



PORTRAYAL OF GENDER

Report on advertising self regulation across Europe



MAY 2008

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ABOUT EASA

Self-regulation is a system by which the advertising industry actively polices itself. The three parts of the industry – the advertisers who pay for the advertising, the advertising agencies responsible for its form and content, and the media which carry it – work together to agree standards and to set up a system to ensure that advertisements which fail to meet those standards are quickly corrected or removed.

Self-regulation exists in almost all the Member States of the European Union; in some of them it has been operating for several decades. Although in some countries advertising is subject to detailed legislation to such an extent that the scope for self-regulation is restricted, in others legislation is limited to providing a broad framework and advertising content is efficiently regulated by independent self-regulatory organisations (SROs) specifically set up for the purpose and funded by the advertising industry. The role of self-regulation is acknowledged in various EU initiatives.

The European Advertising Standards Alliance (EASA), founded in 1992 and based in Brussels, brings together 23 SROs from 19 EU countries, Switzerland, Turkey, 6 corresponding members outside Europe, and 16 advertising industry associations.

EASA is the single authoritative voice of advertising self-regulation. Its mission is to promote responsible advertising through best practice in self-regulation across the Single Market for the benefit of consumers and business.

SUMMARY

This report provides an overview of how the advertising industry, through independent Self Regulatory Organisations (SROs) across the EU tackle the issue of gender portrayal in advertising, via codes of practice and their enforcement. The European network of self-regulation coordinated by EASA enables SROs to ensure a coherent self-regulatory approach, demonstrating the advertising industry's awareness of its social responsibility in this area.

On analyzing the report the following observations can be made:

- The evidence supports the premise across Europe issues of taste and decency are appropriately dealt with by the advertising self-regulatory systems. Self-Regulation is better able to quickly and in a flexible manner assess advertisements and complaints thereon on a case by case basis (depending on the media used, its placement, and the distinct societal environment). In contrast, the few legislative initiatives in the same area have set precedents which arguably pose an infringement on the freedom of expression, and proved no more effective.
- What seems abundantly clear from the evidence collected and the discussions held over the years is that the political sensitivity towards, and subsequent call for action on the issue bear little relation to the actual feedback from consumers to SROs which register relatively low number of complaints received on this issue.
- The EASA report also shows that SROs are best placed to take into account the national cultural differences and perceptions in this area. Any approach to regulate on “taste and decency” at European level would lead to controversy at member state level.

Our report is currently being used in our SRO network as part of discussions to consider and develop what action is required for further education and awareness amongst advertising professionals.

We hope that this report will assist the understanding of the role and day-to-day working of self-regulation to ensure responsible advertising and deal with consumer complaints as they arise. We hope that the appreciation of self-regulation's day to day role and effect is taken into account when establishing an impact assessment and weighing any regulatory options in this area .

I am grateful to Laure Alexandre, Projects and Compliance Officer from the EASA Secretariat for putting this report together.

Oliver Gray,

EASA Director General.

INTRODUCTION: The portrayal of gender in advertising

Across the EU and beyond, national SROs are responsible for enforcing national advertising codes. Each national advertising code, although based on the International Chamber of Commerce's consolidated code of Advertising and Marketing Communication Practice, reflects that country's cultural, legal and commercial traditions. What constitutes an acceptable portrayal of women or men may vary considerably from one country to another.

When considering the issue of the portrayal of gender in advertising, there are two distinct areas in which concerns are sometimes raised:

- gender stereotyping : the portrayal of men or (more usually) women in stereotypical roles;
- depiction of the body in relation to nudity and sexual innuendo.

This document offers an overview of current legislative and self-regulatory rules.

Gender Stereotyping

The subject of stereotypical portrayal of women in advertising has given rise to public debate for more than two decades. However, recent years have seen the extension of stereotypical images in advertising to the portrayal of men. For this reason, the term 'gender stereotyping' is more appropriate.

In self-regulatory terms, gender stereotyping falls partly under the general heading of taste and decency and partly under the more specific one of discrimination, summed up in Article 4 of the ICC Code: 'Marketing communication should respect human dignity and should not incite or condone any form of discrimination, including that based on race, national origin, religion, gender, age, disability or sexual orientation'.

All the European national codes of advertising practice incorporate this rule and many go further, in terms of specific rules on the portrayal of the genders. The differentiation in rules to be found reflects the varied cultural values and social customs which exist within the EU and across a wider Europe. In areas of subjective judgement and often strongly-held beliefs, to suggest that no advertisement should ever offend anyone is a counsel of perfection, impossible to achieve in practice. Rules of this sort are therefore normally interpreted to mean that no advertisement should cause either grave offence to a minority or lesser offence to a much wider audience.

The portrayal of women

The primary purpose of commercial advertising is to promote goods and services, not to bring about changes in society - what is often called 'social engineering'. Advertising therefore 'holds up a mirror to society', portraying it in ways which are sometimes idealised or simplified, but essentially a form which consumers can immediately recognise and with which they can readily identify. To safeguard advertisers' right of free speech and freedom to select their audience, this need has to be respected.

However, it has also to be balanced with the need to avoid stereotypical portrayals likely to be widely perceived as projecting an offensive or demeaning image of women, either as individuals or as members of society.

Differences in national culture notwithstanding, it is no longer generally regarded as acceptable for advertisements to exploit women as 'sex objects' to attract male attention, or to feature them as mere adjuncts to the sale of goods. It is unrealistic to expect advertisements to avoid showing women in traditional roles, e.g. carrying out household tasks or caring for children, but care is needed to avoid any suggestion that such activity is 'women's work', or has little value, or that those who do it are unintelligent or interested only in domestic trivia.

The last two decades have seen significant changes in the way that women are portrayed in advertisements, reflecting advertisers' alertness to changing public sensitivities and recognition that a positive image of women as individuals and members of society is likely to evoke a better response, as well as avoiding complaints.

The portrayal of men

As a deliberate reaction against stereotypical portrayals of women, recent years have seen a trend in some countries showcasing a reversal of traditional stereotypes, portraying women as dominant, resourceful and capable and men, by contrast, as foolish, immature and inept. Such advertisements are usually amusing and good-humoured and appear to be generally accepted in the same spirit, but there is evidence that a minority of men is beginning to find this approach irritating. In some countries, notably Ireland and the UK, complaints have been received alleging that such advertisements are offensive and promote a demeaning stereotype of men. So far, complaints of this kind have been few in number.

Nudity and sexual innuendo

The acceptability of nudity in advertisements is strongly influenced by cultural traditions and levels of tolerance vary widely between countries. However, in most countries there is general acceptance of the discreet portrayal of nudity in an appropriate context, e.g. advertisements for toiletries. By contrast, blatant or gratuitous use of nudity, in contexts where it has little or no relevance to the product advertised, or merely in order to gain attention, is likely to cause offence and provoke complaints in most countries. Similarly, the use of mild sexual innuendo in an appropriate context appears to be generally well-accepted, but discretion is essential to avoid causing offence, particularly to people outside an advertisement's target group.

Striking the balance

Matters of taste and offence are always difficult to adjudicate, but it is important to strike the right balance between the sensitivities of consumers and the recognition of an advertiser's right to freedom of speech.

It is important for advertisers to be aware of the need for discretion in this area, if necessary seeking advice from self-regulatory organisations before publishing their campaigns. Self-regulatory rules are particularly well-suited to handle subjective issues of this kind, since they are able to react swiftly and sensitively to changing public attitudes.

SELF-REGULATION

The International Chamber of Commerce's Consolidated Code of Advertising and Marketing Communication Practice (2006), commonly known as 'the ICC Code', follows the long-established policy of the ICC of promoting high standards of ethics in marketing via self-regulatory codes intended to complement the existing frameworks of national and international law. The globalization of the world's economies, and the intense competition which results, require the international business community to adopt standard rules.

The ICC Code, which was first issued in 1937, and revised in 1949, 1955, 1966, 1973, 1987 and 2006, demonstrates the business community's recognition of its social responsibilities in respect of commercial communications. The new 2006 edition sets high standards of commercial communications leading to efficient international markets and significant consumer benefits.

The Code is designed primarily as an instrument for self-discipline but it is also intended for use by the Courts as a reference document within the framework of applicable laws.

The Code is to be applied in the spirit as well as in the letter. Because of the different characteristics of the various media (press, television, radio and other broadcast media, outdoor advertising, films, direct mail, fax, e-mail, Internet and online services, etc.) an advertisement which is acceptable for one medium may not necessarily be acceptable for another. Advertisements, therefore, should be judged by their likely impact on the consumer, bearing in mind the medium used. The Code applies to the marketing communication in its entirety, including all words and numbers (spoken and written), visual treatments, music and sound effects, and material originating from other sources (...)

Article 1: Basic principles

All marketing communication should be legal, decent, honest and truthful. [...]

Article 2: Decency

Marketing communication should not contain statements or audio or visual treatments which offend standards of decency currently prevailing in the country and culture concerned.

Article 4: Social responsibility

Marketing communication 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. [...]

Art 26: Respect for self-regulatory decisions

No marketer, communications practitioner or advertising agency, publisher, media owner or contractor should be party to the publication or distribution of an advertisement or other marketing communication which has been found unacceptable by the relevant self-regulatory body.

All parties are encouraged to include in their contracts and other agreements pertaining to advertising and other marketing communication, a statement committing the signatories to adhere to the applicable self-regulatory rules and to respect decisions and rulings made by the appropriate self-regulatory body.

TRENDS IN ADVERTISING COMPLAINTS SINCE 1998 IN THE EASA NETWORK¹

The figures below reflect the number of complaints received within the EASA network. Out of the total number of complaints received:

- some are rejected by the secretariat as they do not fall within SROs remits (i.e. complaint on TV programming and not advertisements)
- some are transferred to the jury and not upheld
- some are transferred to the jury and upheld

At present, the statistical data collected does not register how many complaints have been rejected, not upheld or upheld under the category “taste and decency”. Under the category Taste & Decency are several sub-categories (such as offensiveness or portrayal of gender).

	Number of complaints received by the SROs in the EASA Network							
	1998	1999	2001	2002	2003	2004	2005	2006
Taste & decency TOTAL	12%	8%	8%	16%	27%	10%	5.77%	5.26%
Portrayal of women	0.5%	0.8%	4.3%	7.4%	3%	1.41%	4.03%	3.99%
Portrayal of men	n/a	n/a	n/a	n/a	0.33%	0.55%	0.53%	1.19%

There was a peak in complaints in 2002, when a single advertisement in Austria (for a cider) provoked 2600 complaints², accounting for 46% of all complaints about the portrayal of women received by SROs in the EU in 2002.

The peak in 2005 can be explained by the high number of complaints received in the UK that year. 3 of the 5 most complained ads involved issues of taste and decency³ but were not upheld by the ASA Council (independent jury of the UK SRO, ASA).

It should be noted that ‘taste and decency’ cases often get a high media coverage, which is likely to lead to an increase in the number of complaints received by the national SROs for each ad.

¹ Statistics for 2007 are not available yet

² The advertisement showed two young women taking off their sweaters, with nothing underneath. Many consumers complained to the Austrian SRO, OWR as they considered it an unacceptable portrayal of women.

³ **N°2 Living TV** - 650 complaints received. Complaints not upheld.

Was the fine line between tasteful sexual imagery, and something offensive and demeaning, crossed by this poster campaign for Living TV? The ‘L Word’ is a TV drama about a group of glamorous gay women. Complaints ranged from the posters being offensive and degrading to women, to being unsuitable to be seen by children. The jury agreed with Living TV that while some people would object to the depiction of homosexuality, this was not in itself against the Code. The jury also felt these posters were unlikely to cause widespread offence, or be seen as demeaning to women.

N°3 Unilever Foods UK - 620 complaints received. Complaints not upheld.

Blatant sexual references – or just a bit of harmless ‘Carry On’ humour? In one “Have you got the Pot Noodle horn?” ad, a man in a bar struggles to conceal a big brass horn in his trouser pocket. Later we see him returning to the bar, disheveled and sauce-stained. In another, we’re in an office, and see the horn in a man’s pocket cause the desk to rise up. The complainants saw the ads as tasteless and offensive. However, while agreeing that the punning and innuendo could be seen as crude, the jury did not accept that the ads were explicit or offensive, or inappropriate for older children post-9pm.

N°4 Mazda Motors (UK) Ltd - 425 complaints received. Complaints not upheld.

We see a man putting his female ‘passengers’ – lingerie-clad mannequins – into a Mazda. They drive around a city and, as the car stops a mannequin’s nipples are now erect.

Complaints ranged from the reference to sexual arousal being offensive, to women being portrayed as sexual objects. The jury felt that the humour was based on a mild sexual reference, and was unlikely to cause widespread offence. The jury also felt the absurd notion of an inanimate object being turned on did not demean women as sex objects.

COUNTRY REVIEW

The following section provides an overview of the legislation and self-regulatory rules regarding portrayal of gender in advertising in the 19 countries members of the EASA network, as well as the statistics available for 2006.



SR systems are actively being put in place in Bulgaria, Cyprus, Luxembourg and Estonia but data is not yet available for those countries.

Latvia, Malta and Denmark do not currently have self regulation projects.

For additional general information on Self Regulatory Organisations (SROs)

PLEASE REFER TO THE EASA BLUE BOOK, 5TH EDITION .

AUSTRIA



Legislation

The portrayal of women and men in advertising is regulated by the 'Gleichbehandlungsgesetz' (law for equal treatment) which addresses mainly employment affairs. The 'Gleichbehandlungsanwältin' (equal treatment lawyer) is the statutory authority responsible for recruitment advertising.

Self regulation

Competent body:

The 'Österreichische Werberat' (ÖWR) is the body responsible for advertising self-regulation in Austria.

Codes:

The ÖWR enforces a general code of advertising practice, the 'Österreichische Selbstbeschränkungskodex' (Austrian Code for Advertising Standards) which is based on the principles of the ICC Code of Advertising Practice.

Special provisions regarding women

Women's perceptions of themselves have changed considerably in recent years, with corresponding effects on the image of women in our society. As advertising not only reflects social attitudes but also influences them, especially in children, it follows that advertising should not be degrading, hostile or discriminatory toward women.

"Advertising should not contain any sexually offensive material.

a. Advertising should not depict naked female bodies without their being directly related in content to the product being advertised.

b. Advertising should avoid any textual material or verbal statements of a sexual nature which could be degrading to women.

Advertising should not be hostile or discriminatory toward women.

a. Advertising should not use any material which calls into question the equality of the sexes.

b. Advertising should not contain anything which contradicts the modern image of women. It should particularly avoid anything that would suggest that women are by nature less intelligent, lacking in assertiveness or analytical ability, uneducated or principally fulfill a service function."

Complaints statistics

In 2006, the Austrian SRO received 5 complaints on gender portrayal, which accounted for 2.22% of all complaints received.

BELGIUM



Legislation

There is a general legislation about gender discrimination in advertising which only applies to radio and television. This legislation is supervised by two authorities, one for the Flemish and another for the French-speaking Community.

- Flemish: - Vlaamse Raad voor reclame en sponsoring op radio en televisie (Flemish Council for advertising and sponsoring on radio and television);
- French: - Commission d'Ethique de la Publicité (Commission for Advertising Standards).

There was a proposal for resolution concerning this matter in the Belgian Senate but it was not pursued⁴.

In 2002, the "Conseil de la Consommation" was asked for advice⁵ :

“L’appréciation du sexisme, de la discrimination, de la dévalorisation, etc. dans le monde des média et de la communication et en particulier la publicité, relève de critères subjectifs, culturels voire émotionnels qu’il est impossible d’intégrer dans une norme de droit dans le contexte de la société d’aujourd’hui qui est devenue mouvante, pluraliste et multi-culturelle.

Pour se convaincre de cette difficulté, il suffit de constater l’intervention quasi inexistante des autorités judiciaires en matière de bonnes moeurs ou encore la complexité de la définition de la dignité humaine comme concept juridique.

En conclusion et sans contester la nécessité de veiller au respect des personnes dans la publicité, le Conseil estime que la disposition projetée ne trouve pas sa place dans la LPCC. Elle créera une insécurité juridique qui déforcera la loi en étendant son champ d’application à un domaine qui ne correspond pas à son objet. »

Self Regulation

Competent Body: JEP (Jury d’éthique publicitaire)

The ICC code is applied as well as a guidance note on portrayal of the person.

English synopsis: the respect of the person is a fundamental ethical principle in Belgium. A specific guidance note on Portrayal of the person was adopted in 2002 and aims to protect women, man and children. It emphasizes on the sensitivity of the society on taste and decency issues, prohibits discrimination or demeaning stereotype, and bans the depiction of violence whether it is direct or suggested.

A. Représentation de la personne (JEP – 1976 - 2002)

Dans un document élaboré en 1976 sous le titre “La publicité et la personne humaine”, le Jury d’Ethique Publicitaire avait formulé diverses recommandations en matière de représentation de

⁴ See ANNEX: fiche dossier du Senat

⁵ see ANNEX:

l'homme, de la femme ou de l'enfant. Après profonde réflexion et avec l'approbation du Conseil de la Publicité, le Jury a adapté et complété ces recommandations en 2002 afin de tenir compte de l'évolution sociale. Le respect de la personne humaine est un principe d'éthique fondamental. Le Jury d'Éthique Publicitaire invite dès lors les annonceurs, les agences de publicité et les media publicitaires à veiller au respect des recommandations qui suivent, fondées essentiellement sur le Code International de Pratiques Loyales en matière de Publicité de la Chambre de Commerce Internationale – C.C.I. et accompagnées de commentaires explicatifs. Elles concernent tant l'homme, la femme que l'enfant.

“ 1. Toute publicité doit être conçue avec le sens qui convient de la responsabilité sociale et ne peut être de nature à dégrader la confiance que le public doit pouvoir lui porter (art. 1 du Code C.C.I.).

2. La publicité doit proscrire toute déclaration ou présentation visuelle qui offense la décence selon les normes couramment admises (art. 2 du Code de la C.C.I.)

• Selon la sensibilité du corps social à un moment donné, le public exposé à la publicité, le contexte social ou culturel et son évolution ainsi que l'actualité, il est souhaitable que la publicité évite toute dévalorisation ainsi que toute exploitation abusive de la personne humaine qui, en en propageant une image portant atteinte à sa dignité et à la décence, est susceptible de choquer ou même provoquer le public. A cet égard, il y a lieu de veiller au ton des messages et à leur exécution visuelle.

• La représentation du corps humain en général ou d'une partie de celui-ci ne peut revêtir aucun caractère indécent ou obscène. Une prudence particulière s'impose lorsque la représentation du corps humain est sans aucun lien avec le produit et ses caractéristiques objectives et subjectives. Lorsque la publicité utilise la nudité, il convient en particulier de veiller à ce que sa représentation ne puisse être considérée comme avilissante et aliénante.

3. La publicité ne peut cautionner aucune forme de discrimination y compris celle fondée entre autres sur la race, l'origine nationale, la religion, le sexe, l'âge, ni porter atteinte à la dignité humaine (art. 4 al. 1 code C.C.I.).

• C'est ainsi qu'il convient d'éviter :

- d'engendrer le mépris, le discrédit ou le ridicule quelle que soit la catégorie ethnique, sociale, professionnelle, démographique ou économique à laquelle appartient une personne;

- d'exploiter, de favoriser ou de développer des comparaisons péjoratives fondées sur le sexe, l'âge, la race, la nationalité, le statut social ou professionnel des individus. La publicité ne peut méconnaître les aptitudes, les aspirations et le rôle des diverses catégories humaines et sociales.

• De même cautionner l'idée de l'infériorité ou de la supériorité d'une personne en raison de son appartenance à un groupe social, ou encore valoriser, même indirectement, des sentiments ou des comportements d'exclusion, d'intolérance ou de racisme, sont à éviter.

4. Les auteurs de la publicité doivent être constamment attentifs à l'évolution des mœurs et éviter de contribuer à perpétuer des préjugés sociaux ou des images stéréotypées allant à l'encontre de l'évolution de la société ou des idées acceptées par de larges couches de la population.

• C'est pourquoi l'expression de stéréotypes, évoquant les caractères censés être représentatifs d'un groupe social, ethnique, etc., doit tout particulièrement respecter les principes développés dans les présentes recommandations.

- *Il convient d'éviter d'induire une idée de soumission ou de dépendance dévalorisant la personne humaine ou de présenter de manière complaisante une situation de domination ou d'exploitation d'une personne par une autre.*

5. La publicité ne peut contenir aucune incitation à la violence ni sembler la cautionner ou encourager des comportements illicites ou répréhensibles (art. 4, al. 3 Code C.C.I.).

- *L'utilisation gratuite de la violence directe ou suggérée et toute incitation à la violence que celle-ci soit morale ou physique doit être évitée. La notion de violence recouvre au minimum l'ensemble des actes illégaux, illicites et répréhensibles visés par la législation en vigueur. La violence directe se traduit par la représentation de l'acte de violence proprement dit; la violence suggérée s'entend par une ambiance, un contexte voire par le résultat de l'acte de violence; la violence morale comprend notamment les comportements de domination ainsi que le harcèlement (moral et sexuel).*

- *En aucun cas, la publicité ne peut par des déclarations ou des présentations banaliser la violence.*

Complaints statistics

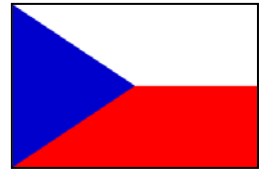
In 2006, the Belgian SRO received 33 complaints on gender portrayal (2 on portrayal of men, and 31 on portrayal of women), which accounted in total for 22.45% of all complaints received.

Additional reports or studies

In the report of the Centre for Women's Studies (issued on 18 January 2006), Mrs Corinne Van Hellemont explained that she had made a study of the existing codes in several countries with the conclusion that the Belgian text was comprehensive and workable:

-“ Le “Centrum voor Vrouwenstudies” est par ailleurs convaincu qu'une multiplication des règles et des lois ne serait pas une bonne chose. Le JEP a actualisé ses codes concernant la représentation des personnes dans la publicité en 2002-2003. Faut-il déjà une nouvelle version? Il y a quelques années, Mme Van Hellemont a consacré une étude à tous les codes existant à l'échelle mondiale et à une série de directives sur la représentation des hommes et des femmes émanant d'organisations de femmes. Elle peut en conclure que le code actuel du JEP est satisfaisant dans les grandes lignes et qu'il est en outre opérationnel. “

CZECH REPUBLIC



Legislation

There is no specific law about portrayal of gender in advertising.

Self-Regulation

Competent Body: RPR (Rada Pre Reklamu)

The Code of Advertising Practice was agreed and adopted by the General Assembly at the meeting of November 2, 1994. Divided into two parts, general and specific, the Code contains general rules of advertising in the former, and 6 particular and most controversial areas in the latter. The general code of advertising is based on the ICC Code.

The latest version of the complete version of the Code is dated of March 1997, but it was partially updated in October 2005, notably the section on food advertising.

“General Principles of Advertising Practices

1. Decency of Advertising

1.1 Advertising must not involve such statements and visual presentations which would in a gross manner violate norms of decency and moral generally accepted by those who are likely to be covered by the advertising. Above all, presentation of human body has to be done under full awareness of the impacts on all groups of readers and viewers. Breaking of the Codes will be considered with consideration of whole context, relation of advertising to product, chosen target market segment and used media.

1.2 Advertising must not involve elements derogating human dignity.”

Complaints statistics

In 2006, the Czech SRO received 4 complaints on gender portrayal (1 on portrayal of men, and 3 on portrayal of women), which accounted in total for 4.17% of all complaints received.

FINLAND



Legislation

In Finland, there is no specific legislation regarding the portrayal of women and men in advertising.

However, the recent Government Bill (HE 32/2008) which main purpose is to implement the UCP-directive, proposes amendments to the Finnish Consumer Protection Act, namely its Chapter 2 (Regulation of Marketing). The Government Bill not only implements the UCP-directive but also contains provisions which are not based on the directive. According to the Government Bill, Chapter 2 should contain a more detailed definition of what is deemed to be inappropriate in marketing. This provision deals with decency matters, including discrimination based on gender. The Parliament will consider the government's proposal, probably before summer 2008.

Self Regulation

Competent Body: Council of Ethics in Advertising" (in Finnish Mainonnan eettinen neuvosto, MEN)

The MEN applies the ICC codes as such and also applies the principles of good marketing practice.

Advertisements violate good marketing practices if:

- a) *They portray or describe a man or a woman as an eye catcher or a sex object and if a person's sexuality is portrayed or described in a degrading, disparaging or defamatory manner;*
- b) *They portray or describe a man or a woman as a sex object or an eye catcher in an indecent manner and this bears no reflection to the advertised product or service; or*
- c) *Advertisements include sexual insinuations or promises that bear no resemblance to the advertised product.*

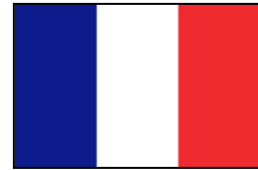
3. *Advertisements violate good marketing practices if they claim or insinuate that the role of one sex is socially, economically or culturally below that of the other, or if they maintain stereotypical ideas on what is typical or characteristic of men or women, their personalities, or work performances.*

4. *Advertisements do not violate good marketing practices simply because they portray naked people or people with very few clothes on, if these people are not portrayed in a degrading, disparaging or defamatory manner. "*

Complaints statistics

In 2006, the Finnish SRO received 1 complaint on gender portrayal, which accounted in total for 0.91% of all complaints received.

FRANCE



Legislation

The following texts are applied:

- Penal Code
 - on discrimination : art 225.1 and following
 - on advertising : art 227.24 and following
- Loi Halde (n°2004-1486 of 30 December 2004, article 20 and following)

Self-regulation

Competent Body: BVP (Bureau de vérification de la publicité)

The ICC code is applied. In addition it has made several general and sector specific recommendations: "Les recommandations générales" et "les recommandations sectorielles".

The issue of the Portrayal of women and men in advertising is covered in several ways in France:

- BVP applies the ICC codes, which refer to decency and ban sexual discrimination.
- BVP enforces also its own guidance notes called "Recommendations". In its "Recommandations Générales", the BVP has a section on the Portrayal of the person (image de la personne humaine).

English synopsis: Following the "porno chic wave" of 2000, the BVP elaborated with a committee composed of experts (women only) a new recommendation on the portrayal of the human body. A specific guidance note on Portrayal of the person was adopted in 2001 and aims to protect women, man and children. It emphasizes on the sensitivity of the society on taste and decency issues, prohibits discrimination or demeaning stereotype, and bans the depiction of violence whether it is direct or suggested.

RECOMMANDATION IMAGE DE LA PERSONNE HUMAINE

" Le respect de la dignité de la personne humaine est un principe universel. En matière de publicité, le code de pratiques loyales de la Chambre de Commerce International (CCI) illustre ce principe par des dispositions générales, reconnues par tous, qui posent les principes de décence, de non discrimination et plus largement de responsabilité sociale dans la représentation de la personne humaine, quels que soient, notamment, ses origines, ses opinions ou croyances, son sexe ou son âge.

Ainsi :

- *" La publicité doit proscrire toute déclaration ou présentation visuelle contraire aux convenances selon les normes couramment admises ". Art 2 du Code de la C.C.I.*

- “ La publicité ne doit cautionner aucune forme de discrimination, y compris celle fondée sur la race, l'origine nationale, la religion, le sexe ou l'âge, ni porter en aucune façon atteinte à la dignité humaine ". Art 4 du Code de la C.C.I.
- " La publicité ne doit contenir aucune incitation ni sembler cautionner ou encourager des comportements illicites ou répréhensibles " Art 4 du Code de la C.C.I.

Il en découle que la publicité doit éviter toute dévalorisation ainsi que toute exploitation abusive de la personne humaine et de son image.

Le respect de ces principes doit s'apprécier selon la sensibilité du corps social à un moment donné, le public exposé à la publicité, le contexte social ou culturel et son évolution, l'actualité.

La publicité doit donc, quelle que soit sa forme, respecter les règles déontologiques suivantes :

DIGNITE, DECENCE

- *La publicité ne doit pas être susceptible de heurter la sensibilité, choquer ou même provoquer le public en propageant une image de la personne humaine portant atteinte à sa dignité et à la décence.*
- *Lorsque la publicité utilise la nudité, il convient de veiller à ce que sa représentation ne puisse être considérée comme avilissante et aliénante.*
- *D'une façon générale, toute représentation dégradante ou humiliante de la personne humaine, explicite ou implicite, est exclue, notamment au travers de qualificatifs, d'attitudes, de postures, de gestes, de sons, etc., attentatoires à la dignité humaine.*

STEREOTYPES SEXUELS, SOCIAUX ET RACIAUX

- *La publicité ne doit pas réduire la personne humaine, et en particulier la femme, à la fonction d'objet.*
- *La publicité ne doit pas cautionner l'idée de l'infériorité d'une personne en raison de son appartenance à un groupe social, notamment en réduisant son rôle et ses responsabilités dans la société.*
- *L'expression de stéréotypes, évoquant les caractères censés être représentatifs d'un groupe social, ethnique, etc., doit tout particulièrement respecter les principes développés dans la présente recommandation.*
- *La publicité ne peut valoriser, même indirectement, des sentiments ou des comportements d'exclusion, d'intolérance ou de racisme.*

SOUSSION, DEPENDANCE, VIOLENCE

- *La publicité doit éviter d'induire une idée de soumission ou de dépendance dévalorisant la personne humaine et en particulier les femmes.*
- *Toute présentation complaisante d'une situation de domination ou d'exploitation d'une personne par une autre est exclue.*
- *La publicité doit éviter toute scène de violence, directe ou suggérée, et ne pas inciter à la violence que celle-ci soit morale ou physique.*
- *La notion de violence recouvre au minimum l'ensemble des actes illégaux, illicites et répréhensibles visés par la législation en vigueur. La violence directe se traduit par la représentation de l'acte de violence proprement dit ; la violence suggérée s'entend par une ambiance, un contexte voire par le résultat de l'acte de violence ; la violence morale comprend notamment les comportements de domination, le harcèlement (moral et sexuel).*
- *La publicité ne doit, en aucun cas, par ses messages, ses déclarations ou sa présentation, banaliser la violence. »*

Complaints statistics

In 2006, the BVP received in total 89 on portrayal of the person. 46 were complained about because perceived as indecent, 28 were complained about on the basis of indignity, and 15 because of stereotypical portrayal.

Additional reports or studies

English synopsis: in parallel to the 2001 recommendation on the image of the human body, the BVP engaged in a dialogue with the French ministry for equality and parity. An agreement between the ministry and the BVP was signed in 2003, where the effective role of self regulation is recognised. Since 2003, the BVP has been conducting annual advertising monitoring on the issue. In 2006, 4288 ads have been reviewed, and 8 have been found in breach of the BVP recommendation of 2001. This accounts for 0.19% of the total number of ads analysed during this period (0.19% in 2004, 0.19% in 2005).

Dans le contexte du début des années 2000, caractérisé notamment par le recours en publicité à la tendance au “porno-chic” (mélange d’indécence et de violence), le BVP a engagé une actualisation et un renforcement de sa Recommandation sur la représentation de la femme en publicité, en l’élargissant à l’ensemble de la personne humaine. Elaboré par un comité d’experts exclusivement féminins, un nouveau texte a vu le jour en 2001, la Recommandation Image de la personne humaine. Parallèlement, des relations suivies se sont engagées sur ce sujet entre le BVP, l’interprofession et le Ministère de la Parité. Ces relations de concertation se sont concrétisées en novembre 2003, par la signature d’un accord entre le BVP et le Ministère, par lequel ce dernier reconnaissait les vertus de l’autorégulation. Depuis, chaque année, les représentants de la profession et le Ministre se rencontrent pour faire le point sur la représentation de la personne humaine en publicité et tenir une conférence de presse.

Dans cette perspective, le BVP a instauré un monitoring systématique de la production publicitaire diffusée sous l’angle de l’image de la personne humaine. D’année en année, ce monitoring fait apparaître une amélioration de la situation. En 2006, l’étude a porté sur l’ensemble des messages publicitaires diffusés par voie d’affichage au plan national. Ceci représente **4288 visuels** différents au total. 8 visuels ont été considérés comme constitutifs de manquements à la Recommandation Image de la personne humaine. Cela représente **0,19% du total des visuels** analysés pour cette période, soit une proportion marginale⁶.

Les 8 visuels problématiques peuvent être ramenés à trois principaux cas de figure :

- des catégories de populations qui subissent un regard dénigrant en raison de leur physique (obésité, laideur) ;
- le recours à des référents morbides (zombies, corps déchiquetés, dents arrachées, etc.) ;
- le recours à la femme-objet, avec utilisation du corps de la femme sans relation avec le produit vendu.

Cette étude met également en évidence deux résultats majeurs de l’autodiscipline sur ce terrain. Tout d’abord, il se confirme que le problème du « porno-chic » (mélange d’hypersexualisation des personnages et de soumission – dépendance – violence, pour des produits de luxe) est maîtrisé. Ensuite, la question de la décence, revenue aux devants de la scène en 2003 (notamment du fait du phénomène « string » en lingerie) s’est très nettement calmée.

⁶ A titre comparatif, les résultats obtenus les années précédentes pour l’affichage étaient totalement comparables: **0,08% en 2005 et 0,19% en 2004**

GERMANY



Legislation

There is no specific legislation on the portrayal of genders in advertising.

Apart from including numerous specific regulations the German Unfair Competition Act (Gesetz gegen unlauteren Wettbewerb, 2004) sets the legal framework for advertising in general. This Act is open for “case law” to specify constitutional values such as anti-discrimination and equality of men and women.

The German General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz, AGG) was adopted in 08/2006. It applies to civil contracts and therefore it indirect effects advertising.

Self-regulation

In Germany, the responsibility for self-regulation in advertising is split between two bodies:

- Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V (Zentrale) which deals with any case of unfair competition under the “Unfair Competition Act” or other market rules. The Zentrale was set up in 1912 and enforces law, although it is a self-regulatory body.

and

- Deutscher Werberat which deals with taste and decency issues. The DW was created in 1972 and is an independent body which is embedded in the Zentralverband der deutschen Werbewirtschaft (ZAW), the German Advertising Association.

The Deutscher Werberat has set up rules on anti-discrimination within its general codes of conduct. These are updated and adapted regularly to meet the needs of business and consumers; the latest update was in 2004.

“Code of conduct on personal denigration and discrimination”:

Images and text in commercial advertising must not violate human dignity or common decency. In particular, advertising – and especially advertising to minors – must not give the impression that specific persons are inferior or can be subjected to arbitrary treatment in the community, the workplace or the family.

Above all, representations and claims must be avoided if they:

- Discriminate any person by virtue of their gender, descent, race, language, place of origin, creed, political opinions, age or appearance.
- Include or condone violence.
- Give the impression that any person is available for sale.
- Conflict with prevailing general basic convictions (for example with excessive nudity)
- Reduce any person to their purely sexual function and/or suggest their continuous sexual availability.

- Are pornographic in nature.

Whether there is a breach of these principles depends in particular on the following criteria:

- The impression perceived by a reasonable average consumer.
- The character of the medium.
- The type of product or service being advertised.
- Currently prevailing views on customs, decency and morals in society.
- Social reality as represented for example in editorial content shown in the media, films or theatre.

Complaints statistics

In 2006, the Deutscher Werberat (dealing with taste and decency issues only) received 201 complaints on gender portrayal, which accounted for 18% of the complaints received. This accounts for 1.1% of the total of complaints received in Germany.

GREECE



Legislation

In 1995, the Greek Parliament adopted a new law for Media (No. 2328) which included an article on advertising and programming. Article 3-1-c mentions that advertising should not include any discrimination based on race, gender, religion or nationality. There is however no specific authority or statutory body responsible for the enforcement of this legislation.

Self Regulation

Competent Body: ΣΕΕ (SEE - Advertising Self-Regulation Council)

SEE is recognised by law as having exclusive responsibility for upholding the provisions of the Greek Code of Advertising Self Regulation.

The Greek Code of Advertising and Communications Practice, based on the ICC International Code of Advertising Practice was first instituted in 1973, and was most recently updated in 2004 and 2006, when the ICC consolidated code has been transposed.

Complaints statistics

In 2006, the Greek SRO received no complaints on gender portrayal.

HUNGARY



Legislation

There is no specific legislation in Hungary on the portrayal of the sexes in advertising but there are general clauses forbidding discrimination, included in the Media Act (Act I of 1996 3.§ (2) and (3)), in the Advertising Act (Act LVIII of 1997 4.§ a))

There is a specific Act on Equal Opportunities (Act CXXV of 2003) and a special Authority called the Equal Treatment Authority (Egyenlő Bánásmód Hatóság) which was established by the Act and came into being on 1 February 2005. It is an independent organisation, which was set up by the Hungarian Government to receive and deal with individual and public complaints about unequal treatment and to implement the principles of equality and non-discrimination.

Self-regulation

Competent Body: Önszabályozó Reklám Testület (ÖRT)

- The Hungarian Code of Advertising ethics
- Hungarian Code of Advertising (2005)

“Prohibition and restrictions

(1) Advertising should not include any elements and may not create a general impact that would injure the generally accepted moral and ethical norms of the society.

(2) Advertisements should not contain nothing that is causing offence on the grounds on people, nationalities, ethnic groups, genders, age-groups, sexuality, religion or handicap, nor should support these kind of views..

(3) Advertisements should not contain elements or convey an impression which inspires, supports or justifies aggressive, violent or illegal acts, rough antisocial behavior

(4) Advertisements should not contain elements or convey an impression which inspires, supports or justifies jeopardy of life, health or human body, damaging natural and built up environment and public or private property, and torture of animals.

(5) Unmotivated, gratuitous use of erotic and sexuality is prohibited in advertising.

Representation of the human body within the confines of good taste is not objectionable; however, the way of representation shall not offend against personal rights, especially human dignity.”

Complaints statistics

In 2006, the Hungarian SRO received 3 complaints on gender portrayal, which accounted in total for 8.33% of all complaints received.

IRELAND



Legislation

The Equality Authority is an independent body set up under the Employment Equality Act 1998. It was established on 18th October 1999.

The Equality Authority replaced the Employment Equality Agency, and has greatly expanded its role and functions. The Employment Equality Act, 1998 and the Equal Status Act, 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally has access on nine distinct grounds. These are: gender; marital status; family status; age; disability; race; sexual orientation; religious belief; and membership of the Traveller Community.

Discrimination is described in the Act as the treatment of a person in a less favourable way than another person is, has been or would be treated on any of the above grounds.

Self-regulation

Competent Body: ASAI - Advertising Standards Authority for Ireland.

The general code of advertising in Ireland is called the 'Code of Standards for Advertising, Promotional and Direct Marketing'. It is based on the ICC codes and is divided into General rules and Sectoral Rules. Under the General Rules, there is a special section under which complaints concerning the portrayal of women would be considered.

Decency and Propriety

2.15 A marketing communications should contain nothing that is likely to cause grave or widespread offence.

2.16 Marketing communications should respect the dignity of all persons and should avoid causing offence on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the traveller community.

2.17 Marketing communications should respect the principle of the equality of men and women. They should avoid sex stereotyping and any exploitation or demeaning of men and women.

Where appropriate, advertisements should use generic terms that include both the masculine and feminine gender; for example, the term 'business executive' covers both men and women.

2.18 To avoid causing offence, marketing communications should be responsive to the diversity in Irish society and marketing communications which portray or refer to people within the groups mentioned in 2.16 should:

- a. respect the principle of equality in any depiction of these groups;*
- b. fully respect their dignity and not subject them to ridicule or offensive humour;*
- c. avoid stereotyping and negative or hurtful images;*
- d. not exploit them for unrelated commercial purposes;*
- e. not ridicule or exploit religious beliefs, symbols, rites or practices.*

2.19 Advertisers should take account of public sensitivities in the preparation and publication of marketing communications and avoid the exploitation of sexuality and the use of coarseness and undesirable innuendo. They should not use offensive or provocative copy or images merely to

attract attention. Marketing communications that may be considered by some to be distasteful, might not necessarily conflict with 2.15 above. Nevertheless, advertisers are urged to consider public sensitivities before using potentially offensive material.

2.20 The fact that a product is offensive to some people is not in itself sufficient basis for objecting to a marketing communication for the product. Advertisers should nevertheless avoid causing offence in such advertisements.

Complaints statistics

In 2006, the Irish SRO received 6 complaints on gender portrayal (1 on portrayal of men, and 5 on portrayal of women), which accounted in total for 0.43% of all complaints received.

ITALY



Legislation

In the Italian Civil Code, article 10, protecting the image of the person, states that “a publication not consented by the law or able to damage a citizen’s reputation can be stopped by the judge”.

The Criminal Code punishes offences against decency and good taste in general, and advertising is one of the forms of communication through which such offences can occur.

Legislative Decree 31 July 2005 no. 177 Broadcasting Consolidated Act “Testo unico della radiotelevisione”, replacing previous Mammì Law (223/90 implementing the TVWF Directive), in article 4 states that commercial communication should respect human dignity and should not include any discrimination on grounds of race, sex and nationality or religious beliefs.

Self-Regulation

Competent Body: IAP - Istituto dell’Autodisciplina Pubblicitaria

IAP enforces the general code of advertising practice which was recently revised, changing the Code of Advertising Self-Regulation into the Code of Marketing Communication, taking into consideration the UCP Directive 2005/29 on commercial practices.

Rules regulating portrayal of gender have not changed, as it was considered that they enforce general principles:

Art. 9 - Violence, Vulgarly, Indecency

Advertising must not contain statements or representations of physical or moral violence or such which can be considered indecent, vulgar or repugnant according to the good state and sensibility of consumers.

Art. 10 - Moral, Civil, and Religious Beliefs and Human Dignity

*Advertising must not offend the moral, civil and religious beliefs of citizens.
Advertising must respect human dignity in all its forms and expressions.*

Complaints statistics

In 2006, the Italian SRO received no complaints on gender portrayal.

LITHUANIA



Legislation

The advertising Law of 2006 lays down basic principles of legality, honesty and responsibility but does not deal with portrayal of women and men in advertising per se.

Self-Regulation

Competent body: The 'Lietuvos Reklamos Biuras' (LRB).

The LRB enforces the Lithuanian general advertising code "Lietuvos Reklamos Etikos Kodeksas" updated in 2005, which is based on the ICC code.

Complaints statistics

In 2006, the Lithuanian SRO received no complaints on gender portrayal.

NETHERLANDS



Legislation

In the Netherlands there is a general constitutional law which forbids all discrimination. A specific law, the 'Wet gelijke behandeling van mannen en vrouwen' (Law for equal treatment of men and women) applies amongst others to job ads which should be neutral with regard to the gender of the future employee.

Self-Regulation

Competent Body: SRC - The 'Stichting Reclame Code'

If an advertisement has issues regarding portrayal of gender, it is analysed under art 2 & 3 of the SRC code concerning good taste and decency.

"2. An advertisement shall conform to the law, the truth and the requirements of good taste and decency.

3. An advertisement shall not contravene the public interest, public order or morality."

Complaints statistics

Due to technical problems in the collection of statistics at national level, no data is available for Taste and decency issues in the Netherlands.

PORTUGAL



Legislation

Legislation on the portrayal of women and men in advertising is included in the Portuguese Code of Advertising, established by the Decret-Law n. 330/90, article 7d which forbids any advertising that contains discrimination concerning the sexes. The official authority, responsible for the enforcement of the Advertising Code, is the 'Instituto do Consumidor' (institute of consumer).

Self-regulation

Competent Body: ICAP - Instituto Civil da Autodisciplina da Publicidade'

The ICAP enforces the Portuguese general advertising codes "Codigo de Conducto' (Code of Conduct) which is based on the ICC code.

Complaints statistics

In 2006, the Portuguese SRO received 6 complaints on gender portrayal (1 on portrayal of men, and 5 on portrayal of women), which accounted in total for 0.43% of all complaints received.

POLAND



Legislation

Portrayal of genders in advertising is not specifically regulated by national law, although all forms of discrimination are forbidden.

Self-regulation

Competent body: "Związek Stowarzyszeń Rada Reklamy".

The Code of Ethics in Advertising forbids discrimination in any form. Anti discrimination rules are part of Code of Ethics in Advertising updated in 2006.

Complaints statistics

In 2006, the Polish SRO received 1 complaint on gender portrayal.

In 2007 gender portrayal accounted for 9 cases (4 of them related to the same advertising campaign), out of a total number of 121 complaints received (10,8%). 2 complaints were upheld by the jury and 7 were not upheld.

ROMANIA



Legislation

There is no specific legislation on the portrayal of women and men in advertising.

Self-Regulation

Competent body: The 'Consiliul Roman pentru Publicitate - Romanian Advertising Council' (RAC).

The RAC enforces the Romanian general advertising code "Codul de Practica publicitate" recently revised, which is based on the ICC code.

Complaints statistics

In 2006, the Romanian SRO received no complaints on gender portrayal.

SLOVAKIA



Legislation

There is no specific legislation on the portrayal of women and men in advertising. Nevertheless, there is provision on nudity:

*“147 - A C T of 5 April 2001 on advertising and change and amendment of some laws
§ 3 General requirements for advertising
(4) Advertising must not
e) present nakedness of human body in scandalous way.”*

Self-Regulation

Competent body: The Slovak ‘Rada pre reklamu’ (SRPR).

The SRPR enforces the ‘Kodex’ (The Code of Advertising practice for Slovakia) which is based on the ICC Codes supplemented with several specific rules.

Ethical Principles Of Advertising Practice in the Slovak Republic.

(wording approved on November 20, 2001; valid since February 1, 2002; updated on February 10, 2004, September 20 2005, February 21, 2006)

Part II. General principles of advertising practice

3. Social responsibility of advertising

3.6. Advertisement must not promote excessive succumb to sexuality by portraying sexual incentives, submissiveness, nudity or partial nudity of the human body in an inappropriate way and it must not present the product as a suitable mean for the removal of sexual barriers without justified reason.

Complaints statistics

In 2006, the Slovak SRO received 3 complaints on gender portrayal, which accounted in total for 3.26% of all complaints received.

SLOVENIA



Legislation

There is no legislation regarding the portrayal of the sexes in advertising.

Self-regulation

Competent body: SOZ - Slovenska Oglasevalska Zbornica (Sloveniana Advertising Chamber)

The SOZ enforces the general code of advertising practice, 'Slovenski Oglasevalski Kodeks' (The Slovene Code of Advertising Practice). The Code is based on the ICC Code and is supplemented with certain specific sectoral rules.

Complaints statistics

In 2006, the Slovenian SRO received no complaints on gender portrayal.

SPAIN



Legislation

On 28 December 2004, the Spanish Parliament approved the Law 1/2004 against violence against women. As well as in other areas, this piece of legislation introduces specific restrictions on advertising in Title I, Chapter II (devoted to women's protection in advertising and media) and it also modifies the Spanish General Advertising Law on this issue. In short, the new Law bans advertising which uses women's image in a humiliating or discriminatory way or ads which show women in a humiliating way, either by using specifically and directly their body or parts of their body as a mere object not linked to the advertised product, or by using women's image associated to stereotyped behaviours in breach of the fundamental principles of Spanish legislation and contributing to generate violence against women.

With regard to self-regulation the Spanish 1/2004 Law explicitly recognises the useful complementary role of advertising self-regulation. In fact, its article 13.2 encourages public authorities to promote agreements with self-regulatory systems which contribute to compliance with advertising rules through effective prevention schemes and complaints-handling mechanisms.

Recently, on 22 March 2007, the Act 3/2007 for effective equality between women and men was approved. Its Title III contains measures to further equality in the mass media with specific rules for State-owned media, as well as instruments to enforce these measures in the context of advertising with a discriminatory content.

Self-regulation

Competent body: AUTOCONTROL - Asociación para la Autorregulación de la Comunicación Comercial.

AUTOCONTROL applies its General Code of Advertising Practice ("Código de Conducta Publicitaria"), which is inspired on ICC Codes. In Spain there is no specific or sectoral self-regulatory code on the portrayal of women and men in advertising. Advertisements concerning the portrayal of women are reviewed under the General Code of Advertising Practice:

- *Rule 10: "advertising shall not suggest circumstances of discrimination based upon race, nationality, religion, sex or sexual orientation, and shall not breach the protection of human dignity".*
- *Rule 2 (principle of legality): "advertising must respect legislation in place, and particularly the values, rights and principles recognised in the Spanish Constitution".*

Nevertheless, "FEBE" (Spanish Federation of Alcoholic Drink Manufacturers) and "Cerveceros" (Brewers of Spain) have, in their self-regulatory codes, specific rules regarding the portrayal of women:

- FEBE, rule 8 g): *“Advertising to which this Code is applied can not show an image of a woman in a humiliating or discriminatory way, nor feminine stereotyped images that could generate violence”.*
- CERVECEROS, rule 3.9: *“The commercial communications will not make sexist references that could distort the woman role in the society”*

Complaints statistics

In 2006, the Spanish SRO received 1 complaint on gender portrayal, which accounted in total for 0.53% of all complaints received.

SWEDEN



Legislation

There is no legislation regarding the portrayal of the sexes in advertising.

In 2008, the Swedish government has decided not to pursue a suggested ban on sexist advertising. In a statement announcing the decision, the government cited concerns that the proposal conflicted with freedom of speech and freedom of the press. The suggested ban was presented in January 2008 as part of a report from an investigation into the prevalence of sexist advertising commissioned by the previous Social Democrat-led government. In the report, special government rapporteur Eva-Maria Svensson suggested the creation of a law "banning advertising containing sexist content." The report defined sexist advertising as any message distributed "with a commercial aim" that can be "construed as offensive to women or men."

Self regulation

Competent Body: MER – MarknadsEtiska Rådet

A special committee - Trades Ethical Council against Sexism in Advertising - ERK - was formed in November 1988.

When ERK judges the reported advertising actions, they use the ICC International Code of Advertising Practise, in which ERK have made a supplement to article 4 describing sexism in advertising:

- 1. Advertising describing male or female in terms of sexism and which one can consider obviously insulting. (Objectifying)*
- 2. Advertising preserving old-fashioned views of sex roles and where male or female are described in a depreciatory way. (Stereotyping)*
- 3. Advertising that in some other depreciatory way is obviously discriminating.*

The judgements of ERK are through written decisions. If a decision indicates that a certain advertising action made by a tradesman is sex discriminating it is also published in the press and on the Internet site, www.etiskaradet.org.

Complaints statistics

In 2006, the Trades Ethical Council against Sexism in Advertising - ERK received 600 complaints on gender portrayal, which accounted in total for 51.06% of all complaints received.

UNITED KINGDOM



Legislation

In the UK, there is no legislation specifically on the portrayal of women and men in advertising. There are however the Sex Discrimination Acts of 1975 and 1989 which include issues of sex discrimination and equal opportunities in advertising. This legislation is supervised by the Commission for Equality and Human Rights (under the Equality Act 2006), which advises on whether advertisements are acceptable under the provisions of the Sex Discrimination Acts.

Self-regulation

Competent Body:

- Advertising Standards Authority (ASA) which is responsible for regulating and handling complaints about advertising in all paid-for space including press, cinema, direct mail, TV and radio, and internet banner ads, virals, and pop ups
- Clearcast, formerly known as the Broadcast Advertising Clearance Centre (BACC) is responsible for pre-clearing television advertisements;
- Radio Advertising Clearance Centre (RACC) is responsible for pre-clearing radio advertising.

The Clearcast Notes of Guidance have no specific section dealing particularly with the portrayal of women. Instead Clearcast relies on a more general requirement as spelled out in section 6.2.4 to avoid the use of harmful stereotypes.

The ASA enforces three main advertising codes:

- The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). This Code is written and maintained by the Committee of Advertising Practice (CAP). This is based on the ICC codes, supplemented with sector and product specific codes and codes for specific themes.
- The BCAP TV Advertising Standards Code. This Code is maintained by the Broadcast Committee of Advertising Practice (BCAP)
- The BCAP Radio Advertising Standards Code. This Code is maintained by the Broadcast Committee of Advertising Practice (BCAP)

The CAP Code (Ed 11) : General rules

DECENCY

(ie avoiding serious or widespread offence)

5.1 Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.

5.2 Marketing communications may be distasteful without necessarily conflicting with 5.1 above. Marketers are urged to consider public sensitivities before using potentially offensive material.

5.3 The fact that a particular product is offensive to some people is not sufficient grounds for objecting to a marketing communication for it.

Relevant Code Clauses⁷

In general complaints about the portrayal of women are considered under the offensiveness clauses but they can also be considered under responsibility as well as violence and anti-social behaviour.

British Code of Advertising, Sales Promotion and Direct Marketing

- 2.2 *All marketing communications should be prepared with a sense of responsibility to consumers and to society.*
- 5.1 *Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.*
- 11.1 *Marketing communications should contain nothing that condones or is likely to provoke violence or anti-social behaviour.*

Television Advertising Standards Code

- 6.1 *Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards, or offend against public feeling.*
- 6.2. *Advertisements must not encourage or condone violence or cruelty*

Radio Advertising Standards Code

9 Good Taste, Decency and Offence to Public Feeling

b) salacious, violent or indecent themes, or sexual innuendo or stereotyping likely to cause serious or general offence, should be avoided.

Complaints statistics

In 2006, the UK SRO received 1650 complaints on gender portrayal (572 on portrayal of men, and 1078 on portrayal of women), which accounted in total for 4.81% of all complaints received.

⁷ Please refer to annex 3 for more information

ANNEX 1 - EU INITIATIVES AND REFERENCES

There are two texts at EU level relating to sexual stereotyping in advertising:.

- Resolution of the Social Affairs Council of 5 October 1995 on the image of women and men portrayed in advertising and the media. (OJ C 296, 10.11.1995, p.15)
- EP Resolution on Discrimination against Women in Advertising. (EP-Minutes of 16.09.1997)

COUNCIL:

In 1984, the Council recommended common European principles for advertising in relation to the 'discriminatory and demeaning portrayal of women'.

In August 1995, the Spanish EU Presidency proposed a Resolution on the position of women in the media and advertising.

PARLIAMENT:

In 1997 the European Parliament adopted a resolution on Discrimination against Women in Advertising. The European Parliament's resolution is a non-binding instrument, serving as a recommendation to those to whom it is addressed, i.e. the Council, the Commission and the Governments and Parliaments of the member states, the advertising regulatory bodies of the member states and the advertising trade associations organised at European level.

For more information see:

- Committee on Women's Rights and Equal Opportunities
http://www.europarl.eu.int/committees/femm_home_en.htm
- Committee on Women's Rights **REPORT** on discrimination against women in advertising , 25 July 1997 - Rapporteur: Mrs Marlene Lenz

<http://www.europarl.eu.int/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A4-1997-0257+0+DOC+PDF+V0//EN&L=EN&LEVEL=2&NAV=S&LSTDOC=Y>

COMMISSION:

DG Employment and Social Affairs

- Community Framework Strategy on Gender Equality
http://europa.eu.int/comm/employment_social/equ_opp/strategy_en.html
- A roadmap for equality between women and men 2006-2010
http://europa.eu.int/comm/employment_social/gender_equality/gender_mainstreaming/roadmap_en.html

"One objective of the Community framework and roadmap is Promoting Change of Gender Roles and Stereotypes. This field of intervention addresses the need to change behaviour, attitudes, norms and values which define and influence gender roles in society through education, training, the media, arts, the culture and science.

Perpetuating negative or stereotyped images of women, in particular in the media and computer-mediated information and entertainment, in advertising, and in educational material, does not provide an accurate or realistic picture of women's and men's multiple roles in and contributions to a changing world.

Without detriment to their freedom of expression, the media and culture industries should, as opinion formers and means of shaping values, contribute to changing gender stereotypes in the public perception and to presenting a fair portrayal of gender.

In order to overcome gender stereotypes in and via relevant Community policies, many actions are lead such as: Monitor the integration of a gender perspective in policies of particular relevance in overcoming gender stereotypes such as education, training, culture, research, media and sport policies. Promote the exchange of views and good practices in the media and create a group of media representatives to assist the Commission to implement the talks under this objective of the framework strategy.”

2004 Diamantopoulou initiative

In June 2004, the then EU Social Affairs Commissioner, Anna Diamantopoulou ordered an international study on gender questions outside the workplace. The project envisaged controlling sexual stereotyping in the media; one of the proposals was to ban advertising which did not “respect human dignity”.

At a public hearing in September 2004, the Women’s Rights Committee of the European Parliament expressed itself in favour of an EU directive to deal with discrimination against women outside the workplace, and particularly with media stereotyping.

However, Anna Diamantopoulou explained on October 2 that there was no legal basis for a law banning sexual stereotyping in the media. She announced to two European Parliament Committees her intention shortly to propose a Directive outlawing gender-based discrimination in access to goods and services only. While regretting the limited scope of the proposal, Ana Karamanou, for the Women’s Rights Committee, praised the determination of the Commissioner to take a first step and called for this to be followed soon by proposals to outlaw sex discrimination in the remaining areas. Ms. Diamantopoulou stressed that her aim in the media sector was to find a balance between non-discrimination and freedom of speech and artistic creativity; she reiterated that the matter should be addressed as part of the planned review of the TWF Directive. However, she encouraged the media to seek their own solutions.

ANNEX 2 - COUNCIL OF EUROPE

2002

In 2002 the Council of Europe adopted a recommendation sending a strong signal for action to member states, and recognising the role of self-regulation.

Parliamentary Assembly - Committee on Equal Opportunities for Women and Men

Recommendation 1555 (2002) The image of women in the media⁸

*"10. The Assembly therefore asks that the governments of member states:
(...) viii. encourage advertisers to increase self-regulation through their own system of professional ethics, in so far as freedom of expression permits;"*

Reply from the Committee of Ministers

Adopted at the 838th meeting of the Ministers' Deputies (30 April 2003)

Recommendation 1555 (2002) The image of women in the media

Doc. 9801 5 May 2003

"3. In its opinion, the CDEG draws attention to a number of initiatives addressing the responsibility of the media to promote equality between women and men and to refrain from portraying stereotypes based on gender, emphasising the importance of self-regulating bodies for controlling images in the media and the need to include gender equality programmes in journalists' training. The Committee of Ministers further underlines, in the interest of freedom of expression, that the media and their self-regulating bodies should retain responsibility for elaborating professional standards or guidelines to avoid the risk of undue interference or censure of the media."

2007

Parliamentary Assembly - Committee on Equal opportunities for Women and Men

Recommendation 1557 The image of women in advertising

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta07/ERES1557.htm>

" 12.4. encourage the introduction of national self-regulating schemes and reinforce the self-regulating machinery set up by national advertising standards authorities"

Reply from the Committee of Ministers

Adopted at the 1018th meeting of the Ministers' Deputies (20 February 2008), Recommendation 1799 (2007) on "The image of women in advertising", as supplemented by Resolution 1557 (2007) on the same subject.

<http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11530.htm>

" 7. However, with regard to the recommendation made by the Assembly in paragraph 12.3.1 of its [Resolution 1557](#) (2007), the Committee of Ministers does not deem it indispensable that incitement to discrimination in advertising be classed as a criminal offence in the member states' domestic law. It reaffirms the right to freedom of expression and information in accordance with Article 10 of the European Convention on Human Rights, and encourages the adoption and implementation, where they do not yet exist, of measures and of national self-regulating schemes to increase the responsibilities of the national agencies with authority for advertising"

⁸ Assembly debate on 24 April 2002 (13th Sitting) (see Doc. 9394, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs López González). Text adopted by the Assembly on 24 April 2002 (13th Sitting).

ANNEX 3 - UK - Portrayal of Women in Advertising

Non-broadcast Summary

It is hard to judge how many complaints ASA receives regarding the demeaning depiction of women; the new database, which has been in place since mid-2006 considers all ads that have a complaint regarding women. This includes complaints for Kentucky Fried Chicken, which has the tag line "Give mum the night off" (A08-51150). The complainant felt that that dressing up the father figure in a dress and make-up was in fact demeaning to men and the role men play in preparing meals for the family. Nevertheless, despite the problems in statistical collection, ASA received 464 complaints in 2006, 597 complaints in 2007 and 112 complaints so far in 2008. When considering complaints, ASA takes several factors into account including what the ad is for, where it appeared, the pose of the women as well as the amount of nudity shown. ASA often receive complaints about ads showing women in provocative/sexualised poses for lap-dancing clubs or adult services. However, the objections often relate more to the risk of the ads being seen by children, or objections to the product itself.

Product: An ad for the ITV1 show Secret Diary of a Call Girl (A07-40731) that showed a woman in her underwear was considered acceptable because the image related to the show advertised and it was not explicit. However, a Ryanair ad was considered unacceptable because it featured a teenage girl or young woman in a 'sexy schoolgirl' uniform to advertise cheap air fares. Complaints regarding the image of a young woman being unnecessarily sexually provocative were upheld (A07-37561).

Location: An ad for Yves Saint Laurent perfume *Opium* featuring Sophie Dahl naked was considered acceptable in the context of the women's magazine it appeared in. However, the same ad was not acceptable when it was used on billboards (A00-10876).

Pose: An ad for an adult store called Pulse and Cocktails (A07-45558) was considered acceptable because the image was not explicit and it reflected the nature of the business. However, we did uphold complaints against Grace of Brighton (A07-41364) because we considered the woman in the ad was kneeling in a provocative pose and the popping champagne bottle was a strong allusion to a sexual act.

Broadcast Summary

Because broadcast ads tend to be more sophisticated, and because of pre-clearance, this issue does not often get passed for an investigation on the basis that the ad will not cause serious or widespread offence to women. The ad would either have to be obviously over the line or to have provoked a very strong reaction for us to investigate on this point. Often when ads show nudity complainants are more concerned that the ad may be seen by children rather than that the ad may demean women (for example a Lynx ad that had a lot of women in bikinis running towards one man on the beach (A06-15677)

One example of an ad that was investigated was Setanta Sports Ltd (A07-45787). Complaints were not upheld on the grounds that the ad was intended to be humorous and the majority of viewers would not consider the line 'Give him what he wants this Christmas' and the reference to a woman's breasts as 'a couple of puppies' to be demeaning towards women, nor would children understand the innuendo. The Lynx ads in general usually receive complaints that they are demeaning towards women but because of the humour and lack of explicit images they have not been investigated; for example, their latest campaign shows two women running into each other to create an even 'better' woman (A08-55534).