

PROPOSALS FOR NEW RULES ON GENDER STEREOTYPES IN ADVERTISING



Last month saw the celebration of International Women's Day, marking women's achievements and promoting gender equality. Many big brands embraced the celebration of female empowerment and marked the occasion with special campaigns or new merchandise.

However, there have still been a number of stories in the press of retailers who have been accused of perpetuating offensive gender stereotypes through their marketing. Partly to address consumer concerns, the Committee of Advertising Practice (**CAP**) recently announced plans to release a new rule and guidance on adverts that feature stereotypical gender roles or characteristics. A date is not yet fixed for the implementation of the new rule, however formulation is under way and CAP has announced that it intends to publish and openly consult on the new rule in Spring 2018.

This follows an evidence-based report that was published last summer by the Advertising Standards Authority (**ASA**), titled *Depictions, Perceptions and Harm (the Report)*, that considered whether CAP and the ASA were doing enough to address the use of harmful gender stereotypes in adverts. The Report concluded that there was a case for stronger regulation of adverts featuring stereotypical gender portrayals or characteristics.

Evidence collected by the Report suggested that "*harmful stereotypes can restrict the choices, aspirations and opportunities of children, young people and adults*" and that "(some) advertising...plays a part in unequal gender outcomes, with costs for individuals, the economy and society." CAP is clear that the new rule is not intended to ban all forms of gender stereotypes: it gives the example of an advertisement depicting a woman cleaning or a man doing DIY tasks, to illustrate that such advertisements should still be acceptable per se subject to content and context considerations.

CAP also gives a couple of examples of gender stereotyping where the context is considered problematic, "*an ad which depicts family members creating a mess while a woman has sole responsibility for cleaning it up or an ad that features a man trying and failing to undertake simple parental or household tasks because of stereotypes associated with his gender*".

It is not clear at this stage whether CAP intends to exhaustively list (based on its evidence) key problematic examples of harmful gender stereotypes, and so give greater certainty to advertisers, or whether the new rule will be more open and outcome focused. It is not obvious how 'potential to cause harm or offence' can ever truly be assessed objectively but it seems likely that CAP will take a common sense approach to evaluating what is acceptable in terms of gender roles in ads (as it has in the past in relation to overly sexualised ads).

Retailers should ensure that they stay aware of developments in this field and make appropriate adjustments to their advertising practices in advance of implementation of the new rule to avoid falling foul of the ASA further down the line.

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