

Not Buying It www.notbuyingit.org.uk no@notbuyingit.org.uk

Not Buying It challenges the objectification of women because of the harm associated with it. As such, over the course of 2016, we raised concerns with advertising regulator, the ASA, over the presence of sex ads in newspapers as harmful, inappropriate, very possibly illegal and a clear issue of child protection, including a breach of the ASA's own guidelines on children and advertising.

After 6 months of investigation, including a special round table meeting and our meeting with the ASA's gender project team, The ASA recently ruled that the 100s of graphic sex ads found in every issue of The Sport newspaper were appropriate, 'as long as they were not on the cover'.

The Council then declined to investigate ads for prostitution in another newspaper, the Evening Standard, on the grounds that the ads 'were unlikely to cause offence', 'were not graphic' and that the paper 'was not targeted at children' – a decision upheld by the Independent Reviewer.

The [full transcripts](#)¹ of these decisions and our appeal perfectly demonstrate the flaws in the codes, their interpretation and indeed the entire thinking of the ASA, including at the highest levels (ASA Council and Independent Reviewer). It means that the advertising regulator is failing women, failing to safeguard children and potentially breaching the law.

Although ASA rulings against sexist advertising have greatly improved in recent years, approving newspaper ads for the sex industry, a patently unfit platform for such advertising, greatly undermines these positive steps forward.

Since presenting these recommendations to the ASA (in March 2016) we have further noted that the ASA is a Public Body, legally bound by the Public Sector Equality Duty (PSED) in its codes, decision making, processes and culture. We feel the decisions made in the course of this investigation and, more importantly, the *rationale* for them (for instance the focus on 'offence' rather than an understanding of harm) clearly indicates that the ASA still has a long way to go before fulfilling its duties under the PSED and is potentially challengeable under Judicial Review.

Summary of Key Recommendations

Improve Interpretation of Existing Cap Codes:

1. The ASA needs to Focus on Harm not Offence in its interpretation of CAP Codes
2. The ASA must abide by its own Guidelines on Children and Advertising in line with actual CAP codes or remove them

Change CAP Codes:

3. Re write Codes to Focus on Harm not Offence, particularly for women and minority groups
4. Alter Codes on Children to include All Accessible Advertising
5. Distinct Codes needed on appropriate advertising of the Porn and Sex Industry

Recommendations in Full

1. Improve ASA Commitment to Social Responsibility in its *Interpretation* of CAP Codes

'In our work with boys we explain how dehumanising women is the first step to discrimination and abuse. We only have to look at the vast numbers of objectifying ads of women (all 'ASA approved') to make our point' Michael Conway, [A Call to Men UK](#)

Ensure a much stronger human rights and harm-based focus in the ASA decision making process, particularly those involved in preliminary and final decisions, to end industry bias.

- Regularly talk and *listen to* expert advocates - women, children and other rights groups
- Staff Training, Interviews and Performance Reviews with regard to human rights and understanding of the potential harm of advertising
- More individuals or indeed groups from a human rights background to be involved in the ASA, particularly at higher levels to change the apparent culture of the organisation /industry bias.

2. The ASA must Abide by its own Guidelines or Remove them as False Advertising

Our analyses of how The ASA's 'Guide to Parents' is being breached:
<http://www.notbuyingit.org.uk/ASA2>

Commendably, The ASA makes promises throughout its site and in distinct documentation that 'child protection' lies at the heart of its work, that it will consider 'the harm' of advertising no matter where it appears and that 'all ads must be socially responsible'³. However, the ASA is clearly not abiding by its own guidelines. It is making extremely limited rulings according to extremely limited CAP codes on harm. If the ASA were investigated (by the ASA) for misleading promotion it would be found wanting. As such, it should remove all such references from its site as 'false advertising'.

3. Overhaul CAP Codes particularly on Women & Minorities. Commitment to ending Harm

10 million women (1 in 3 women) in the UK experience male violence: sexual assault, domestic violence, stalking⁴

For decades, Government Policies, Research & International Treaties have recognised the role of the media & objectifying women in promoting the damaging attitudes that lead to this abuse⁴

There needs to be much improved recognition of the ability of the media to harm attitudes towards women and minority groups. And serious commitment to end this. This needs to be written into, and an integral part of, CAP Codes far more than at present. The lack of harm recognition is very likely a breach of PSED.

4. CAP Codes on Marketing and Children must Include *all* Accessible Ads

Nearly 10% of pre-teens addicted to pornography²

At least 40% of under age children read newspapers
70% of Kids say they have access to a newspaper
50% of boys say newspapers are their preferred reading material⁵

Current CAP Codes on children only deal with marketing 'targeted' at children. This is a glaring loophole – *all* ads in the public domain are accessible to children, most importantly the internet. Children see billboards, children access newspapers on the bottom shelf and magazines on the middle shelves, children's lives revolve around the internet.

5. Add Distinct Section in CAP Codes on 'Responsible Marketing' of Porn/Sex Industry

90% of mainstream pornography shows violence towards women (hitting, choking, gagging..) ⁶

75% of women in prostitution enter it as children; 70% of have post traumatic stress disorder; 85% have serious drug problems; 90% of women are trying to leave ⁷

Prostitution and pornography have been recognised for decades by Government & Mayoral policies and legally binding international treaties as deeply harmful for the women involved ⁴

CAP codes already include distinct sections on 'responsible marketing' for almost every conceivable adult or potentially harmful industry - from gambling to alcohol. However the porn and sex industry are more damaging than many of these. Alcohol or gambling are arguably harmful only in excess but women are harmed every time they are used in prostitution or pornography. Attitudes towards all women are harmed every time the porn or sex trade are consumed.

The lack of a distinct section the porn and sex trade is an unjustifiable omission – and surely a breach of the Public Sector Equality Duty. We call for:

- A section on 'Responsible Marketing of the Porn and Sex Trade' which includes these industries in all its forms (from sex chat lines to lap dancing or 'burlesque' stripping; from 'massage parlours' to 'escort agencies'). These should clearly specify that all such ads **should not be marketed in the public domain** such as posters, newspapers, non-age restricted magazines and non-restricted internet sites.
- This section must stress the harm associated with these industries
- It must also stress the fact that such ads may be breaking the law (many 'sex services' use forced, coerced or trafficked women). Both the Press Association and The Metropolitan Police have longed called on newspaper editors to cease carrying sex ads for precisely these reasons.

6. Liaise with TfL

Because of the failings of CAP codes and ASA rulings, Transport for London (TfL) introduced distinct regulation for advertising on the London transport network over a decade ago. These have recently been updated under the new Mayor Sadiq Khan ⁸ and now specifically ban ads for the porn and sex trade on London transport. We urge the ASA to liaise with the Mayor and TfL over their guidelines, implementation and commitment to equality.

7. An ASA with Vision

The ASA should not just be to be a shining beacon for social responsibility itself, it should be taking the lead in educating advertisers over socially responsible marketing. It should be a staunch advocate of research that shows that '(female) Sex *Doesn't* Sell' ⁹. It should be advocating an end to an era where, according to Unilever (which has consequently U-Turned on its use of previously objectifying ads, like those for Lynx), only 2% of ads show women as intelligent human beings ¹⁰. It should be attacking the problem at source, namely the institutional sexism within the advertising world - which is why the industry thinks nothing of churning out sexist, objectifying advertising ¹¹.

These recommendations are supported by human rights advocates, educationalists & others including:

A Call to Men UK - International campaign providing healthy relationships education to boys

Filia - Organiser of Human Rights Conferences, speakers including Bianca Jagger & Shami Chakrabarti

Nordic Model Now! – Experts on the realities of prostitution

Scary Little Girls - Delivering consent education workshops to young people through theatre

Rape Crises Surrey & Somerset

Support After Rape and Sexual Violence Leeds

White Ribbon Campaign - International campaign challenging violence against women led by men

Women in Media - Promoting women in media

Emeritus Professor Audrey Mullender - Domestic Violence and Social Policy Expert

Vivienne Porritt - Director for School Partnerships at UCL Institute of Education

Charlotte Proudman - Human Rights Barrister