

## Collective Shout: for a world free of sexploitation

### Submission to the House Standing Committee on Social Policy and Legal Affairs Inquiry into the regulation of billboard and outdoor advertising

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#### Introduction

*Collective Shout: for a world free of sexploitation* welcomes the opportunity to make a submission to the House Standing Committee on Social Policy and Legal Affairs regarding regulation of billboard and outdoor advertising. Collective Shout is a new grassroots movement challenging the objectification of women and sexualisation of girls in the media and popular culture, including billboard and outdoor advertising. We target corporations, advertisers, marketers and media that exploit the bodies of women and girls to sell products and services, and campaign to change their behaviour.

Collective Shout is critical of the self-regulatory system and believes the advertising industry has used self-regulation to its commercial advantage, to the detriment of the community, and women and girls in particular. The self-regulation model enables the advertising industry to be seen to be responsible and to avoid real scrutiny of its long history of irresponsible and profit-driven behaviour.

We have identified a range of inadequacies in the current system, including a weak code of ethics, the voluntary nature of the code, lack of pre-vetting, the Advertising Standards Board's lack of power to order removal of advertisements, inadequate monitoring, de-sensitisation of panel members, little to no consultation with child development experts, and no meaningful penalties to provide any real incentive for advertisers to change their behaviour. Moreover, there is little public knowledge about complaints processes and how to go about making a complaint, with the result that, if few complaints are received because people are unaware of how to complain and to whom, it is difficult to ascertain 'community standards'.

It is our view that the colonisation of public space with objectified and sexualised images of women and girls, together with the lack of action by regulatory bodies except in a minority of cases, conditions many people to seeing sexist advertising as acceptable, or as 'just the way things are'. At a time when hyper-sexual imagery is increasing, regulatory bodies need to be given more powers to deal with this problem, not fewer.

We also wish to highlight the fact that sexualised representations of women and girls displayed in a workplace constitute sexual harassment under anti-discrimination law.<sup>1</sup> But the open display of similar objectified and sexualised images of women in the public domain is exempt from sexual harassment laws. If this material has been ruled inappropriate for workplaces or schools, why is it considered acceptable as the 'wallpaper' of the public domain, where we have no choice but to view it?

The proliferation and globalisation of sexual imagery is of serious concern. Pornographic representations of women in the public space have become normative. There is a growing body of research globally<sup>2</sup> that

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<sup>1</sup> For example, see *Horne and McIntosh v Press Clough Joint Venture and Metals and Engineering Workers' Union WA*, Equal Opportunity Tribunal of WA, nos 28 and 30 of 1992, 21 April 1994; and *Hopper v Mount Isa Mines Ltd* [1997] QADT 3 (29 January 1997), and *Mount Isa Mines Ltd v Hopper* [1998] QSC 287.

<sup>2</sup> See Report of the American Psychological Association Task Force on the sexualisation of girls, at <http://www.apa.org/pi/women/programs/girls/report.aspx>; UK Home Office, Sexualisation of Young People Review, at <http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>; Scottish Parliament Equal Opportunities Committee, Research on sexualised goods aimed at children, at <http://www.scottish.parliament.uk/nmCentre/news/news-comm-10/ceq10-s3->

demonstrates the detrimental effect of these representations, especially on children and young people. As the Australian Psychological Society told the Senate Committee Inquiry into the sexualisation of children in 2008, “the values implicit in sexualised images are that physical appearance and beauty are intrinsic to self esteem and social worth, and that sexual attractiveness is a part of childhood experience... Girls learn to see and think of their bodies as objects of others’ desire, to be looked at and evaluated for its appearance.”<sup>3</sup> In addition, advertising plays a crucial part in socialising men and boys to see the sexual objectification of women and girls as normal.

We hope that the recommendations from this Inquiry will lead to proper scrutiny of the industry and a more effective framework for the regulation of billboard advertising. Public accountability and social responsibility should be the guiding principles of regulation, not profit margins.

We note that this is not the first inquiry into the regulation of outdoor advertising in Australia. The Portrayal of Women advisory committee produced a report, *Portrayal of Women in Outdoor Advertising* which made a number of recommendations.<sup>4</sup> It appears none of these recommendations have been acted on. We hope that any positive recommendations flowing from this inquiry will not meet with the same fate.

### **How the system is flawed**

This Inquiry aims to investigate “*the extent to which the current arrangements for the regulation of billboard advertising continues to be an effective method for managing this form of advertising in Australia in line with Australian community expectations*”.

The wording “continues to be an effective method...” suggests that the system has been effective in the first place. We would question this.

The concerns of supporters of Collective Shout are consistent with those found in the general community, as noted by the ASB:

*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).<sup>5</sup>*

Despite ASB claims praising the impact of its voluntary guidelines on the regulation of advertising content,<sup>6</sup> we contend that the current arrangements do little to control the placement or lessen the prevalence of advertising that objectifies and degrades women and also sexualises children.

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[001.htm](http://www.tai.org.au/documents/dp_fulltext/DP90.pdf); The Australia Institute, *Corporate Paedophilia: Sexualisation of children in Australia*, at [https://www.tai.org.au/documents/dp\\_fulltext/DP90.pdf](https://www.tai.org.au/documents/dp_fulltext/DP90.pdf); and Melinda Tankard Reist ed., *Getting Real: challenging the sexualisation of girls* (Melbourne: Spinifex Press, 2009).

<sup>3</sup> See submission 115 at

[http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/submissions/sublist.htm](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/submissions/sublist.htm)

<sup>4</sup> At <http://collectiveshout.org/wp-content/uploads/2011/03/Women-in-advertising-outdoor.pdf>

<sup>5</sup> At

<http://docs.google.com/viewer?a=v&q=cache:oALFW1poPW4J:www.adstandards.com.au/files/view/%3Fid%3D203>

<sup>6</sup> At

[http://issuu.com/cre8ive/docs/research\\_report\\_june2010?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true](http://issuu.com/cre8ive/docs/research_report_june2010?mode=embed&layout=http%3A%2F%2Fskin.issuu.com%2Fv%2Fflight%2Flayout.xml&showFlipBtn=true).

Again, it should be noted that if the sexualised content of some billboard advertising were to be used in another medium e.g television, this advertising would be subject to strict classification laws by a properly appointed Classification Board or broadcasting authority, presumably with the power to enforce its determinations directly or through other applicable legislation. Outdoor advertising appears to be the least regulated of all.

This inconsistency in regulation regimes may in part explain the growth of outdoor advertising. The following extract from APN Outdoor's website illustrates the importance of the current system of self regulation to the industry and its effect on the content of billboards:

*With so many people outside of their living rooms, advertisers can no longer rely on mostly in-home media such as television.  
Engaging consumers on the move is becoming a major focus for many clients.  
Furthermore, ad avoidance devices will have an even greater impact on traditional advertising models as consumers selectively filter and receive advertising messages.  
Outdoor is the only advertising medium that is virtually immune to consumer avoidance. It can't be turned off, flipped to the next page or thrown away. And it is free to view.  
Outdoor truly is the last of the mass media.<sup>7</sup>*

The advertising industry self-regulation system does nothing more than provide a complaints mechanism to members of the public – and even then, one that is poorly publicised (ironically, given that this is an industry that claims expertise in advertising to a wide audience). It will continue to be inadequate in preventing the increasing use of 'strong and explicit sexual depiction' on billboards and any other form of highly sexualised imagery, unless the system is overhauled.

According to 2009 ASB statistics,<sup>8</sup> complaints about outdoor advertising comprised 23.92% of total complaints lodged, considerably higher than the average of 9.91% in the period 2005-2008. In 2010, four of the ten most complained about advertisements were billboards.<sup>9</sup> Two of these complaints were upheld.

Collective Shout initiated and led a campaign against one of those billboards, advertising Calvin Klein.<sup>10</sup> The issue received global coverage after Alison Grundy, a sexual assault counsellor and clinical psychologist with over 20 years experience, wrote an opinion piece about how billboards of this nature create a dangerous environment for women and girls and make her job harder.<sup>11</sup> We note here the findings of the Board as to why the advertisement was in breach of Section 2.2 and 2.3 of the ASB Code of Ethics:

- *the image of the woman was suggestive of non consensual sexual behaviour*
- *the depiction of the woman with the three men to be highly sexualised and clearly suggestive of sexual behaviour*
- *the scene is suggestive of violence and rape*
- *image was demeaning to women by suggesting that she is a plaything of these men*
- *It also demeans men by implying sexualised violence against women*

<sup>7</sup> At <http://www.apnoutdoor.com.au/Insights/Trends.aspx>.

<sup>8</sup> At <http://www.adstandards.com.au/publications/statistics>.

<sup>9</sup> At <http://www.adstandards.com.au/publications/mediareleases>.

<sup>10</sup> At <http://122.99.94.111/cases/0411-10.pdf>.

<sup>11</sup> At <http://melindatankardreist.com/2010/10/sexual-assault-counsellor-asks-why-is-it-ok-to-use-sexual-violence-as-a-marketing-tool/>

While Collective Shout welcomes the ASB determination on the CK billboard, the billboard would not have been displayed at all if the self-regulation system were truly effective in protecting consumers and if advertisers complied with the ASB Code of Ethics.

Other legitimate complaints about billboards are not upheld by the ASB. One example was the billboard for *Sexpo* placed in Ipswich Queensland in February 2010. The billboard contained imagery and information about an adult pornographic expo, which is inappropriate for children's view, and which also objectified women. Despite requests by the community and an Ipswich Councillor for the billboard to be taken down, the ASB dismissed the complaint.<sup>12</sup> Even if complaints about the Sexpo billboard had been upheld, several weeks would have elapsed between the time of the billboard's placement and the ASB's determination. The advertiser then benefits from the controversy stirred up by the billboard. Advertisers such as Sexpo, deliberately exploit the self-regulation system for publicity.

### **Inadequacies of self regulation system**

#### **1. Notwithstanding the ASB guidelines, there is no evidence that the ASB prevents or controls the placement of public billboards that display strong sexual depictions.**

As stated above, the ASB simply provides a complaint mechanism. While a voluntary Code of Ethics developed by the Australian Association of National Advertisers was relied upon in upholding complaints concerning billboards in 2010, this Code did not prevent the placement of these images in the first place. This is despite the recommendation of an Australian government inquiry in 2008 that the ASB rigorously apply standards for billboards and outdoor advertising so as 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.<sup>13</sup> It is interesting to note that despite being a participant in the self-regulation scheme and aware of the ASB determination, APN Outdoor continues to include the offensive CK billboard in its campaign gallery,<sup>14</sup> presumably as a representation of an effective billboard.

#### **2. Notwithstanding the ASB's claims,<sup>15</sup> consumer protection is not provided by the self-regulation scheme.**

The ASB only has the power to consider advertisements once a complaint is received. If no-one had complained about the CK billboard, perhaps because they didn't know they could or where to do so, maybe it would still be in place. Guidelines exist that should have alerted the advertiser, including the owner of the billboard, to the fact that the advertisement was in potential breach of the Code of Ethics.

It is not sufficient to ensure consumer protection by providing a free and fast route for consumers to express their views about advertising. In an environment where billboards are in effect "unclassified", the right of consumers to be protected should extend to prohibiting the offending conduct in the first place. This is how Australian consumer protection legislation works. The law does not provide the same protection where billboards are concerned. Depending on the commercial interest of the advertiser and its approach to risk, almost any sexualised image could be displayed on a billboard, with the right of consumers limited to lodging a complaint to the ASB which may or may not be upheld. If the complaint is dismissed, in the absence of any other

<sup>12</sup> See <http://www.qt.com.au/story/2010/02/03/ipswich-driven-to-distraction-by-sexpo-billboard-b/> and <http://www.adstandards.com.au/casereports/determinations/standards?ref=60/10>.

<sup>13</sup> See [http://www.aph.gov.au/senate/committee/eca\\_ctte/sexualisation\\_of\\_children/report/report.pdf](http://www.aph.gov.au/senate/committee/eca_ctte/sexualisation_of_children/report/report.pdf).

<sup>14</sup> See <http://www.apnoutdoor.com.au/Interact/Gallery/#p6>, click on page 6.

<sup>15</sup> At <http://www.adstandards.com.au/self-regulation-system/aboutselfregulation>.

legislation, the consumer would perhaps be able to rely upon any common law remedy or, if applicable, hope that State and Territory criminal statutes could be enforced. Collective Shout is not aware of any local government ordinances that regulate billboard content.

### 3. The inability to control billboard content contributes to harms caused by objectification and sexualisation

The harms of sexualisation have been identified as contributing to a range of negative physical and mental health outcomes in young people.<sup>16</sup>

In Australia, body image has been named in a major survey as a leading concern for the fifth year in a row for young people.<sup>17</sup> One in 100 adolescent girls in Australia is suffering anorexia and one in 20, bulimia.<sup>18</sup> Half of UK young women aged 16-21 would consider having cosmetic surgery<sup>19</sup>

Gail Dines, a professor of sociology and women's studies in the United States describes the cultural contributors for figures like these in her book *Pornland*:

[Despite the advances made on behalf of women in recent decades, women] *remain cultural identities who develop our identities out of the dominant images that surround us.....* [Popular culture] *represents images of contemporary idealized femininity – in a word hot – that are held up to women, especially young women, to emulate. Women today are still held captive by images that ultimately tell lies about women..... In today's image based culture, there is no escaping the image and no respite from its power when it is relentless in its visibility.*<sup>20</sup>

We invite the Committee to peruse our website ([www.collectiveshout.org](http://www.collectiveshout.org)) for more examples of billboards that our supporters have found offensive due to their sexist portrayal of women.

### 4. The ASB is conflicted

An industry self-regulation body like the ASB will always be conflicted in its role, relying as it does on the funding of the industry for its financial viability and also the co-operation of the industry to implement and enforce its Code of Ethics and determinations. It is not distant enough from the advertising medium to make an objective assessment.

### 5. The ASB lacks any real power to enforce its determinations

<sup>16</sup> See Report of the American Psychological Association Task Force on the sexualisation of girls, at <http://www.apa.org/pi/women/programs/girls/report.aspx>; UK Home Office, Sexualisation of Young People Review, at <http://webarchive.nationalarchives.gov.uk/+/http://www.homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>; Scottish Parliament Equal Opportunities Committee, Research on sexualised goods aimed at children, at <http://www.scottish.parliament.uk/nmCentre/news/news-comm-10/ceq10-s3-001.htm>; The Australia Institute, *Corporate Paedophilia: Sexualisation of children in Australia*, at [https://www.tai.org.au/documents/dp\\_fulltext/DP90.pdf](https://www.tai.org.au/documents/dp_fulltext/DP90.pdf); and Melinda Tankard Reist ed., *Getting Real: challenging the sexualisation of girls* (Melbourne: Spinifex Press, 2009).

<sup>17</sup> See <http://www.missionaustralia.com.au/downloads/national-survey-of-young-australians/2009/164-national-survey-of-young-australians-2009>.

<sup>18</sup> See <http://www.eatingdisorders.org.au/media/key-statistics.html>.

<sup>19</sup> See

[http://www.girlguiding.org.uk/system\\_pages/small\\_navigation/press\\_office/latest\\_press\\_releases/3rd\\_march\\_2011\\_-\\_gyac.aspx](http://www.girlguiding.org.uk/system_pages/small_navigation/press_office/latest_press_releases/3rd_march_2011_-_gyac.aspx)

<sup>20</sup> Gail Dines, *Pornland: How Porn Has Hijacked our Sexuality* (Boston: Beacon Press, 2010), p. 102.

In the absence of legislation underpinning the self-regulation system, the ASB has no real power to enforce its determinations. This lack of an enforcement mechanism renders the ASB powerless in the face of recalcitrant advertisers and corporations. In January 2011, the ASB upheld a complaint and determined that an advertisement breached the Code.<sup>21</sup> The ASB advised the company concerned, but it has refused to comply with the ASB determination. The company planned to continue its display of the offending billboard, as indicated by the very last line of the determination: *The advertiser advised that the billboard will be brought down at the end of summer.* The 'end of summer' was the intended end of the advertiser's billboard campaign, and a full six weeks after the date the complaint was upheld.

Collective Shout was subsequently advised by the ASB<sup>22</sup> that in response to the advertiser's non-compliance, the ASB contacted the Outdoor Media Association, which then contacted the owner of the billboard alerting them to the ASB's ruling. The owner of the billboard removed the billboard advertisement on February 18. This was only ten days before the end of the advertiser's campaign and almost a full month after the ASB's determination. The advertiser faced no penalty for their non-compliance. Complying with the Board's determination and removing a sexist billboard only ten days before the end of a campaign is not an adequate deterrent for repeating the same behaviour in future.

## Recommendations

Collective Shout believes freedom from harm should outweigh commercial interests. We urge the Committee to consider this in its deliberations. As we have argued above, advertisements are not just harmless images, but act to create a public space in which we are encouraged to see girls and women in certain ways and as fit for certain purposes. Our choices are made within that public space and constrained by those images.

Collective Shout recommends the following:

1. Responsibility for regulation should be given to an independent body or authority, with power to establish a system of pre-vetting billboards before their placement. An independent review system should replace self-regulation as a way to assess the suitability of outdoor advertising.
2. The AANA code of ethics should be amended to reflect the growing body of research in regard to the sexualisation of children and objectification of women. Objectification and sexualisation of women and girls should be treated as threats to the health, well-being and status of women and girls.
3. The AANA code of ethics should be amended to clearly reflect the fact that unsolicited and unwanted exposure to sexualised and pornified images is a form of sexual harassment.
4. Any regulatory body (the existing or a new body) be required to consult the international research along with child and youth development experts, to ascertain the possible impact of advertising with sexualised content or messaging, on this audience.

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<sup>21</sup> See ASB determination re: Aussie Boat Loans, 19/01/2011 At <http://122.99.94.111/cases/0517-10.pdf>.

<sup>22</sup> Email correspondence, 1 March, 2011

5. Clear rules should be set out governing the placement of billboards, and limitations imposed in respect of where billboards can be placed.

We commend this submission to the Committee and wish it well in its deliberations.

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