

## **First ads to be banned under the new ASA gender-stereotyping rules**

The 14th of August 2019 marked the two-month anniversary of the new advertising rule targeting ‘harmful gender stereotypes’ in the UK. On the same day, Mondelez International Inc, one of the world’s largest snacks companies and Volkswagen, the German automaker giant, were found in breach of the UK Code of Broadcast Advertising (BCAP [Code](#)) over two television advertisements which featured such stereotypes. This post considers the first ever ads that were formally investigated by the ASA under the newly introduced rule.

### **Background**

Under Section 4 of the Advertising Standards Authority (ASA) Codes on Harm and Offence, marketers are required to take all reasonable steps to minimise the risk of causing [harm or serious or widespread offence](#). Advertisements must not contain anything that could be perceived indecent, exploitative or degrading or give rise to hostility, contempt, abuse or ridicule. In determining whether marketing communications fall foul of this general principle, account must be taken of the context in which an ad is likely to be broadcast and the prevailing social standards.

On 14 June 2019, a new rule was introduced into Section 4, stating that advertisements ‘must not include gender stereotypes that are likely to cause harm, or serious or widespread offence’. It applies to both broadcast (BCAP Code, [Rule 4.14](#)) and non-broadcast (CAP Code, [Rule 4.9](#)) adverts, including online and social media. The ASA argued for stronger regulation of ads featuring potentially harmful stereotypical gender roles or characteristics, following the publication of its *Depictions, Perceptions and Harm* [report](#) in 2017. Gender-stereotypical roles include, according to the ASA, occupations or positions usually associated with a specific gender, while gender-stereotypical characteristics include attributes or behaviours typically linked to a specific gender.

The report indicated that advertising can reinforce certain gender stereotypes which contribute to widespread assumptions and expectations about how people should look or behave, and that these can become internalised. The report highlighted in particular that:

[...] reinforcing and perpetuating traditional gender roles can lead to suboptimal outcomes for individuals and groups in terms of their professional attainment and personal development.

On the basis of this evidence, it was felt that a tougher line was necessary in relation to ads that feature stereotypical gender roles or characteristics which, through their content and context, may be harmful to consumers.

### **The contested ads**

The first ad, a [TV commercial promoting the Philadelphia cream cheese](#), attracted 128 complaints. It opened with a baby being handed over by a mother to the father inside a restaurant. While holding the baby in his arms, the man met another father carrying his own

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baby in a car seat. The two new fathers soon got distracted by selecting and tasting their lunch, leaving their babies on the restaurant's conveyor belt serving buffet food. When they realised what was happening, the two men rushed across the room to pick up their children. The ad concluded with one of the men advising his baby 'Let's not tell mum'.

The complainants expressed concerns that Mondelez's ad perpetuated the harmful stereotype of the 'incompetent dad' who is incapable of taking care of his children as well as their mother and might even (albeit inadvertently) put them at risk. In response, Mondelez maintained that the ad's intention was not to belittle dads but present them in a positive light by showing them playing an active and responsible role in childcare in contemporary societies. In their view, the dads did not fail to look after their children but were only momentarily distracted by eating Philadelphia in a rather humorous, almost surreal situation which sought to emphasise the desirability of the advertised product. Mondelez stated they had deliberately chosen the dad figures to avoid the typical stereotype of new mothers overwhelmed by their childcare responsibilities.

The ASA acknowledged that the men's portrayal in the ad could be viewed as involving new fathers still learning to adapt to parenthood and that their children were never exposed to any real danger. However, it thought that the contextualisation of the fathers' distraction through the opening (the mother passing the baby to the father) and the final scene ('Let's not tell mum') of the ad suggested that the two men had failed to properly look after their children because of their gender. It might be suggested that the rather common exclamation of embarrassment 'Let's not tell mum' could be equally applied in a role reversal without necessarily insinuating a gender-specific failure to take appropriate care of the children. Nevertheless, the ASA seemed to disagree with such an interpretation. Commenting on the light-hearted tone of the advert, the regulator argued that this derived precisely from the use of the 'incompetent dad' stereotype, which audiences are familiar with. It therefore concluded that the use of humour could hardly mitigate the potential harmful effects from the ad's stereotypical portrayal of fathers and [upheld](#) the complaints.

The [Volkswagen ad](#), which promoted the manufacturer's eGolf model, included four scenes: the first showed two climbers in a tent fixed to the side of a cliff, with the man switching off the light while the woman was asleep. The second showed two male astronauts performing routine tasks in a spaceship and the third, a male athlete competing in a Paralympic sport. The ad then cut to the final scene, which showed a young woman reading on a bench next to a pram and looking up from her book while an electric Volkswagen vehicle passed by quietly.

This ad attracted far fewer complaints than the Philadelphia ad, discussed earlier. Only three complainants challenged whether the portrayals of men engaging in adventurous activities in contrast to a woman being in a care-giving role, contributed to perpetuating harmful gender stereotypes and thus breached the BCAP Code. As the Volkswagen Group explained, the theme of the advert was meant to highlight human achievements in response to changes caused by different environments and tough circumstances presented in the ad. The final

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scene of the woman in the park (which presumably served the purpose of illustrating the adaptation of cars and the effective noise reduction by electric engines) was included as one more example of adjustment to the life-changing experience of becoming a parent, to which many viewers could relate regardless of their gender.

The ASA considered that the majority of the scenes in the ad prominently featured male characters. Even though taking care of children was a role stereotypically associated with women, the final scene, taken in context, could be seen as ‘relatively mundane’ compared to the remaining scenarios, which largely featured men in extraordinary environments. As a result, viewers were more likely to focus on the contrast emerging from the characters’ occupations. It might, however, be thought that the advertising watchdog was a little overzealous in its decision here. Supposedly, viewers could also be taken to observe in the culminating scene of motherhood a further representation of a worthy human achievement in keeping with the ad’s intended overall message. Nevertheless, the ASA [found](#) that the ad ‘directly contrasted stereotypical male and female roles and characteristics in a manner that gave the impression that they were exclusively associated with one gender’ in breach of the Rule 4.14 of the BCAP Code.

Both of these ads, the ASA concluded, must not appear again in the form complained about. They can be contrasted with the [Nestlé television advert](#), which was also investigated by the Authority at around the same time, but was not found in breach of the new rule. The commercial promoted Buxton bottled water and featured multiple shots of a female ballet dancer, a male drummer and a male rower training in different settings. These were interspersed with images of water rising up through rock to its source, which seemingly hinted at the idea of rising to the top by overcoming obstacles. The ad was challenged on similar grounds, after five complainants expressed concerns that the characters’ activities were stereotypically associated with each gender.

As the Volkswagen ad demonstrates, advertisements juxtaposing adventurous men with delicate women are unlikely to be acceptable. This was not, however, the case with the Nestlé commercial. Although the only woman in the ad was a ballet dancer, initially shown as a child in a studio and then as an adult in a role stereotypically associated with women and girls, the core message conveyed by the sequence of scenes in the ad, taken as a whole, centred on the hard work persistently invested by high achievers in developing their skills. This was reinforced by the analogy of the movement of the flowing water reaching ‘the top’, the voice-over, the on-screen text and the #HeresToTheUpAndComing. Viewers were thus less likely to perceive the ad as placing emphasis on the characters’ occupations, focusing instead more on their talents and attributes, i.e. high levels of motivation which enabled all of them to succeed. The ASA noted, in particular, that ‘each skill depicted – ballet, drumming and rowing – was shown to be equally difficult and demanding’. It did not consider that the ad at issue portrayed ‘harmful’ gender stereotypes and as a result [found](#) in favour of Nestlé.

## **Comment**

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Here is a cause for celebration: a two-month anniversary of the new advertising rule tackling gender stereotypes in ads, accompanied by two vociferous bans. All three of the ASA rulings hold some logic and seem sensible. They demonstrate that marketers are not prevented from featuring in ads people undertaking gender-stereotypical roles, but as the ASA advises, commercial communications should not perpetuate harmful stereotypes by suggesting that such roles or characteristics are always exclusively associated with one gender; are the only options available to one gender; or never carried out or displayed by another gender. The context of the ad and the overall impression it creates are very important factors in this determination. Also, the use of humour or banter needs to be handled with care.

All three rulings suggest that the advertising regulator is determined to enforce compliance with the new rule. Whilst its impact has already been felt, its full effect and the way in which the industry intends to adapt to it remain to be seen. The ASA has committed to conduct a 12-month review of this rule to consider whether it is meeting its objectives and guard against unintended consequences. The results are keenly awaited.

### **Sources**

ASA Ruling on Volkswagen Group UK Ltd (14 August 2019)

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<https://www.asa.org.uk/rulings/mondelez-uk-ltd-g19-1023670.html>

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