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Sex sells, but who pays?

Charting UK boundaries for sexual imagery in ads

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Introduction

Advertising often takes shortcuts to memory (Antoniou, 2022), and nudity is the motorway. Yet motorways come with rules: lane discipline, speed limits, and pedestrian zones. So too with ads: the rules in this space tend to reward relevance, expect sensitivity to context and placement, and draw firm boundaries around children's spaces. In recent years, advertising self-regulation in the UK has recalibrated the signage, drawing a sharper line between acceptable uses of sexual imagery in commercial messaging and those that cross into harm. This contribution critically considers the recent practice of the UK advertising watchdog in non-broadcast advertising. The main thesis is straightforward: in UK self-regulation today, sexual imagery is not impermissible per se; what matters is context, audience exposure, and power dynamics, i.e., who is targeted, how bodies are framed, and whether the imagery contributes to real-world harms. Even though this logic is sound in principle, practice reveals some frictions and blind spots that still need to be addressed. This is significant because advertising plays a powerful role in shaping the cultural scripts through which people make sense of gender, identity, and power (Gill, 2007; Antoniou and Akrivos, 2020).

This piece takes a grounded, practice-oriented lens, contributing primarily through an applied, context-sensitive interpretation of the regulatory standards in action. The aim is to offer practitioners and policy actors a fresh view of what crosses the regulatory line, and why. Methodologically, the piece draws on a doctrinal analysis of the UK regulator's rules and a close, comparative reading of recent adjudications on non-broadcast ads, synthesised with research on harm and stereotypes. The result is a practical map for lawful creativity and a critique of where the line still wobbles.

Decency, taste, and why self-regulation carries the can

The Advertising Standards Authority (ASA) is the UK's regulator of advertising across all media, tasked with keeping ads 'legal, decent, honest and truthful' under the UK Advertising Codes (ASA, 2012). Decency is a core maxim of the system: standards are designed to prevent misleading consumers, protect the public from harm, and reflect generally accepted social norms. That said, 'decency', 'ethics' and 'taste' tend to be seen in law more as philosophical categories rather than concrete legal elements. Modern European advertising law prefers sharper tools like deception and defamation, and where ethics-related concerns arise they are usually channelled into self-regulation (see e.g., Recital 7 of the EU's Unfair Commercial Practices Directive 2005/29/EC). In the UK, oversight of these grey zones is left with the ASA system.

Advertising regulation in the UK operates within a symbiotic system blending self-regulation with co-regulation. As regards ads appearing in non-broadcast media (incl. ads on paid-for space online, companies' own websites and other third-party space under their control like social networking sites), self-regulation is the industry's way of policing itself, driven by a blend of corporate responsibility and cost-saving instincts. Advertisers foot the bill for crafting and adhering to Advertising Codes (see Endnote 1), which are written by the Committee of Advertising Practice (CAP), an industry body, and are enforced by the ASA as an independent

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referee through a complaints system and, in some priority areas, proactive ad monitoring. The Codes incorporate legal requirements (e.g., concerning consumer protection) and in some instances go beyond base obligations (e.g., prohibitions against socially irresponsible ad content) (see Endnote 2). Aside from helping keep the court system unclogged, this self-policing aims to ensure that ultimately marketing communications preserve consumer confidence.

At the same time, co-regulation involves a partnership whereby the ASA works under the broader umbrella of the UK's authority for the communications industries, the Office of Communications (Ofcom) and handles day-to-day oversight of broadcast ads (TV and radio) too. Ofcom delegates daily regulatory tasks to the ASA, with the option to step in if needed, though this rarely happens. In 2009 and 2011, Ofcom designated the ASA as co-regulator of ad content on On-Demand Programme Services (ODPS) and Video-Sharing Platform (VSP) controlled ads respectively. The system is often described as collective regulation, namely a fusion of industry self-discipline and regulatory oversight, all wrapped up in a legally sanctioned arrangement and bolstered through legal backstops (see Endnote 3).

From taste to impact: the ASA's contemporary test

For non-broadcast ads, Section 4 of the CAP Code is the house rule on 'harm and offence'. The central principle is that marketers must minimise the risk of causing harm or 'serious or widespread' offence, with particular care around protected characteristics (age, disability, gender and gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). Compliance turns on where the ad appears, who is likely to see it, and prevailing standards. The Code also bans gratuitous shock (fear or distress without good reason) and bars ads that condone violence or encourage unsafe practices (especially where children are involved), including drink-driving. There are specific safeguards for photosensitive epilepsy. Two provisions are crucial for sexual imagery: a hard stop on portraying anyone under 18 (or who seems under 18) in a sexual way (rule 4.8) and a bar on gender stereotypes likely to cause harm, or serious or widespread offence (rule 4.9). In short, context, audience, and likely impact decide the line; distaste alone does not.

In regulatory work, the terms harm and offence often travel as a pair, but they point in different directions. Put plainly, if offence is about discomfort, harm is about outcomes. Offence is largely subjective; an instinctive reaction, felt and reported by the viewer, to something perceived as insulting, unfair or morally wrong. And as such, a slippery metric. Harm, by contrast, is generally treated as objective: effects that can be observed by others, and at least in principle, measured. Evidence can come from outcomes, patterns, or credible risk of those outcomes, even if the individuals portrayed (or the audience) do not recognise the damage (Millwood Hargrave and Livingstone, 2009). Section 4 of the CAP Code reflects that distinction. It does not treat being distasteful per se as a breach, but it does prohibit communications that cross from discomfort into likely harm or 'serious/widespread' offence, assessed against context, medium, audience, and prevailing standards. In recent years, for example, the regulator has increasingly asked (as shown below): Does the ad normalise inequality; enable harmful behaviours; or sexualise minors?

Operationally, the ASA treats advertising's influence as small but material; even modest persuasive nudges can cumulatively contribute to unequal real-world outcomes, warranting intervention (ASA, 2017). Although issues around harm and offence comprised roughly 20% of the ASA's caseload in 2024, with little notable deviation from previous years (ASA, 2025), such cases often attract considerable public attention. And beyond formal rulings, naming-and-shaming by civil society and online firestorms now function as swift quasi-sanctions, often pressuring advertisers to withdraw campaigns before authorities (and rarely courts) step in.

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Together, these forces entrench a largely harm-centred reading of Section 4, making context, medium, and audience as determinative as the imagery itself.

Given that artificial intelligence (AI) increasingly underpins the advertising technology infrastructure (from creative generation to targeting and moderation), it is not unreasonable to expect scrutiny to extend from where the content line is set to the suitability of the systems that deliver it. In the UK, for example, the proposed Artificial Intelligence (Regulation) Bill (HL Bill 76, before Parliament at the time of writing) would establish an AI Authority, set principles of safety, transparency, fairness and accountability, designate AI officers, and enable audits and sandboxes. While not a content code, it would reinforce the expectation for intermediaries' optimisation and moderation processes operate consistently with Section 4's harm-based standards (see Endnote 4).

With the contours of Section 4 and the harm–offence distinction in view, the practical question is how this plays out in day-to-day adjudication. The advertising watchdog's recent practice and rulings cluster around a few recurring fault lines: what counts is why the body is shown and how it is framed; where the ad appears and who is likely to see it; whether sexual cues trespass on religion or involve children; and where the line hardens around explicit nudity and sexual violence. The following themes take those pressure points in turn.

Framing and the thin line between sexualisation & objectification

Section 4 of the CAP Code does not prohibit sexual content outright but rather controls how sexuality is presented and where it appears. The regulator's decisions pivot on an important distinction: do we see a person as a confident subject with agency, or as an object to be looked at or used as a passive vehicle for another's pleasure? That difference often determines whether an execution is merely sexualised or crosses into objectification and, therefore, harm (Antoniou and Akrivos, 2020). The ASA's recent approach repeatedly turns on two filters: relevance (i.e., whether the body is shown in a way that elucidates the product) and framing (i.e., pose, gaze, angle, cropping).

What the lens centres on, and *why*, often appears to decide the reading. For example, an email from the clothing retailer Jigsaw headlined 'These boots were made for walking' led with a low-angle image of a woman climbing a fence in boots, jumper and underpants, her buttocks exposed. The ASA judged that the camera angle, cropping and missing face created a voyeuristic focus on her lower body, making nudity the message rather than the boots. In that context, the ad objectified the model and stereotyped women as sexual objects (Ruling on *Robinson Webster (Holdings) Ltd*, 2021). And in the case of *ReNourish*, a nude male, genitals obscured by a soup bottle, with the strapline 'nothing to hide' was understood as mildly suggestive yet still objectifying, because nudity bore no pertinent connection to soup and the composition encouraged a sexual interpretation (Ruling on *Renourish Ltd*, 2022). Both rulings turned on the same tests: relevance to the product and framing, with each ad failing because the body became the advertising device (not because of the subject's gender).

Related to this, is the use of innuendo that slides into objectification. British advertising has long enjoyed a playful pun, but trouble begins when wordplay is bolted on to sexualised imagery unrelated to the product, at which point the joke becomes the justification. The Great Grass (a supplier of artificial grass products) sequence is instructive: in 2016, a bra-focused crop alongside a lawn under 'REAL OR FAKE?' used women's bodies as attention devices, diminishing them to visual bait (Ruling on *Great Grass MCR Ltd*, 2016). In 2022, 'artificial grarse [sic] experts' and 'get laid by the best', paired with a woman in underpants exposing buttocks, crossed into sexually suggestive and objectifying territory (Ruling on *Great Grass MCR Ltd*, 2022). The ad was pulled, only to be replaced with a poster taking aim at critics, proclaiming: 'You found it offensive, we all found it funny', complete with emoji scorekeeping

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(Maidment, 2023), signalling essentially 'we don't get it'. A follow-up featuring a topless man ('great abs, great grass') still treated the body as billboard bait. The lesson is not that humour is off limits; it is that intent is not a defence. Relevance is. Turf-laying puns cannot license sexualised flesh to sell grass. In these cases, humour tends to function as a fig leaf. The regulator looks for genuine links to product claims and the absence of demeaning framing, not for how firmly the advertiser insists it was 'just a bit of fun'.

The bottom line appears straightforward: relevance can shield the creative choice, but framing carries weight and can strip that support away. Some products (e.g., lingerie) may legitimately call for skin; but when the creative choices slice the body into parts, load the gaze, or import innuendo where the product does not require it, the risk of objectification, especially of women and girls, increases. This is not just a matter of taste. It can contribute over time to body image pressure and entrenched gender inequality. Conversely, even product-relevant nudity may still be too explicit for untargeted environments (as the next section shows). A practical discipline helps here: at sign-off, it is wise to ask why this body, this pose, this crop and what product truth does it serve, with particular care for how different audiences, including younger viewers, will read the image in context.

Religion, sexuality, and the 'mockery' boundary

The ASA is also likely to set Section 4 rules into motion when advertisers splice sexual cues to religious symbols or roles. The reference point is long-standing: Benetton's early-1990s image of a priest and nun kissing made plain how easily such juxtapositions can be read as mockery of sacred commitments rather than social commentary (see Endnote 5). Modern ASA rulings still treat sexualised depictions of clergy or sacred symbols as likely to cause serious offence. Notably, these are often female-coded roles and images (for example, nuns), placing women's bodies at the centre of the provocation and its reception. Antonio Federici's 2009–2010 ice-cream ads, which put priests and nuns in sexualised poses and echoed religious language (Holmwood, 2009; BBC News, 2010), were upheld for serious offence on the grounds that the executions mocked Catholic beliefs, trivialised sacred roles and used, in essence, religion as a shock prop.

The line the ASA drew with Federici, namely that sexualising sacred symbols or roles is likely to cause serious offence, has held steady into the 2020s. The facts may have modernised, but the rationale has not. Demi Lovato's London posters simply re-ran the logic in contemporary form. The regulator identified two independent problems. First, the language ('HOLY FVCK') would be understood as alluding to a swear word that many find offensive. Appearing in an untargeted public space where children were likely to see it made the placement irresponsible. Second, the imagery: the artist in a bondage-style outfit on a cushioned crucifix, with a pose reminiscent of the crucifixion, linked sexuality to a sacred symbol, likely to cause serious offence to Christians (Ruling on *Universal Music Operations Ltd*, 2023). Polydor Records' (a Universal Music division) assurance that sites had been pre-checked, and the limited four-day, six-site run, did not cure the breach. For women and girls in the audience, especially those from faith communities, this blend of sexualisation and the sacred may not merely be daring or 'artistically edgy' but can read as a personal slight, right there in shared public space.

Read alongside examples like *Federici*, it becomes evident that, when sexual cues are grafted onto religious iconography, the UK's advertising watchdog treats offence as predictable rather than incidental. What has sharpened since 2010 is the placement logic: a commercial message can live or die by its environment. Sensible governance bakes in placement-specific risk assessments, presumes against explicit imagery in untargeted channels, and applies extra scrutiny anywhere children are likely to be present. It is also important to bear in mind

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who bears the brunt of ad experiments like these. Women appear to carry most of the impact here. Their bodies are the provocation, women of faith are the audience asked to absorb it, and, in cases like Lovato, the female artist whose work is more likely to be pulled or restricted when this mix appears in untargeted spaces. Advertisers rarely test the boundary against sexualising religious symbols or roles now, not because the Section 4 rules are unclear, but because the business case is rather poor: boycotts and reputational cost outweigh whatever buzz the controversy buys.

The hard stop: children and sexualisation

Since January 2018, the CAP rules (and their equivalents in the broadcasting code) set a firm boundary: advertisers must not portray anyone under 18, or who could be read as under 18, in a sexual way. The test is both real age and appearance. What tips an execution over the line is often the presentation: clothing, make-up, pose, gaze and copy.

The ASA's practice illustrates how applying adult cues (e.g., make-up, pose, gaze, cropping etc) to youthful features can sexualise an image, even if nothing explicit is shown. The regulator has consistently underlined that depicting models in a sexualised manner is unacceptable if they appear to be under 18, regardless of their actual age (Ruling on *American Apparel UK Ltd*, 2015). Recent swimwear rulings found child models (appearing below 11) were sexualised by adult-toned poses, cropping that anonymised their faces and focused on bodies, and suggestive direct camera gazes (Rulings on *Guangzhou YH Sporting Goods*, 2022 and *Grandbing Technology*, 2024). Context matters immensely too: a bikini shot of a very young girl was aggravated by surrounding ambiguous, phallic-coded props, which pushed the overall impression into sexualisation (Ruling on *Whaleco UK Ltd*, 2023). The line also runs through youth symbols. School-uniform cues are a near-certain fail when sexualised (Sweney, 2008).

By contrast, not every youthful look breaches the Code: a 28-year-old in casual Playboy-branded clothing with un-sexualised poses was held acceptable (Ruling on *Missguided Ltd*, 2020), and a 27-year-old in pyjamas was likewise judged unlikely to read as a child despite a playful tone. What tips it is the total impression, e.g., copy reading 'teen dream realness with barely-there micro mini-skirts' paired with sexualised posing by a 16-year-old (Ruling on *Prettylittlething.com Ltd*, 2022).

Anime or part-human characters do not avoid the rule: shackled, torn-clothes depictions of young-looking cartoon girls were banned for sexualising a child and for harmful gender stereotyping (Ruling on *Oasis Games Ltd*, 2022). Nor do inanimate images guarantee safety: a naked infant medical mannequin shown on a news site without context was judged harmful, offensive and irresponsible because viewers could reasonably infer sexual meaning (Ruling on *Alibaba.com*, 2023). And where narratives veer into grooming or incest, the ASA will also uphold on serious and widespread offence as well as harm (Ruling on *Gamehaus Network Technology Co Ltd*, 2024).

The cases overwhelmingly concern girls and young women presented with adult sexual codes: infantilised styling, 'older men' targeting copy, shy or compliant poses, reflecting how commercial incentives intersect with entrenched gendered narratives. The regulatory concern here is not a matter of taste but of risk: namely, reducing the likelihood that minors are sexualised and avoid normalising sexual availability in girlhood. In practice, that points to careful treatment of youth signifiers, steering clear of crops that erase agency, and copy checks for age-coded language, recognising that compliance turns on how an image reads, not how a model's age is documented.

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Related controversies underscore how things can develop when this sensitivity is missing. Notably, Balenciaga's Spring/Summer 2023 campaign, which featured children holding teddy bears dressed in bondage gear alongside a prop referencing a U.S. Supreme Court opinion on child pornography, swiftly sparked public backlash, despite undergoing internal approval. Although the brand issued an apology and attributed responsibility to external suppliers, established sign-off structures within major brands such as this make such deflection untenable. Even outside formal regulation, the intersection of children and sexual imagery can swiftly erode longstanding brand equity.

The red lines: explicit nudity and sexual violence

At the sharp end of the spectrum, explicit sexual imagery in non-broadcast advertising is rarely acceptable, regardless of targeting intent. This position reflects not matters of taste, but the likely and foreseeable impact on audiences.

The 2012 case of BangBros is an illustrative example: although subscribers to the dating site could access adult content, the ad itself (depicting men engaged in sexual acts) was also visible to guest users outside an adult context (Ruling on *BangBros.com*, 2012). Here, the combination of explicitness and an untethered setting placed the material beyond the line. A decade later, Adidas showed the same logic applied to a very different goal. A poster and a social media post on the brand's own account displayed a grid of bare female breasts to communicate fit diversity ('43 styles' to match different shapes). The regulator accepted the body-positive intent and product relevance and did not characterise the presentation as objectifying. However, the creative still failed because explicit nudity was unsuited to untargeted posters and to a social media feed whose usual content did not typically include such imagery (Ruling on *Adidas UK Ltd*, 2022). In *Adidas*, message and motive were acknowledged, but medium and explicitness carried the day; in *BangBros*, explicit content in an ungated setting was decisive. The broader cultural question of why female nipples trigger prohibitions where male nipples often do not, remains a policy debate, and does not appear to influence the present enforcement threshold.

Sexual violence is a categorical red line. This is particularly evident in an increasing number of mobile-game cases that show how easily non-consent can be gamified when scroll-stopping tactics collide with weak creative checks. For example, in the case of Amrita Studios, an in-app ad for 'Producer: Choose Your Star' encouraged users to pick tools to remove clothing from a sleeping woman, with waking her treated as failure. The woman was staged as a passive, voiceless prop for user manipulation. The regulator upheld complaints for condoning non-consensual conduct and objectification (Ruling on *Rangosious Public Holdings Ltd*, 2021). And in *OneSoft Studio* (2022), Scrabble users were served an animated, distressed female character, struggling to escape from a fence in which she was stuck, alongside options 'HELP', 'SLAP' or 'UNDRESS' (Ruling on *OneSoft Studio*, 2022). The ASA held that the ad trivialised and condoned sexual assault. More recent cases underline the pattern in even starker terms, such as the adverse ruling involving an in-game ad for Gorgeous Shard Puzzle Studio which depicted a nude, restrained woman (with legs spread), whose face, breasts and crotch could be 'completed' by tile placement (Ruling on *Gorgeous Shard Puzzle Studio*, 2025). Across these examples, women's and girls' bodies are rendered available, explicitly displayed, cropped, or made interactively controllable, while non-consent is normalised as spectacle or gameplay.

But these are not simply creative missteps slipping through the cracks. A recent ASA investigation into the online ad supply pathway behind in-game ads that objectify women suggests that such content is not an anomaly but rather a foreseeable output of systemic

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opacity. The regulator's study revealed how ads depicting women in overtly sexualised, submissive, or controllable roles were able to circulate (often to child audiences) due to misclassification, weak awareness of UK standards, and post-hoc, reactive enforcement across a fragmented supply chain of advertisers, intermediaries, and publishers. The structural failure lies not simply in what the ads show, but in how easily they travel through layers of delegation where responsibility is diffused, and where basic questions of suitability are asked only after exposure to harmful content (an ecosystem largely lacking the kind of rigorous pre-clearance normally applied to broadcast advertising). In this environment, objectification is not just tolerated, but functionally enabled by design.

As more of the ad supply chain increasingly leans on AI to generate creatives, optimise targeting and automate moderation, governance – not just content – now matters. AI can cut both ways. Generative tools can scale borderline creatives and auto-push the edgiest ones for clicks and engagement, compounding misclassification (i.e., ads wrongly labelled as 'safe') and rapid circulation through opaque ad supply networks. On the upside, AI-assisted pre-moderation tuned to flag e.g., sexualisation of minors (CAP Code, rule 4.8) or harmful gender stereotypes (CAP Code, rule 4.9) could help stop non-compliant ads earlier in the pipeline so long as the screening thresholds are clear and human review makes the final call. None of this changes the regulator's content standards, but it would raise the bar for intermediaries who rely on automation to place and police ads.

Conclusion

Advertising has long depended on its power to interrupt, captivate, and be remembered. But as the cases examined here show, that power demands proportionate responsibility, especially where sexual imagery is concerned. Contemporary UK advertising regulation does not prohibit nudity or sexuality outright; rather, it sets the expectation that such imagery must serve a legitimate communicative function. The question is no longer simply what is shown, but why this image, here, for this product, seen by this audience? The pattern emerging from reading recent ASA rulings is that sexual imagery is permissible when it tells a product truth but fails when it treats people and their bodies as mere props. In other words, what counts is not the volume of skin shown. What story the image tells, to whom, and where are critical checkpoints.

The contours of that logic are increasingly clear. Explicit nudity is rarely suitable for untargeted environments. Where nudity meets irrelevance or innuendo, the risk of objectification escalates. Minors and sexualisation do not mix. Religious iconography rarely bears the weight of sexual cues, and depictions of sexual violence are a red line. These boundaries are not drawn arbitrarily, nor are they merely about avoiding offence. Rather, they reflect a harm-based regulatory approach, grounded in likely outcomes and cumulative effects (ASA, 2017), an approach that appears to increasingly outpace offence-based objections.

Edge-cases persist because incentives point that way. Shock tactics promise media reach at a discount. Programmatic distribution and algorithmic targeting can serve provocative content at speed, often bypassing scrutiny. The ASA's recent rulings, and particularly its investigation into the online ad supply pathway, further highlight how responsibility disperses across fragmented ad-tech chains (where accountability is too often retrospective). Meanwhile, the creator economy privileges ever spicier visuals to hold attention - and the Balenciaga example shows that even lavish budgets do not inoculate against error.

The pressure to win attention is, naturally, real. In a saturated media environment, advertisers continuously face the challenge of making their messages even more memorable amid a daily deluge of ad content (USC, 2023). But memorability is not the same as legitimacy. Sex may

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sell but the people who pay are those whose bodies are conscripted as props (disproportionately women and girls, including minors and women of faith) along with audiences exposed in shared public spaces. Advertising does not just sell products, but also helps shape how people are seen, valued, and treated in public life. Its narratives (of bodies, behaviours and boundaries) often filter into the norms people absorb in everyday culture (Gill, 2008; Pollay, 1986). In that sense, when attention is chased at any cost, the bill does not land with the advertisers, brands or ad networks; the downside is offloaded to audiences who carry the harms of normalised objectification and unwanted exposure. The brands that endure are unlikely to be those that rely on calculated provocation. Instead, the more sustainable path lies where creativity lands without hurting, and where cultural attention is earned, not opportunistically rented through harm.

Endnotes

[1] The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) which applies non-broadcast advertisements, sales promotions and direct marketing communications and the UK Code of Broadcast Advertising (BCAP Code) which applies to all advertisements and programme sponsorship credits on TV and radio services licensed by Ofcom.

[2] Likewise, the Codes complement the Financial Conduct Authority's (FCA) work by covering non-technical elements of financial promotions, namely matters of social responsibility and the truthfulness of claims that do not relate to specific characteristics of financial products, for which the FCA is the lead enforcer. See the FCA and ASA MoU, setting out the respective responsibilities of the two regulators: <https://www.fca.org.uk/publication/mou/mou-fca-asa.pdf> accessed 2 March 2023.

[3] The regulator's partner network includes the Office of Communication (Ofcom) and the Competition and Markets Authority (CMA) as well as the Gambling Commission, the Information Commissioner's Office (ICO), the Medicines and Healthcare Products Regulatory Agency and the Financial Conduct Authority (FCA). For more the details of the ASA system, see ASA, *About Regulation* <https://www.asa.org.uk/about-asa-and-cap/about-regulation/self-regulation-and-co-regulation.html> accessed 4 August 2024.

[4] For providers operating across jurisdictions, the EU's risk-based AI Act (though not UK law) sets de facto benchmarks on manipulation, exploitation of vulnerabilities and non-discrimination, signalling a similar direction of travel for advertising technology governance in systems serving UK users.

[5] See Benetton Group, *Historical Campaigns* <https://www.benettongroup.com/en/media-press/image-gallery/institutional-communication/historical-campaigns/> accessed 29 September 2025.

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