

## Determination summary

### Portrayal of gender in advertising<sup>1</sup>

#### Interpretation guide

- This document provides a general overview of Board determinations on complaints about the portrayal of men and women (gender) in advertising.
- It is not a “how to” guide, nor does it cover all situations which require care in gender portrayal.
- It is designed to assist the advertising industry, the self-regulatory body, consumers and others interested in ensuring that portrayal of women and men in advertising is positive, responsible, suitable for general viewing and contributes to the elimination of systemic discrimination based on gender.
- The Board seeks to ensure that the overall impression of any communication does not violate the spirit of gender equality even though the elements may not violate any particular guideline.
- Humour, works of art and historical settings can all be positive elements in advertising. However, the Board will consider whether in its opinion, these techniques are used as an excuse to stereotype men or women or to portray behaviour which it considers unacceptable today.
- This document refers to specific ASB case numbers to provide practical examples of the issues under discussion. These were current at the time of writing and should be used as a starting point only – please refer to the ASB website for more up to date examples.

Relevant sections of the *AANA Code of Ethics*:

- 2.1 *Advertising or Marketing Communications 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, sex, age, sexual preference, religion, disability or political belief.*
- 2.3 *Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.*

#### Definition

The AANA Code of Ethics prohibits advertisements containing discrimination or vilification on account of ‘sex’. The Board has consistently interpreted this term to include not just the physical characteristics of being a man or a woman (such as having breasts or being pregnant), but to also include discrimination or vilification on the basis of gender.

This Summary acknowledges that both men and women are at risk of being portrayed in an inappropriate or potentially harmful way. However, while the Summary is applicable to both women and men, some issues are particularly relevant to the portrayal of women (for example, sexualised images of women).

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<sup>1</sup> This Summary is based on an issues paper “Portrayal of Gender in Advertising” produced by the European Advertising Standards Alliance, February 2009

## Specific guidelines

### Serious and widespread offence

In areas of subjective judgement and often strongly-held beliefs, it is impossible to say that no single advertisement should ever offend anyone. In practice, the Board would normally interpret rules of this sort to mean that an advertisement should not cause serious offence to the members of the group in question or the general or wider community.

Example: [9/09 – Jamba](#)

**Research conducted by the Advertising Standards Bureau in 2010 clearly indicates that a significant proportion of the community highly objects to strong and explicit sexual depiction in advertising, especially when the sexual depiction is irrelevant to the product.**

### Stereotypes of role

In the Board's view it is important to avoid the confusion often made between discrimination and stereotyping (which can be negative, but is not in itself necessarily degrading). It is unrealistic to expect advertisements to avoid showing women and men in traditional roles e.g. carrying out household tasks, caring for children or working on a car. However, the Board would carefully consider suggestions that such activities are 'women's work', or work of little value, or that those who have those attributes are unintelligent or interested only in domestic trivia.

The Board has expressed disappointment in advertising that presents stereotyped representation of gender roles including a narrow or unrepresentative view of women's or men's roles, occupations, professional status, power in the community and level of intelligence. The Board would normally consider acceptable advertising where men or women are portrayed in traditional roles which are not seen as integral to the advertisement, and where the major focus of the advertisement is on the product not the role portrayed.

Examples: [Kellogg's 234/09](#); [Ricoh 355/08](#); [Hybrid TV Services 353/08](#); [Telstra 323/08](#); [30/09 Kellogg's](#); [277/09 Super Cheap Auto](#); [150/09 ANZ Bank](#); [307/09 Virgin Airlines](#); [Woolworths 168/10](#); [Napsan 196/10](#); [Unilever 336/10](#); [VIP Home Services 417/10](#).

### Nudity and sexual innuendo

Discreet portrayal of nudity and sexuality in an appropriate context e.g. advertisements for toiletries and fashion, is generally accepted by the Board (especially in certain magazines, but less so on billboards). By contrast, blatant or gratuitous use of nudity or sexuality in contexts where it has little or no relevance to the product advertised, or merely to gain attention, is likely to cause offence and provoke complaints. This would particularly be the case where advertisements featuring scantily clad women appear in very public places such as on billboards to sell items such as trucks, tools etc. The Board has upheld complaints on the basis that such depictions amount to discrimination and breach section 2.1.

Examples: [420/08 – Jamba](#); [249/09 Girls Gone Wild](#); [568/09 Waterson Diesel](#); [139/09 Jim Beam](#); [229/08 Harvey Norman](#); [120/09 Bottom Line Control](#); [Coca Cola 583/09](#); [Lovable 387/10](#).

Nudity may be considered acceptable by the Board, but this would depend on the product and level of sexualisation (e.g. [Ballarat Art Gallery \(411/08\)](#), [Aussie Bum \(31/09\)](#), [Pacific Plastic Surgery \(34/08\)](#)).

**ASB's 2010 community research strongly confirms these views demonstrated by the Board in its determinations since 2008. While not applicable under the Code of Ethics at the time of publication of this summary (and thus not able to be considered by the Board), respondents to the 2010 research expressed strong concern at advertisements showing nudity which is irrelevant to the product or which is excessively sexually explicit.**

## Exploitation as sex objects/objectification

Objectification of a person is to present them as an object to be looked at and acted upon rather than as a person with thoughts and feelings. The Board generally considers it unacceptable for advertisements to exploit people as “sex objects”, or to objectify bodies merely to attract attention. This applies equally to men and women. The Board has noted that use of women and men as sex objects does not necessarily amount to discrimination that would breach section 2.1, but has upheld complaints where the female or male are depicted in an objectified and demeaning manner. A clear example of this would be an advertisement in which a woman’s body is specifically used to sell a product that is unrelated to the presence of the woman in the advertisement. Explicit sexual activity in this context is of particular concern.

Examples: [278/09 – Pharmicare Laboratories](#); [10/09 Jimmy Tools](#); [32/09 – Planbuild](#); [395/09 Target](#); [121/09 Pacific Brands](#); [177/09 Lion Nathan](#) ; [568/09 Waterson Diesel](#); [404/09 MUK](#); [Tiara Industrial Centre 31/10](#); [Pharmacare 164/10](#); [Unilever 238/10](#); [Kraft 278/10](#); [Unilever 287/10](#)

## Age

The Board pays particular attention to age in a sexualised situation. Complaints often relate to how old the model *appears*, rather than how old he or she actually *is*, and the Board will take this into account. Similarly, when older people are depicted, the Board considers it important that women and men are portrayed in similar manner – portraying older women in a less positive light to older men would generally be unacceptable to the Board.

Examples: [197/08 Langham Hotel](#); [72/08 Sex Kitten Boutique](#); [382/09 Bonds](#).

## Denigration

Situations where women or men are portrayed as generally inferior to the other sex and/or their role belittled or criticised in a derogatory manner are generally considered to be unacceptable to the Board.

Examples: [167/09 – AMI](#); [214/07 RTA](#); [295/09 Nestle](#); [Allpest 30/10](#); [Australian Egg Corporation 56/10](#); [AMI 220/10](#); [QBE Insurance 249/10](#).

## Language

The Board considers that language should be inclusive of both women and men, and that the use of language that is likely to denigrate, insult or offend is likely to be considered unacceptable. The Board considers some obviously offensive words unacceptable, and also that the addition of certain words or phrases could add an inappropriate impact to an image and lead to a perception of objectification e.g. “tight arses”, “how tight are your nuts?”, “wait ‘till you see our inclusions”.

Examples: [125/08 – Mortgage Now](#); [452/08 – Statewide Steel](#); [33/09 – Moorilla Wines](#); [83/09 - Jamba](#); [CQ Frames and Trusses 149/10](#).

## Other considerations

In addition to the specific issues outlined above, the Board will also consider the nature of the media used when developing campaigns, and the times in which advertisements are placed.

**Respondents to ASB's 2010 community research expressed significant concern about these issues, in line with the views of the Board.**

- **Outdoor advertising:** Outdoor advertising is in the public domain and has a broad audience. The Board believes that messages and images presented in this medium need to be developed with a general audience in mind and has given particular attention to the placement of such advertising e.g. close to schools and churches.

Examples: [163/09 – Dreams Gentlemen's Club](#); [218/09 – Thomas William Productions](#); [190/09 Guess](#); [261/09 Custom Security Services](#); [Calvin Klein 411/10](#).

- **Digital media:** Given the global reach of electronic networks and the variety and diversity of recipients, the Board believes that it would be wise for digital advertisements to respect the potential sensitivities of a global audience with particular reference to principles of social responsibility and the possibility of causing offence.

Examples: [283/09 – Brothers Ink](#); [American Apparel 141/10](#); [Vic Roads 148/10](#).

- **Timing:** Advertising on television is prescribed by the Broadcasting Act and classified by Free TV. The Board is particularly concerned that only material that is suitable for a particular classification zone is broadcast in that zone.

Examples: [420/08 Jamba](#); [137/09 Coca Cola](#); [315/08 Cartridge World](#)

## Level of community concern about this issue

Community activity and political sensitivity about gender portrayal in advertising has been reflected in complaints to the Advertising Standards Bureau **[and was of particular concern to respondents to the ASB's 2010 community research on this topic]**. Such complaints comprised 41% of all complaints received in 2009 (average of 31% of all complaints 2005-2009) and the ASB and the advertising industry have demonstrated their responsibility and commitment to good practice in this area by developing a coherent and responsible approach to the issue. This approach is grounded in ensuring that advertisements are legal, decent, honest and truthful and are prepared with a sense of obligation to the consumer and society.

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