads and content that reflect the initiative's message on the SeeHer website.

Currently, 70 ANA members (of approximately 1800) have joined the program. To encourage participation, the ANA has offered members a 'trial' to test one of their advertisements using the Gender Equality Measure (GEM), which is a core element of the SeeHer initiative (#SeeHer 2018b). The GEM is a data driven open source methodology that identifies unconscious bias and provides measurement standards for quantifying consumer reactions to the portrayal of women in advertising and programming.

It measures perceptions of portrayals by asking consumers four key questions: what is the overall opinion of the female presented?; is she portrayed respectfully?; is she depicted inappropriately?; is she seen as a positive role model for women and girls?

GEM aims to support marketer and media efforts to create content that is free of gender bias. The initiative contends that advertisements that portray women and girls accurately are more socially acceptable, well liked by both men and women and work better when paired with programming that also portrays women fairly.

### **Case study: Cannes Lions**

The Cannes Lions are the pre-eminent industry awards recognising creative advertising practice, proclaiming themselves 'the global benchmark for effective creative marketing communications' (Cannes Lions 2019a). Yet, in reflecting the industry at its most creative, the Cannes Lions have also at times served to highlight the cultural problems inherent within it.

In line with broader attempts across the advertising industry and a 'long-held belief that marketing actively shapes culture', the Cannes Festival in 2014 launched See It Be It, an initiative to work towards equal representation of female and male creative directors across the industry by supporting and accelerating the careers of the next generation of female creative directors (Cannes Lions 2019b). Madonna Badger is the Chair of the initiative that recruits high-potential creative women from around the world, sponsoring them to attend Cannes Lions for a program that is designed to accelerate their careers, including mentoring, workshops, networking and observing judging behind-the-scenes. The initiative aims to bring the creative women to the attention of the industry and drive change by developing them as advocates and enlightened leaders.

This was followed in 2015 with the introduction of a new advertising award 'The Glass Lion: The Lion for Change', which 'recognises work that challenges gender bias and shatters stereotypical images of men and women which remain rooted in marketing messages' (LBBOnline.com 2015). Key players in the push to tackle sexism in advertising, including Cindy Gallop, Jennifer Siebel Newsom and Madonna Badger have served on the award jury, with winners including campaigns such as the British public health campaign This Girl Can, the Wall Street public art installation/publicity stunt Fearless Girl, and the first sanitary product advertisement to feature real menstrual blood (Beer 2017; Cohen 2015; Hollowood 2018).





Image: Fearless Girl (State Street Global Advisors)

Source: Charles, 2017

However, despite these developments, the celebration of sexist advertising practices continued at Cannes. After serving on the Glass Lion jury in 2016, Badger highlighted a range of sexist advertisements that won awards despite apparent violation of Cannes' own rules, which allow the Festival to refuse or withdraw any entries that 'offend national sentiments, religious sentiments or public taste'. These included advertisements for Bayer aspirin that alluded to non-consensual videos taken during sex, created by that year's recipient of the Agency of the Year prize, and for the florist Interflora which made light of grooms sleeping with bridesmaids (Badger 2016).

In response to this pressure, and in conjunction with Badger, Cannes introduced new guidance for its juries in 2017, cautioning them against awarding work that reflects gender bias. Though not holding the weight of formal rules, and leaving the decision as a personal one for each juror, the guidance asks every juror to affirm their belief that any work shortlisted does not objectify women or perpetuate gender bias:

Work that objectifies, perpetuates negative and harmful inequalities and gender bias hurts all of us," the festival will now tell all jurors in their briefings before judging. "The criteria for knowing if a submission is objectifying or gender-biased is empathy. Use your heart and mind to determine if the submission is acceptable to you. What if the person portrayed in the image or copy was you? Or your daughter or son, sister, father or mother... would you be O.K. with the portrayal? Do you feel they are being treated as whole, human and equal, and how you would like to be treated? (Stein 2017)

Philip Thomas, CEO of the Festival's parent company Ascential Events, expressed his hope that 'a more mindful industry' would make formalisation of the principles unnecessary, and Badger was optimistic regarding the achievement, forecasting that it would 'make every ad agency rethink the type of advertising they're doing and whether or not it's award-winning, and because Cannes is the absolute Oscars of advertising, they will set the tone for all the other awards all over the world' (Stein 2017). And, indeed, the 2017 and 2018 events appear to have passed without further incident.

Promoting progressive gender portrayals in advertising through awards is a growing practice. For example, in 2015 Channel 4 launched the Diversity in Advertising award in the UK to promote the creation of inclusive advertisements. The 2018 award focuses on the portrayal of women in advertising, specifically an advertisement that would challenge ingrained stereotypes, objectification and sexualisation of women in advertising (Channel Four 2019). The winner, the





Royal Air Force and its agency Engine, received £1m in commercial airtime for the campaign. In Austria, an advisory board on anti-sexism within the Austrian Advertising Council launched the 'Gender Award Advertising' in 2012 that rewards gender-sensitive advertising campaigns according to the extent they promote gender equality through challenging gender norms and stereotypes (OECD 2015 p. 105).

### **Case study: 3% movement**

The 3% Movement is an initiative founded in 2012 that derived its name from a 2008 statistic that stated only 3 percent of all creative directors in the USA were women (3 Percent Movement 2019). It aims to raise the number of women in top creative jobs through a mix of content, community and professional development. The initiative aims to ease the challenges that women and other marginalised groups face as they progress into leadership roles, primarily through the annual 3% conference. The 3% movement also aims to provide agencies with a roadmap for championing female creative talent and leadership. It achieves this through an independent assessment system – 3% Certified – which evaluates and supports agencies to retain and promote women into leadership and a consultancy program that works to build inclusive creative cultures in advertising agencies.

A similar UK initiative launched in 2017 is Creative Equals (Creative Equals 2019), which champions diversity and inclusion in the creative industries through training, a future leaders program to develop women in creative leadership roles, a conference, D&I accreditation for businesses and a group that works with industry associations and bodies to shape diverse juries and speaker line ups. A recent Australian initiative in this space is Changing the Ratio, which aims to drive diversity and inclusion in the communications industry (Changing The Ratio 2019). It hosts an annual conference to provide practical tools and information to achieve its mission.

Each of these initiatives aim to address the under-representation of women in leadership roles in the advertising industry. This responds to the aforementioned United Nations action plan for women's rights (the Beijing Platform for Action) and Council of Europe *Gender Equality Strategy*, both of which aimed to address, amongst a range of goals, structural inequalities within media industries.

### **Case study: Time's Up Advertising**

Time's Up is a movement against sexual harassment and inequality in the workplace. Its mission is to 'drive new policies, practices, decisions, and tangible actions that result in more balanced, diverse, and accountable leadership; address workplace discrimination, harassment, and abuse; and create equitable cultures within our agencies' (Time's Up 2019). By committing to hold workplaces accountable and pushing for swift change, the movement aims to foster safe, fair and dignified work for all in advertising agencies. It aims to do this by: examining policies and practices that have failed women; identifying and mentoring diverse upcoming leaders; and adopting progressive training and education to transform agency culture. The movement is spearheaded by women in senior positions in advertising who aim to use their power to change the industry to reflect the goals of the movement.

## Case study: #WomenNotObjects

#WomenNotObjects is a campaign launched by advertising executive Madonna Badger, of the female-focused advertising agency Badger and Winters. Badger, whose background in advertising included creating a controversial 1990 Calvin Klein campaign featuring Mark Wahlberg and Kate Moss, was inspired to mount a campaign for positive change to give her life purpose after a personal tragedy in which her daughter and parents were killed in a house fire (Pollack 2016). The agency swore off creating work that used women as props, objectified them, or airbrushed them 'to the point of perfection', and launched the #WomenNotObjects campaign to inspire others to do the same (Vranica 2016). The mission of the campaign is:

- To end objectification in advertising.
- To stop the harm it causes.
- To teach girls that their worth is not their weight, their looks or their body parts, but who they are, what they have to say and what they can do.
- To support brands that empower women.
- To INSPIRE the world to find a better way. (Badger & Winters 2016a)

The campaign has taken a multi-faced approach, coupling hashtag-based social media campaigns to draw attention to the issue and react to objectifying content, with the lobbying of agencies and their clients, industry bodies and awards organisations, and the conduct and proliferation of research demonstrating the impact of objectifying material on children, and making the economic case that objectification harms brands through negative purchase intentions, brand reputation, and brand and message awareness (Badger & Winters 2016b). A number of agencies joined the campaign and the #womennotobjects hashtag has been adopted broadly in the movement against sexist advertising (Quenqua 2017; Stein 2017).

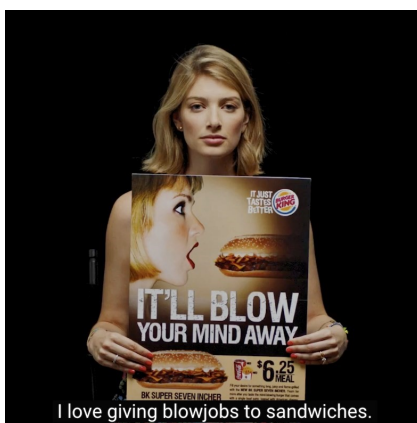


Image: #WomenNotObjects

Source: Women Not Objects, 2016

## Case study: Campaign Bechdel

Campaign Bechdel was created in response to the representation of women in advertisements as 'one-dimensional, objectified, stereotyped, or inserted into the story solely to support the male character's journey' (Campaign Bechdel 2017). It was created by Sarah Vincenzini, an award-

winning Associate Creative Director based in Melbourne, Australia. The test is an amalgamation of Bechdel and Mako Mori tests and builds from research that found women are 4 times more likely than men to not have a speaking role; women are 3 times more likely than men to be presented as a product user rather than an authority; women are 3.5 times more likely than men to be presented in a domestic environment (vs. at work); and women were 2 times more likely than men to be associated with domestic products like body care and home goods (Geena Davis Institute on Gender in Media 2017). An advertisement passes the Campaign Bechdel test if it: has at least one unobjectified woman in it; whose screen time is not devoted to supporting a man's story; and who has personal agency, her own narrative arc etc. The test does not claim to guarantee rounded female characterisation but can signify a basic level of female agency and independence outside of her value as determined by men.

## **Diverse and inclusive advertising practice**

As the culture within the advertising industry evolves, so does advertising practice. A noticeable shift has occurred towards gender-neutral advertising, particularly in children's toys and clothing, resulting from both industry initiative and consumer activism. The use of a more diverse and inclusive range of models has similarly increased, along with some challenging of gender stereotypes, reflecting both greater understanding of the way in which products reinforce gender and bodily norms, as well as the necessity of appealing to a broader and more diverse range of consumers and specific niche markets. Yet, advertising efforts must be perceived as genuine and consistent, as consumers can detect opportunism, and brands and advertisers open themselves up to criticism if their actions are cynical or inconsistent. A relevant example is the use of plus-size models to advertise clothes that are not actually offered in the broad range of sizes implied – a phenomenon dubbed 'size appropriation' (Downing Peters 2018).

### **Case study: Billie**

Billie is a shaving subscription service that sells razors specifically designed for women. It offers a monthly supply of razors for just \$9 with free shipping. This pricing aims to eliminate the 'pink tax' – a sexist pricing strategy that is often applied to women's products which makes them more expensive than the equivalent product marketed to men (Triffin 2016). In doing so, it offers a product that is 'fair' to women.

The company further aimed to break ground by normalising women's body hair and disrupting unrealistic and idealised portrayals of women. It did this by being the first women's grooming brand to depict body hair in advertising. In its advertisements, women are represented shaving their legs and other parts of their bodies, as well as combing and blow drying their underarm hair. As Billie co-founder Georgina Gooley notes:

Only showing smooth, hairless legs seemed like an archaic way of representing women. We have always said shaving is a choice. It's your hair and no one should tell you what to do with it. We're excited to launch a campaign that will help normalise body hair and change the one-dimensional way in which women are portrayed (Belam 2018).



Image: Billie

Source: Billie, 2019a

Billie advertisements also represent a diverse cast of women and empower customers to decide for themselves whether they want to shave or grow their body hair. In doing so, removing body hair is communicated as a choice, not an expectation.

Off the back of its first campaign Project Body Hair, the company also launched a free image library that celebrates female body hair (Billie 2019b). The images aim to further normalise body hair for women by increasing the number of pictures available to the media that show female body hair. Billie encourages women to grow the library by uploading their own photos or submit via social media using #projectbodyhair.

Billie's product also aims to be more woman friendly, designed to better accommodate a woman's shaving experience (Billie 2019c).

### **Case study: Target**

The American retail chain Target has a long history of inclusive corporate practices, dating back to its pioneering role as one of the first retail brands to employ black models in the 1960s (Tharrett 2016).

Following controversy over political donations to anti-gay Republican candidates in 2011 and 2013 (Reynolds 2013; Scheck 2010), the company has embarked on a broad program of progressive policies, involving advertising and product design, retail practices and workplace policy. The breadth of this commitment is articulated in Target's Corporate Responsibility messaging:

We believe diversity and inclusivity make teams and Target better. And we'll live that belief as champions of a more inclusive society by creating a diverse and inclusive work environment, cultivating an inclusive guest experience, and fostering equality in society (Target Corporate 2019).

The company has featured same-sex couples in its advertisements since 2012 (Frizell 2014), and from 2014 has stocked gay pride merchandise, donating the proceeds to LGBT+ charities and supporting same-sex marriage initiatives (Target Corporate 2015).



In 2015, Target removed gender-based categories in its Toys and Home & Entertainment sections and advertising, reflecting broader trends in retail (Bainbridge 2018). Despite substantial public debate over the move, the company elected not to entertain the controversy, restricting its social media presence to thanking consumers for their support (Fry, Narverud and Dwyer 2015). The company further built on this policy in 2017 when it partnered with the Swedish digital toy firm Toca Boca to launch a genderless children's clothing and merchandise line reflecting Toca Boca's core emphasis on all-gender inclusivity (Miller 2017).



Image: Target/Toca Boca genderless children's line

Source: Toca Boca, 2017

The company has similarly embraced the body positivity movement, with a particular focus on inclusive swimwear catering to the full breadth of bodies and abandonment of photoshopping and filters. Most recently, Target launched its new inclusive Kona Sol line with a campaign featuring a diverse cast of models, including women with a variety of body shapes and ethnicities, and one model with a prosthetic leg (Simmons 2019).

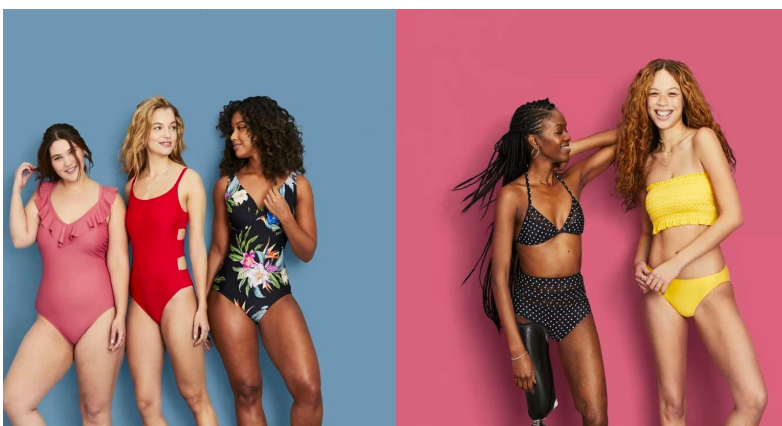


Image: Target Kona Sol body positive swimwear

Source: (Smith 2019)

Despite attracting criticism for its initiatives, Target has maintained a consistent and broad commitment to issues of inclusivity and diversity. In doing so, it has maintained a positive



relationship with the consumer groups these initiatives have targeted, and successfully addressed prior concerns regarding its corporate practices.

### Case study: Thinx

Thinx is a New York based manufacturer and retailer of period underwear founded in 2014. It proclaims a dual purpose of providing superior hygiene products and challenging stigmas around menstruation (Thinx 2018). The brand has drawn attention for pushing boundaries with suggestive advertising, using images of food to connote female anatomy and explicitly embracing the term 'period' (Krantz 2015).

In response to suggestions the firm's public embrace of feminism was a marketing ploy, co-founder and CEO Miki Agrawal penned an open letter in 2016 arguing that her business was centred around deeply-held beliefs in gender equality:

The notion of feminism as a part of THINX was an organic realization — a perfect fit — because it's what we exist to do. Each and every word and image used in our communications and our campaigns is thought up and created by our team of young badass feminists (all of whom also have their own interpretations of the term). Integrating feminism into our marketing is not a ploy, and it is not exploitative; it's reclamation of how brands treat and speak to women, and it's an ideological pushback against generations of condescension and insulting marketing towards women (Agrawal 2016).

Later that year, in conjunction with Transgender Awareness Week, the brand launched the THINX Boyshort, a period undergarment for transgender consumers, and changed their slogan from 'Underwear for women with periods' to 'Underwear for everybody with periods'.

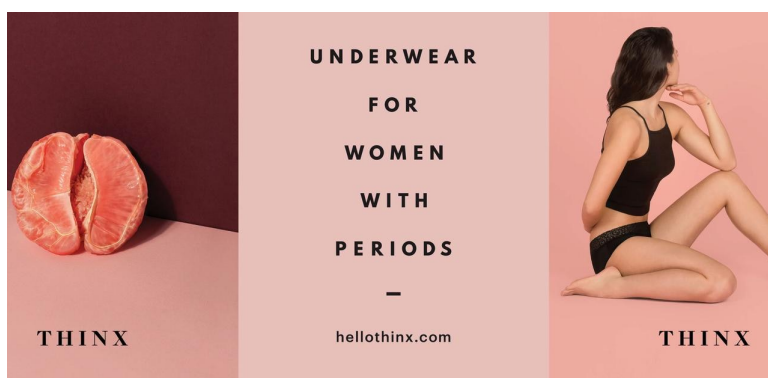


Image: Thinx

Source: Krantz, 2015

The product line and campaign drew broad acclaim, as did initiatives that saw Thinx fund reusable sanitary products for Ugandan women and education for girls in India and Sri Lanka (George-Parkin 2017). However, this new attention was soon followed by public disclosures of a range of problematic corporate practices, including allegations of bullying, below-market pay, poor health and maternity entitlements and exploitation of models (Orenstein 2017). As one writer put it, 'Thinx promised a feminist utopia to everyone but its employees' (George-Parkin 2017).

In response to these criticisms Agrawal stood down as CEO, though she remains the public face of the company, and attributed her missteps to the growing pains of a small start-up (Agrawal 2017). Yet, as another observer highlighted, feminist practices were 'baked into' the company's branding from the very beginning. Had they been similarly embedded into its management and human resources, no such disjuncture would have arisen (Mohan 2017).

## Advertising ethics

It is well established that carefully designed ethics training can positively impact ethical decision-making in business contexts, whether it is delivered to university students or to employees (Fraedrich et al. 2005; Ritter 2006; Valentine and Fleischman 2004). More specifically, media and marketing ethics training has been observed to have a positive impact on graduates. Formal ethics training is specified as one of three non-negotiable preconditions for an ethical business, alongside core ethical values and ethical leadership (Schwartz 2013). However, questions persist around the most effective means of training delivery, and there is limited acceptance of the need for norms-based education (Gale and Bunton 2005; Loe and Ferrell 2001).

While the importance and utility of ethics training is well accepted within the broader corporate sphere, the advertising industry has not engaged to a similar extent. There exists a general lack of ethics training and communication regarding ethics policies, particularly in smaller firms. This is reflective of a broader, laissez-faire attitude to questions of ethics within the industry, reflecting concerns that, like other management processes, ethical standards would serve to inhibit the creativity that is central to advertising (Drumwright and Murphy 2009).

As such, the provision of ethical guidance has generally been left to universities, peak bodies, self-regulatory authorities and government.

The AANA, the peak body for the advertising industry in Australia and the agency that administers the self-regulatory regime, is responsible both for the industry's Code of Ethics and its enforcement through the Advertising Standards Bureau (Ad Standards). The AANA offers a range of resources for advertising practitioners with regard to issues of advertising practice.

Relevant here are three related initiatives: the Advertising Regulatory Guide, which provides an overview of regulatory mechanisms and responsibilities, the Code of Ethics Practice Notes, which provide advice regarding interpretation of the Code of Ethics, and AD|TRAIN, a free training program for AANA members. The AANA's description of AD|TRAIN is illustrative:

The AANA Codes, guidelines and principles set the foundation for ethical advertising. To align our members' marketing, legal or public & regulatory affairs teams with up-to-date marketing governance, we conduct regular training sessions which highlight the latest changes and key issues to consider when creating advertising, marketing and public relations communication (Australian Association of National Advertisers 2014).

The AANA advocates for ethical advertising, however limited guidance currently exists regarding ethical principles or the impact of unethical practices on consumers. Rather, the AANA's sole intention appears to be aiding compliance with the letter of self-regulation, reflecting the broader imperative of self-regulation as a means of averting government regulation, discussed above.



## **Case Study: Australian Government National Strategy on Body Image**

In 2009, the Australian Minister for Youth Affairs, Kate Ellis, appointed a National Advisory Group on Body Image to develop a National Strategy on Body Image, arguing that unhealthy body image ideals were 'a serious issue which is affecting the health, the confidence, the productivity of thousands of Australians, and particularly young Australians' (SBS News 2015).

The proposed Strategy aimed to 'guide industries to adopt more body image friendly practices'. It included a range of recommendations; most prominently it identified the need for a National and Strategic Approach to issues of body image, a voluntary Industry Code of Conduct on Body Image, and a checklist for positive body image practices and curricula in Australian schools (National Advisory Group on Body Image 2009).

The proposed Code encompassed seven key principles:

1. Positive content and messaging: Use positive content and messaging to support the development of a positive body image and realistic and healthy physical goals and aspirations among consumers.
2. Diversity: Use a diverse range of people that are appropriate to their target audience. When considering diversity, particular focus should be given to including a range of body shapes, sizes and ethnicities.
3. Fair placement: Use advertising that supports positive and healthy body image behaviour. Advertising that contradicts positive body image messages will not be used.
4. Realistic and natural images of people: Do not use digital technology in a way that alters images of people so that their body shape and features are unrealistic or unattainable through healthy practices. Make consumers aware of the extent to which images of people have been manipulated.
5. Healthy weight models: Use models that are clearly of a healthy weight.
6. Appropriate modelling age: Only use people aged 16 years or older to model adult clothes or to work or model in fashion shows targeting an adult audience.
7. Fashion retailers supporting positive body image: Stock a wide variety of sizes that reflects demand from customers. (Australian Government 2010)

The Strategy attracted substantial support, including from the Australian Medical Association, with AMA President Dr Andrew Pesce arguing that 'significant change in industry attitudes and practices' was required to address a range of body image-related health issues, and that failure to voluntarily comply with the Code should prompt formal government regulation (Australian Medical Association 2009).

However, the Strategy was never formally adopted, and the Code broadly ignored by industry. This is likely because engagement with and pressure on industry to take responsibility was not exerted in the same manner as the Swedish Fashion Ethical Charter. As such, it had little impact on the representation of idealised bodies, a key concern relating to sexist advertising. Following the 2013 change of government, the policy was withdrawn.

## **Case study: Victorian Government Gender Portrayal Guidelines**

Building on broader community norms, the Victorian Government offers specific guidelines for achieving gender equality in communications. The guidelines are for implementation by all Victorian Government departments, statutory authorities, and Government agencies:



- Ensure that the overall impression of any communication promotes gender equality.
- Don't use humour, artworks or historical settings to stereotype people.
- Outdoor advertising has a wide audience, including children. Think about the location and who will see it. Make sure the messages and images are suitable for a general audience.
- Advertising should not use inappropriate and exploitative sexual imagery of women or men.
- Advertising should avoid the stereotyped representation of gender roles.
- Advertising should include diverse people, including people of different ages, appearance and backgrounds. It should not portray people in a way which discriminates against or vilifies a person or a section of the community.
- Avoid violent images in advertising. Violence may only be included if it is an integral part of a community education campaign (e.g. a campaign to reduce or address family violence).
- Use language that is non-offensive and inclusive of both women and men. Avoid language that is likely to insult or offend, unless it is used as part of a community education campaign (Victorian Government 2019).

However, these hold no power over the behaviour of private industry. The guidelines provide an example of Government addressing gaps in the self-regulatory system by introducing its own guidelines to address possible sexist practices. The Government continues to review the guidelines as part of the implementation of its gender equality strategy *Safe and Strong*.

### Case Study: World Federation of Advertisers

The World Federation of Advertisers (WFA) is the global trade association for multi-national advertising agencies and national advertising associations. As an outcome of its participation in the United Nations-sponsored Unstereotype Alliance, discussed above, the WFA has published a set of guidelines around gender portrayals in advertising – *A guide to progressive gender portrayals in advertising: The case for unstereotyping ads* (World Federation of Advertisers 2018). This document presents research on the prevalence and impact of gender stereotypes in advertising, offers three 'cases for change', and provides a guide for promising practice on progressive, non-stereotyped gender portrayals, drawing illustrative examples from real campaigns mounted by its members.

The cases for change represent a broader view on the responsibilities and interests of advertisers, with the WFA presenting social, policy and business rationales for changing behaviour in relation to stereotyped gender representations in advertising. The social case highlights the impact of sexist advertising on individuals and communities. The policy case highlights developments in regulation around sexist representations and the necessity of compliance. The business case demonstrates the growing importance of female consumers and the positive impact non-stereotyped gender portrayals can have in reaching them.

### Summary

The impact of advertising culture on advertising practice is well-established. If sexist advertising practices are to be addressed, cultural shifts are necessary, and this is increasingly becoming recognised by many within the industry. A range of initiatives have been advanced. These include



formal and informal alliances at supra-national, national and sectoral levels as well as efforts launched by movements of practitioners in advertising as well as individual advertising practitioners and agencies. In turn, these have influenced cultural change within the industry, resulting in increasingly diverse and inclusive advertising practice.

Yet limitations remain, for adoption of principles is no guarantee of improvements in practice where wholesale cultural change has not taken effect. Moreover, where practice has shifted it must be assessed whether the imperatives are genuine attempts to address sexism in advertising or advertisers/product owners are merely exploiting a socially progressive stance for commercial gain. Cynical approaches present as many dangers as opportunities to brands. Where corporate practices fail to measure up to progressive messaging its impact is diminished, highlighting the importance of consistency of practice across advertising, core business activities and corporate practices.

Advertising ethics training is limited to date. The industry does not emphasise the importance of ethics. Efforts within agencies are rare, self-regulatory bodies are concerned primarily with maintaining compliance rather than articulating ethical norms, and there is little uptake of government efforts to shape ethical practices. Recent developments at the international level have however shown a greater emphasis on the ethical implications and responsibilities inherent in advertising practice.





## 6. Consumer Activism

Consumer activism is a powerful means of addressing sexist advertising practices, offering demonstrable capacity to pressure business and regulators into reshaping regulations and advertising content and dissemination.

A range of tactics have emerged, including boycotts, targeted lobbying, broader awareness-raising and the building of capacity in other institutions, such as schools and families. Further, the growing importance and reach of the internet and new media have presented new opportunities for decentralised and direct action, with a range of citizen activist groups embracing social media channels to highlight sexist practices and exert pressure on offenders and regulators.

Yet, consumer activism faces limitations; public pressure can build awareness but lacks direct levers to reshape behaviour, the lack of uniform consumer sentiment can limit efficacy and provoke controversy and opposition, and while tightly-focused activist groups have proven effective at achieving their goals, the power they have amassed can then easily dissipate.

### The role of consumer activism

Consumer activism is as old as capitalism, with early efforts focusing on fundamental issues such as slavery and the rights of workers, though its impact became more widespread with the rise of affluent, consumption societies after the Second World War, as consumer advocacy and activism shifted focus to issues of product safety and value for money (Mayer 2015).

Producer-consumer relationships have thus long been one of tension, with consumers attempting to variously secure value, safety and ethical standards, and producers attempting to manage consumers. However, the current climate has afforded consumer activists both the power and impetus to resist and reshape relationships of production and consumption. This has occurred through increasing pressures exerted by environmental constraints, debt and inequality that in turn offer compelling alternative motives for consumers. Additionally, new technologies such as the internet provide accessible means for resistance (Gabriel and Lang 2015).

Central to consumer activism is consumer cynicism (Helm, Moulard and Richins 2015), the perception of a pervasive, systemic lack of integrity in the marketplace, which drives a broad range of rebellious behaviours, including: brand avoidance and boycotts; reduced consumption; and active engagement in anti-brand and anti-consumption activities.

The power of consumer activism is well established, with resistance on the part of consumers and NGOs having achieved substantial changes in corporate behaviour on key issues, such as labour standards, environmental protections and animal rights (Spar and La Mure 2003). However, the responsiveness of business is not consistent: 'some firms respond more vigorously to activist attacks than others; some work with the activists, others against them'. The key calculus is still one of profit maximisation – 'when the costs of compliance are low or the benefits high, firms are more likely to concede' (Spar and La Mure 2003). The key to successful consumer activism is thus making an economic case for change, or imposing an economic cost for inaction.



The internet has become a key site for resistance in contemporary consumer activism. One early use of participatory, web 2.0 technologies was product reviews, allowing consumers to widely publish negative sentiments regarding products and producers. With the development of social media, these opportunities have further broadened, as consumer voices can now spread through dominant media channels such as Facebook and Twitter, a capacity embraced by feminist activists among others (Turley and Fisher 2018). This shift represents a fundamental reshaping of the nature of the citizen, with the location of active citizenship shifting from production to consumption, and the internet becoming the central medium of its expression (Scammell 2000).

The relationship between feminism and consumer activism, particularly relevant to issues of gender and representation, is a complex one. It is suggested that trends in post-modernism and post-feminism and their emphasis on individualism have muted the capacity for collective resistance (Catterall, Maclaran and Stevens 2005); however, recent developments in fourth wave feminism have led to a re-strengthening of feminist resistance, particularly through the internet, and a reorientation of focus, with the sexualisation and pornification of culture, to which sexist media and advertising practices are key contributors, particularly relevant here (Maclaran 2015).

One of the key challenges in mobilising consumer activism is establishing product harm and consumer vulnerability in a context where consumers are deemed rational actors making self-interested consumption choices (Baker, Gentry and Rittenburg 2005; Smith and Cooper-Martin 1997). Unlike poor automotive safety standards which presented obvious threats to consumer wellbeing and clear consensus amongst consumer advocacy movements (Lee 1998), the impact of sexist advertising is less broadly understood and accepted. Subsets of consumers are however more readily accepted as vulnerable, such as children, and have attracted a broader range of research on consumer impact, activism and legal remedies on the basis that the reality of harm has been more broadly accepted (Brownell 2016; Fine and Rush 2018; Klintman 2018).

Consumer activism faces limitations beyond resistance from business. Not all consumers may share the ethical beliefs of activists. In the case of sexist advertising, evidence highlights that public activism can attract a hostile reception from other consumers, thus limiting its efficacy in convincing business to change its behaviour (Benton-Greig, Gamage and Gavey 2018). Further, where change is made, similar consumer pushback may be experienced by the brand concerned, negating the impact of more inclusive marketing initiatives (Avery 2012). This demonstrates the need for careful consideration of campaign approaches. However, backlash and resistance are inevitable responses to social change (Flood, Dragiewicz and Pease 2018).

At a broader level, critiques of consumer activism argue that as a form of resistance it exists within as opposed to against the overarching system of consumption. Consequently, it is limited in capacity to change the fundamental problems that system perpetuates (Hilton 2007). This was highlighted in a recent case of consumer protest against gendered merchandising for Star Wars, which simply served to reshape merchandising strategies to be more effective and involve consumers more actively in doing the work of marketers and deepening their involvement in the consumption system more broadly (Brown 2018).



## Case study: Collective Shout (Australia)

Collective Shout is an Australian grassroots movement founded in 2009. It aims to tackle the objectification of women and the sexualisation of girls, with a key focus of its campaigns addressing 'the increasing pornification of culture and the way its messages have become entrenched in mainstream society, presenting distorted and dishonest ideas about women and girls, sexuality and relationships' (Collective Shout 2019).

The movement offers guidelines for lodging complaints regarding media and advertising content and a range of resources for consumers and parents; mounts petitions targeted at offenders, Ad Standards and legislators; and makes regular submissions to Parliamentary Inquiries on topics of concern, often in collaboration with like-minded civil society bodies.

As part of its operations, Collective Shout has developed a Corporate Social Responsibility Pledge, to which it invites industry actors to publicly adhere, albeit with limited success to date:

In a spirit of respect and responsibility towards our consumers and broader society, and in recognition of the UN Convention on the Elimination of All Forms of Discrimination against Women and Convention on the Rights of the Child, we PLEDGE to be respectful of women and girls in our advertising and marketing by refraining from:

- publishing images or messages that objectify women or girls;
- carrying products, or providing services, that involve images or messages that objectify women or girls;
- promoting products or services that are designed to encourage children to think sexual appeal is essential to social success;
- carrying/promoting products to girls, or providing services to girls that bear any mark, brand or logo associated with pornography or the systematic objectification of women.

We further pledge to rectify any error as soon as possible (Collective Shout 2017a).

The chief tactic of the organisation is however to highlight offending campaigns and brands, with the goal of pressuring offenders, regulators and legislators into action by drawing public attention to their actions. Collective Shout acknowledges that their methods may at times be counterproductive, in drawing further attention to controversy-courting brands, but deem the alternative unacceptable:

It's true that some companies will use controversy as a way of increasing exposure to their product and brand. They hope this increased exposure to their brand will translate to increased sales. This must be true at least some of the time, or companies wouldn't continue to do it.

So we can do nothing and hope it goes away. We can leave the objectification of women unchallenged. We can remain silent on the sexualisation of children. Or we can take action and expose the offending company.

These companies are going to make their money even if we don't campaign against their practices, so we choose to speak out. Any increased sales are an unintended consequence of activism and an indictment on the self-regulated advertising industry that fails to penalise companies for unethical marketing practices (Collective Shout 2019).

It is difficult to quantify the impact of any individual collective action body, however Collective Shout can lay claim to a range of achievements.

Early successes involved pressuring underwear brand Bonds to withdraw bras marketed to six year olds, supermarket chain Woolworths distancing itself from a sexist promotion by deodorant brand Lynx, as well as having complaints to Ad Standards regarding Calvin Klein billboards upheld (Tankard Reist 2010).



Image: Calvin Klein billboard, removed 2010

Source: Collective Shout, 2010

Collective Shout has also been a key player in the campaign to harmonise state laws regarding offensive slogans on vehicles, to force Wicked Camper vans from Australian roads (Roper 2018b). It has had further regulatory effect through ongoing campaigns and petitions that put pressure on the AANA to change its Code of Ethics regarding the use of sexual appeal in advertising as well as making complaints regarding individual brands that were ordered to remove objectifying advertisements (Collective Shout 2017b, 2018).

However, controversy surrounding Collective Shout's founder, the writer and self-described 'pro-life feminist' Melinda Tankard Reist, has impacted broader public and policy engagement with the movement (Hills 2012).

### **Case study: Play Unlimited (Australia)**

Play Unlimited launched in 2013 in response to the segregation of toys along gender lines. The aim of the campaign was to eliminate that segregation, to promote the idea that children should be encouraged through the widest possible range of play experiences, and to raise parents' awareness of the narrowing impact gendered marketing can have on children's development. A key initiative is No Gender December, where individuals publicly pledge not to buy gender-stereotyped toys as Christmas gifts (Play Unlimited 2017).



Image: Play Unlimited – No Gender December

Source: (Play Unlimited 2017)

The campaign saw rapid successes in its first year, with major retailers including Toys R Us, Big W, Target and Myer removing gender distinctions in their toy marketing, website organisation and store layouts – and reporting increased sales of toys such as play kitchens once they were no longer tagged as being exclusively for girls (Hughes 2015).

Following these early successes and after heavy activity through to 2016, the campaign has petered out, with no media coverage since 2017, few website updates and activity restricted to a Facebook page that generally collates news from elsewhere, focusing both on ongoing issues of gendered toys, and broader gender equality matters.

Overseas equivalents have followed a similar trend. Following early successes in working with retailers, campaigns such as Pinkstinks, Let Toys Be Toys and Let Clothes Be Clothes in the UK have broadened their purpose to one of general awareness and campaigning on issues of gender and children, often leveraging widespread hashtags (Let Clothes Be Clothes 2019; Let Toys Be Toys 2019; Pinkstinks 2014).

### **Case study: The Advertising Council (Sweden)**

Annonsrådet (The Advertising Council) is a grassroots-movement in Sweden founded by digital strategist Amanda Oxell in 2017, in reaction both to Sweden's loose regulation of sexist advertising (Svensson and Edström 2014 p. 482) and the difficulties inherent in regulating advertising on new media. Its primary mission is to prevent the spread of sexist and gender discriminatory advertising and content through new media channels, particularly Facebook, and its activities take two key forms.

First is a private Facebook group with some ten thousand members, all of whom identify as women or non-binary. Within this group, examples of online content are presented. Content that presents progressive and gender transformative representation is 'love bombed', with members of the group liking, sharing and commenting. Content that presents sexist or discriminatory representations is subjected to negative responses, tagging it as irrelevant or inappropriate. These actions are designed to 'game' Facebook's algorithms, thus increasing or decreasing the automated spread of content as desired (Annonsrådet 2017a). Due to the private nature of the



group, it is not possible to gauge the efficacy of this approach, however within the first year of its operation the group estimated that it had prevented some 20 million views of sexist or discriminatory content (Nilsson 2017).

The Advertising Council has also become a meaningful player within the Swedish advertising industry. Representatives have visited political parties, schools and some of Sweden's largest companies to advocate on the issue of sexist advertising and provide information on positive practices (Annonserådet 2017a). The Council's position has been formalised into a Checklist for Equality in Advertising and Marketing Communication, addressing four key areas: gender stereotypes, power distribution, visual aspects and actions (Annonserådet 2017b). This checklist has been adopted by key trade associations Sveriges Annonserör (Association of Swedish Advertisers), Sveriges Kommunikationsbyråer (Swedish Communications Office) and Sveriges Mediebyråer (Swedish Media Agency), which collectively represent the breadth of the advertising, marketing, media and communications industries, as well as a range of key advertising agencies (Annonserådet 2017c).

### **Case study: The Representation Project (USA)**

The Representation Project is a non-profit organisation aimed at challenging gender stereotypes in media and society. Founded by filmmaker Jennifer Siebel Newsom in 2011, it seeks to use film and media as catalysts for cultural transformation, inspiring individuals and communities to challenge limiting gender stereotypes and shift norms. The Representation Project has staged a number of successful social media campaigns in support of this, including #NotBuyingIt, #AskHerMore, and #RepresentHer. The primary tactic of these campaigns is to raise awareness of discriminatory content and representations through social media channels, hashtags and the Representation Project website.

#NotBuyingIt is credited with bringing about a shift in content from Amazon and Disney among others (The Representation Project 2013a, 2013b), and for eliminating the sexism that had become a regular feature of Super Bowl half-time advertisements (Colt 2014). Its impact demonstrates the capacity for consumer mobilisation through social media to reshape the behaviour of business. The Representation Project also partnered with prominent brands such as Unilever's Axe/Lynx to challenge outdated and unhealthy conceptions of masculinity, and lent its weight to the establishment of the Cannes Glass Lion (The Representation Project 2019).



Image: The Representation Project – #NotBuyingIt

Source: (The Representation Project 2018)

Despite these individual achievements, the project places greater emphasis on the impact it has had on cultural discourse, highlighting the 1.2 billion social media impressions its channels and hashtags have achieved, the 28 million who have viewed its films, the 2.4 million students who have used its curriculum resources, and its ongoing featuring in media coverage of issues of representation (The Representation Project 2019).

## Summary

Consumer activism presents as a powerful means to exert pressure on individual advertisers and brands, and to a more limited extent regulators, where institutional forces have failed to address issues of sexist advertising. The rise of the internet and social media offer new opportunities for activists to gather and marshal public opinion, drawing awareness to issues and driving change within the industry.

Yet effective change can also be achieved through traditional means, particularly direct lobbying of key institutional players, and the building of capacity in other institutions, such as families and schools, to help equip consumers with the tools to process and resist sexist advertising messages.

The impact of social media driven activism such as Collective Shout in Australia and The Representation Project in the US demonstrates how marshalling and demonstrating public sentiment can influence the behaviour of regulators and advertisers, while the experience of the Swedish Advertising Council highlights how consumer activist groups can attain sufficient critical mass to become a key player within the industry itself. Further, the shared path of the children's toy ungendering campaigns Play Unlimited, Let Toys Be Toys and Pinkstinks suggests both strengths and limitations of tightly-focused consumer activism: awareness raising and direct lobbying can contribute to change in short periods, but it can be challenging to maintain momentum.



## 7. Conclusions

A broad range of approaches are available to address sexist advertising and promote progressive gender portrayals. Legislative constraints, self-regulatory arrangements, community resources, industry initiatives and consumer activism all offer potential for addressing sexist advertising. However, no one approach has shown itself capable of addressing the breadth of sexist advertising, namely discrimination and vilification; gender roles and stereotypes; unrealistic and unhealthy body ideals; sexualisation and objectification; and representations of violence against women (Gurrieri 2019a). This signals the importance of a whole of system approach with mutually reinforcing interventions.

Legislative systems offer substantial capacity to restrict sexist advertising yet face a range of challenges to their successful implementation. Public support, political will, clear and unconflicting jurisdictional responsibility and evidence that demonstrates economic, social or cultural harm is required for their introduction. Additionally, opposition from industry must be mitigated and the imperative of regulating problematic forms of advertising must be balanced against protections for free speech. Each of these domains warrant consideration in the regulation of sexist advertising. Despite broad based recognition of the problem of sexist advertising at a supra-national level, legislation in Australia does not offer protections that restrict practices of sexist advertising, consequently offering limited recourse through legislative and judicial bodies and specialist agencies. Hence, the regulation of sexist advertising in Australia would require broadening protections under existing legislation. This may also necessitate the implementation of a body to monitor compliance and impose sanctions accordingly and to which citizens could directly make complaints. Alternatively, Government could add weight to the decisions of self-regulatory bodies in cases where self-regulation proves ineffective. Another avenue is the public control of advertising media at a municipal level by placing the responsibility on the organisation that holds the contract for the management of outdoor advertising to vet advertising material prior to public release.

Self-regulatory systems offer strengths, including marshalling the self-interest of the advertising industry to maintain discipline and provide resources to its members, and securing compliance earlier in the advertising process as a means of maintaining the broader independence of the industry. However, clear standards and effective complaints mechanisms are required, and legislative backing and recourse are often key to this. A system of co-regulation, whereby self-regulation is backed up by legislative requirements, exerts pressure on industry to maintain standards, allows for government intervention where appropriate and offers the capacity for real punitive action where required. Such a system could address some of the problems that currently pervade the Australian system of self-regulation, particularly its limited capacity for enforcement and sanctions. Given industry-led regulations for products recognised as harmful and/or audiences as vulnerable have long been considered inadequate and ineffective, consideration is required as to whether sexist advertising and the range of health and social harms such advertising produces are best addressed by this system. In relation to standards, Section 2 of the Code of Ethics currently has two weaknesses in relation to sexist advertising. First, the cumulative impact and normative power of gender stereotypical representations are not considered. Second, sexualised representations are not considered degrading if a woman is depicted as 'confident and in control', despite research demonstrating that 'empowered' sexual



portrayals still negatively impact women. As per growing international practice, more specific rules on gender portrayals may be required, alongside guidance on gender portrayals that is intended to be read alongside such rules. In relation to complaints, which are enforced in light of 'community standards', currently, over half the complaints to Ad Standards in Australia concern gender portrayals and the vast majority are dismissed, suggesting that the Community Panel's views may not be consistent with contemporary community attitudes. However, there is no expertise in gender or sexist advertising more specifically at either the Community Panel or Independent Reviewer levels of the complaints system, which is out of step with international promising practice. An advisory board on anti-sexism comprising gender experts could remedy this, respond to a continuing disjuncture between the implementation of relevant codes and the concerns of members of the community and reflect a broad government commitment to action on issues of gender inequality. The multiplicity of complaint handling bodies for the media and the inability to pursue a complaint beyond an industry body are further issues, highlighting that Government should revisit the idea of a centralised clearinghouse for all media and broadcasting complaints to support and direct consumers. Finally, the sheer volume of complaints that are dismissed highlights the need to investigate the purported alignment between Board decisions and community views.

Beyond this, attention must be paid to consumers across their lifespans. No regulatory system is perfect and thus it is essential communities are equipped with the resources to allow informed interaction with and consumption of often-problematic advertising. Social marketing offers a means to shape public behaviour in pursuit of public health goals. In relation to sexist advertising, this could comprise social norms campaigns that promote women's rights, challenge gender stereotypes or address norms supportive of violence. In such efforts, engaging with and involving men is critical for success, as narrowly targeted campaigns can prove ineffective or even counter-productive. Public social marketing interventions in Australia have focused primarily on addressing domestic violence. This provides both an important mechanism to change behaviour in relation to violence against women and counter negative gender portrayals in advertising, such as those that glamourise violence. Despite policy recognition of the harmful impacts of gender portrayals in advertising to shape social norms around gender, few campaigns have focused to any significant extent on the issue of how women are represented in media and advertising. This presents a clear opportunity and would complement existing efforts that consider the drivers of violence against women. Media and advertising literacy show some promise in their capacity to offer both protection and empowerment to citizens, with a particular emphasis on children and young adults. By understanding and critically engaging with media and advertising representations of gender, sex and sexuality, individuals can develop the capacity to embrace and use media to the fullest as well as understand and assess the information it presents them with. In turn, this may ameliorate attitudes around gender norms, build resilience to negative portrayals and promote healthy behaviours. In Australian school curricula, there is an opportunity to expand the current limited focus on sexist media and advertising content. Specifically, a more explicit focus on sexualisation, body image and stereotyping in relation to gender representation in media and advertising and their associated social and health impacts may be appropriate in media and advertising literacy programs in schools. However, further research is needed to understand the effectiveness of media literacy.

There are positives to be found within the industry, with a range of recent initiatives seeking to address problems inherent in the culture and structure of the advertising industry that are reflected

in sexist advertising. Industry-based initiatives include formal and informal alliances at supra-national, national and sectoral levels as well as efforts launched by movements of practitioners in advertising as well as individual advertising practitioners and agencies. Such initiatives work to increase the representation of women in both creative and leadership positions in advertising, eliminate widespread sexual harassment, and promote progressive representations of women and the adoption of ethical positions in advertising work. It is critical that agencies continue to build and develop diverse and inclusive internal cultures that better respect and address the needs of a diversity of female advertising professionals and champion female talent and leadership. In turn, this will address problems such as gender imbalances and sexual harassment that continue to pervade agency culture. One mechanism for this is gender-focused training and education for both individuals and workplaces. As the culture within the industry has evolved, advertising portrayals have in turn shifted – with more diverse and inclusive representations becoming more common, albeit with issues arising around consistency with wider corporate practices. To support such work, the AANA could implement an initiative similar to #SeeHer to increase the accurate portrayal of women and girls in advertising, support industry practice through toolkits for unbiased messaging and promote advertisements that reflect the initiative. AANA members could be encouraged to trial the Gender Equality Measure to identify unconscious bias in advertisements being produced, align with #WomenNotObjects to address issues of objectification and idealisation in advertising or employ the Campaign Bechdel test in everyday creative practice to ensure female characters are represented with personal agency. To recognise progressive gender portrayals in advertising, Australian industry awards should promote the creation of inclusive advertisements that promote gender equality. As awards are given great credence by both practitioners and clients, such recognition would provide strong industry incentive towards promising practice in sexist advertising. However, engagement from industry is fundamental to the success of such awards and award juries must necessarily be gender balanced. Ethical beliefs and practices within the advertising industry also require attention, with a lack of ethics training reflected in problematic cultures and practices. The advertising industry currently works towards compliance as opposed to articulating ethical norms in everyday practice with limited uptake of government efforts to shape ethical practices. As carefully designed ethics training can positively impact ethical decision-making in business, this provides an obvious avenue for development in the advertising industry. Stronger ethical guidance could be delivered in workplaces, be mandated as part of ongoing professional compliance and be better developed in universities so that graduates come primed with appropriate awareness and skills. In the case of sexist advertising, better awareness of related social and health harms and shifts in international regulation and practice are critical to this. A challenge will be overcoming concerns that ethical standards can inhibit the creativity that is central to advertising. Another avenue to explore is the implementation of guidelines for gender portrayals to address sexist practices in advertising.

Similarly, interventions against sexist advertising can be driven from the bottom-up through collective action on the part of consumers. These initiatives have focused on issues including sexualised and stereotyped representations of women, a lack of diversity in advertising portrayals and the gendering of products (particularly children's toys). A range of tactics have emerged, including boycotts, targeted lobbying, broader awareness-raising and the building of capacity in other institutions, such as schools and families. Consumer activism presents as a powerful means to exert pressure on individual advertisers and brands, and to a more limited extent regulators, where institutional forces have failed to address issues of sexist advertising. Consumer-



developed tools such as checklists for gender equality in advertising can help shape promising industry practice when adopted by key industry associations. The rise of the internet and social media offer new opportunities for activists to gather and marshal public opinion, drawing awareness to issues and driving change within the industry. Given that new media has presented challenges in relation to both sexist advertising and the regulation of advertising practice more broadly, consumer activism offers a powerful recourse to these challenges. Activism against sexist advertising on social media can both raise awareness of negative gender portrayals in advertising and prevent the spread of sexist advertising more broadly, in turn reshaping the behaviour of business. Key to successful consumer activism is making an economic case for change, or imposing an economic cost for inaction, as well as establishing harm and consumer vulnerability. In the case of sexist advertising, both the business case and impacts of sexist advertising are less broadly understood and accepted than other advertising-related harms. These present clear opportunities for consumer activist groups in the domain of sexist advertising. However, consumer activism against sexist advertising can attract a hostile reception from other consumers, thus limiting its efficacy in convincing business to change its behaviour. Further, where promising practice is enacted by agencies, similar consumer pushback may be experienced, negating the impact of more inclusive marketing initiatives. In addition, consumer activism faces limitations: public pressure can build awareness but lacks direct levers to reshape industry behaviour; the lack of uniform consumer sentiment can limit efficacy and provoke controversy and opposition; and while tightly-focused issue based activist groups have proven effective at achieving their goals, the power they have amassed can then easily dissipate with momentum difficult to maintain. Awareness of these issues and strategies to address them are imperative for consumer activist groups in addressing sexist advertising.

The Australian framework for addressing sexist advertising has both strengths and limitations. Recent revisions to the self-regulatory codes expand them to cover the breadth of sexist advertising practices, and in doing so have increased legislative protections against discriminatory content. However, greater attention is needed towards these protections, towards a more effective complaints process, in encouraging and supporting positive developments within the advertising industry, in the provision of resources to communities (particularly children, facing a range of challenging media and digital content) and in building capacity within citizen activist bodies to capitalise on broad public concern over sexist representations in advertising. Critical to addressing sexist advertising is a whole of system approach with mutually reinforcing interventions that capitalise on different opportunities for influence. There is currently limited evidence about the effectiveness of different approaches to addressing sexist advertising and promoting progressive gender portrayals. This is in part because many initiatives are new, but it may also be due to a lack of attention to capturing and analysing longer term outcomes, particularly where initiatives are industry- or consumer-led. It will be essential to monitor and evaluate any initiatives to address sexist advertising in the Australian context to build the evidence base about what works.

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