

Submission on the Regulation of Billboard and Outdoor advertising

To:

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House of Representatives Standing Committee on
Social Policy and Legal Affairs

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INTRODUCTORY REMARKS

As members of the Parliament of Western Australia we are very concerned about the current inadequate and ineffective restrictions on outdoor advertising. We believe that the protection of children and the civility of our society are adversely affected when sexually explicit and inappropriate material pervades our outdoor advertising.

Sexually explicit material displayed across outdoor advertising, in particular through billboards, raises particular concerns due to the inability of members of the public to avoid such material. Of particular concern is the inherent inability of parents to restrict exposure of children to such inappropriate images and slogans.

The steady increase of complaints about outdoor advertising is a direct indication that the self-regulation scheme currently in place is not sufficiently protecting the wider community, in particular children, from advertisements which are inappropriate.

We are dismayed to find that the degradation of women portrayed by a selection of these billboards, is acceptable in accordance with the Advertising Standards Board's Code of Ethics. In particular, sexually explicit material displayed in public areas continues to impact and contribute to the sexualisation of Australian children.

We strongly recommend that the current self-regulation scheme is reassessed and further restrictions placed on outdoor advertising with the intention of preventing the display of material that is sexually explicit, offensive and/or inappropriate for children.

SELF REGULATION & INDUSTRY CODES

The Australian Standards Bureau Ltd administers the national voluntary system of self-regulation through the Advertising Standards Board (ASB) and the Advertising Claims Board. The role of the ASB is to maintain standards of taste and decency in advertising while taking account of prevailing community attitudes. Complaints received by the ASB are assessed against section 2 of the code of ethics.

In both the Australian Association of National Advertisers (AANA) Code of Ethics¹ and the Code for Advertising & Marketing Communications to Children² a substantial portion of the guidelines are reliant upon what is defined as Prevailing Community Standards. However, in the complaints process of both codes, complaints are not accommodated for if the commercial advertising complained about has been previously considered. This is inconsistent with the notion of prevailing community standards as it does not allow scope for change in public opinion.

In addition the definition provided for prevailing community standards is an insufficient parameter in guiding the deliberations of the ASB. When considering advertisements which will be viewed by children, it is inadequate that the adverse effects of sexually explicit and offensive material on children are not considered.

¹ Australian Association of National Advertisers, *Code of Ethics*, August 2009:

<http://www.aana.com.au/documents/AANACodeofEthicsAugust2009.pdf>

² Australian Association of National Advertisers, *Code for Advertising & Marketing Communications to Children*, http://s3.amazonaws.com/admaweb-production/assets/20/AANA_Code_for_Advertising_Marketing_to_Children_original.pdf

Section 2.4 of the AANA code of Ethics indicates that advertising or marketing communications to children shall comply with the AANA's code of Advertising and Marketing Communications to Children.

However, section 2.7 of the Code of Advertising & Marketing Communications to Children states that advertising or marketing communications to children must not undermine the authority, responsibility or judgement of parents or carers. Whilst outdoor advertisements may not be directed specifically to children, because children are invariably exposed, this contradicts the intent of section 2.7 as it undermines the parent's and carer's ability to monitor children's exposure to certain materials.

It should be noted that the AANA code of ethics excludes labels or packaging as advertising or marketing communications. We find this unacceptable given that labels and packaging are an accepted part of advertising and marketing.

It is important to consider that of the five most complained about advertisements of 2010 – only one (the fourth one) was upheld. Furthermore, Bureau chief executive Fiona Jolly said advertisements were judged not on the number of complaints generated, but upon whether or not they breached advertising codes. This fails to take into account that complaints are an indication of prevailing community standards.

The AANA does not currently have a specific date and terms of reference for a review of the self-regulatory scheme. When considering this and the above we find that the current self-regulation scheme and industry codes are no longer an accurate reflection of current community expectations, nor do they sufficiently protect children from harmful material.

IMPACT ON CHILDREN AND FAMILIES

In an inquiry into the sexualisation of children in the contemporary media environment, which was based on over 160 submissions, the Senate Standing Committee on Environment, Communication and the Arts found that 'The inappropriate sexualisation of children in Australia is of increasing concern.' Further, in the same inquiry it was recommended by the Committee that the ASB rigorously apply standards for billboards and outdoor advertising to more closely reflect community concern about the appropriateness of sexually explicit material and the inability of parents to restrict exposure of children to such material.³

The American Psychological Association's 'task force on the sexualisation of girls' reported that⁴ "Ample evidence indicates that sexualisation has negative effects in a variety of domains, including cognitive functioning, physical and mental health, sexuality and beliefs."

Furthermore an Australian Research Alliance for Children and Youth report card in 2008 found that Australia had high rates of anxiety, depression, substance abuse and juvenile crime. These indicators were found to be lower in more 'child friendly countries'.⁵

³ Standing Committee on Environment, Communications and the Arts, *Sexualisation of children in the contemporary media*, June 2008:

http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/report/report.pdf

⁴ American Psychological Association, *Sexualisation of Girls*, 2007:

<http://www.apa.org/pi/women/programs/girls/report.aspx>

Research shows that exposure to sexualised imagery is linked to children's experience of increased anxiety, depression, low self-esteem, body image problems, eating disorders, self-harm, and sexually transmitted infections. Children are also becoming sexually active at younger and younger ages.

Given the increasing concern surrounding the sexualisation of children through the media, it is distressing that we are allowing sexually explicit material to be splayed across our cities, making it impossible for parents to monitor what their children view.

In a submission from the NSW Commissioner for Children and Young People on an inquiry into the sexualisation of children in the contemporary media environment it was found that 'many children and young people are not comfortable with sexual material and they would prefer not to be exposed to it.'⁶

PORTRAYAL OF WOMEN IN OUTDOOR ADVERTISING

A report conducted in 2002 on the portrayal of women in outdoor advertising found the following:⁷

- The majority of female (72%) and male (64%) market research respondents agreed that volume and type of imagery of women used in outdoor advertisements can impact on the way men view women.
- The impacts on women and girls were found to be: mostly negative self-esteem and body image, health impacts including mental health issues, a failure to recognise women's contributions and a restriction of women and girl's life choices.

In our society there have been improvements in women's rights and recognition of the degrading nature of images portraying scantily clad women, resulting in such images no longer being tolerated in work places. This has not been supported by outdoor advertisements in the public domain.

Given the above it is important to consider that the AANA code does not address the issue of portrayal of people as specifically as the Canadian or New Zealand advertising codes. We recommend that the current self-regulatory scheme be reviewed with reference to comparable countries.

REGULATORY BURDEN ON BUSINESSES

It is sometimes argued that one must be wary of imposing additional regulatory burden on businesses. In our view this is an inadequate justification for compromising the standards of the community and the wellbeing of children.

⁵ Australian Research Alliance for Children & Youth, *The Wellbeing of Young Australians*, 2008: http://www.aracy.org.au/publicationDocuments/REP_report_card_the_wellbeing_of_young_Australians_A5.pdf

⁶ NSW Commission for Children and Young People, *Submission to the Senate Standing Committee Inquiry into the Sexualisation of Children in the Contemporary Media Environment*, April 2008: <http://kids.nsw.gov.au/uploads/documents/sexualisation-ccyp-submission.pdf>

⁷ Portrayal of Women Advisory Committee, *The Portrayal of Women in Outdoor Advertising*, February 2002: [http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/\\$file/Women%20in%20advertising%20outdoor.pdf](http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/$file/Women%20in%20advertising%20outdoor.pdf)

We acknowledge that some forms of advertising are more effective than others. Whilst placing further restrictions on outdoor advertising may impact the way in which some companies advertise this effect is of insufficient value to warrant compromising the safety of children or justifying the degradation of women. One example of a company which may be affected is Advanced Medical Institute, however, Chief Executive Jack Baisman said the company could easily change its standards if required: "If there are complaints, if they tell us we need to remove it, we remove it ... we will find other forms of advertising, it won't affect us."

CONCLUSION

There are many ways in which our society is affected by modern media and advertising. It is imperative that we consider the serious consequences of outdoor media which can contribute to the sexualisation of children and degradation of women. We recommend that further action is taken to restrict the material permitted for use in outdoor advertising.

RECOMMENDATIONS

That a full review of the current self-regulatory system be undertaken, given the failure to meet community expectations specifically in the areas of advertising to children and the portrayal of women.

That a review of the current code of ethics be undertaken with a view to provide clearer guidelines towards duty of care to the community, in particular towards vulnerable young people, families, women and children.

That the Code of Advertising & Marketing Communications to Children be rigorously applied to outdoor advertising given its unavoidable exposure to children.

That the review include consultation with the relevant Children Commissioners in addition to community service organisations working in the areas of child and family health and welfare, mental health issues, sexual assault and women's health.