



Women's Health

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## Australian Association of National Advertisers Code of Ethics Review

### Submission by Women's Health Victoria, October 2019

Women's Health Victoria (WHV) welcomes the opportunity to provide a submission to the Australian Association of National Advertisers' Code of Ethics review.

This submission is endorsed by the following organisations:



### Summary of recommendations

**Recommendation 1:** The Code of Ethics and complaints process should recognise the power of advertising to shape and transform culture and community standards, not just reflect them.

**Recommendation 2:** The Code of Ethics should be contextualised within an understanding of the importance of promoting gender equality, the cumulative impact of gender portrayals in advertising, and the potential for ads to cause harm.

**Recommendation 3:** Practice Notes should be integrated into the Code of Ethics to provide clearer and more streamlined guidance and context for advertisers.

**Recommendation 4:** Rather than only setting a minimum standard, the Code of Ethics and Practice Notes should promote positive, diverse and authentic representations of women, men and gender diverse people that challenge gender stereotypes, norms and behaviours.

**Recommendation 5:** The Code of Ethics and Practice Notes should evolve to reflect new evidence over time, particularly as it relates to the health and wellbeing of consumers and their attitudes towards gender portrayals in advertising.

**Recommendation 6:** Section 2.1 of the Code of Ethics should include a focus on minimising the risk of causing harm.

**Recommendation 7:** The definition of 'gender' be changed from '*male, female or trans-gender characteristics*' to '*masculine, feminine, trans and gender diverse*'.

**Recommendation 8:** The acceptability of humorous use of stereotypes should be removed from the Code as this continues to reinforce gender inequality and may still cause harm, regardless of the humorous intent.

**Recommendation 9:** In order to be more inclusive of people of all abilities we recommend that '*... even if the advertisement may be upsetting to some members of the community...*' be removed from the Practice Note.

**Recommendation 10:** In order to ensure that advertising is prepared with a sense of obligation to the consumer and society, the Practice Notes should address the cumulative impacts of repeated use of stereotypical portrayals of men and boys, women and girls in advertising.

**Recommendation 11:** Recognising the cumulative harm associated with the sexualisation and objectification of all people, particularly women, section 2.2 of the Code should be expanded to include a focus on 'doing no harm'.

**Recommendation 12:** The Practice Notes for Section 2.2 should be amended to provide that sexualisation and objectification of all people should be avoided, regardless of whether they are depicted as 'enjoying the attention', 'confident' or 'in control'.

**Recommendation 13:** The Code should be amended to add that Advertising or Marketing Communication shall not depict the drivers of violence against women.

**Recommendation 14:** The gendered drivers of violence should not be depicted in Advertising or Marketing communication regardless of the audience.

**Recommendation 15:** The Practice Notes for section 2.3 should be expanded to explain the four gendered drivers of violence against women.

**Recommendation 16:** Advertising and marketing communication should avoid sexualising and/or objectifying people, particularly women, regardless of the relevance to the product.

**Recommendation 17:** Section 2.6 of the Code should recognise the health impacts associated with sexualised, objectifying and stereotyped gender portrayals, in the same way it recognise the harms of 'unsafe practices', motor vehicles' and bullying.

**Recommendation 18:** The Practice Notes for Section 2.6 of the Code should be amended to encourage advertisers to promote portrayals that ensure that people, particularly women and girls, are represented in all their diversity (including diversity of size, shape, age, cultural background and ability) and in positive and authentic ways.

**Recommendation 19:** The Practice Notes for Section 2.6 of the Code should be amended to remove references to body image that is ‘attainable’ or ‘unattainable’ through ‘healthy practices’ because it is misleading to imply that certain body shapes and sizes are attainable through healthy practices.

**Recommendation 20:** Any reference to portrayals which are ‘justifiable in the context of the product or service being advertised’ should be narrowly construed to include only those products or services that directly alter the body.

**Recommendation 21:** The ‘prevailing community standards’ test should be reconsidered to take into account the power of advertising to shape social norms as well as reflect them. Consideration should be given to replacing this test with a test focused on public health and wellbeing, and avoidance of harm.

**Recommendation 22:** In order to strengthen efforts to promote positive, diverse and transformative gender portrayals:

a) experts in violence prevention and gender equity should continue to be involved in revising the Code of Ethics and Practice Notes.

b) a gender equity advisory board should be established at the AANA and/or Ad Standards to build gender awareness and provide expert advice on complaints to assist decision-making.

**Recommendation 23:** The AANA or another relevant body – in collaboration with experts – should offer industry education on the harms of sexist advertising, the business case for gender equitable portrayals, and ethical practice in advertising.

**Recommendation 24:** Further development of the Code and Practice Notes should involve greater consultation those affected by advertising portrayals – for example, women and individuals from marginalised communities. Ad Standards should also consider options for giving greater weight to the views of those most affected by advertising portrayals in its decisions on complaints.

**Recommendation 25:** The AANA should explore models for effective sanctions for non-compliance with the Code, including co-regulatory models.

**Recommendation 26:** The AANA should undertake public education about the impacts of sexist advertising and available complaints mechanisms to increase community engagement in advertising regulation.

## Women’s Health Victoria’s expertise

WHV is an independent Victorian statewide health promotion, support and advocacy service. We advocate and build system capacity for a gendered approach to health that reduces inequalities and improves health outcomes for women. WHV is committed to a social model of health which focuses on addressing the social and economic determinants of health, including freedom from sexualisation and

objectification, and equitable portrayals of the diversity of Australians. Women's equality, the prevention of violence against women, and women's mental health and body image are key priorities for WHV.

For many years, feminist organisations and community groups, including WHV, have campaigned to eliminate the use of stereotypes and objectifying images in advertising, as part of broader efforts to prevent violence against women and promote gender equality. WHV's earlier work has included contributions to international research into the harms of objectification of women in advertising, and how best to combat it.<sup>1</sup> WHV has also been active in previous reviews of the Australian Association of National Advertisers' (AANA) Code of Ethics.<sup>2</sup>

In 2018, WHV was funded by the Victorian Government to deliver a project to address sexism in advertising. The project aims to engage industry, businesses, regulators, academics, activists and community members to mobilise support for action to prevent violence against women and promote gender equality in the advertising setting.

A key objective of the first year of this project was to build a sound evidence base for primary prevention in the advertising setting by:

- Consolidating the research evidence on the impacts of sexist advertising on health, wellbeing, gender norms, attitudes and behaviours;
- Reviewing current best practice models for regulating and improving advertising representations;
- Identifying community responses to gender representations in advertising, through a series of focus groups held with Victorian community members.

Since 2018, WHV, alongside key project partners including RMIT University, the City of Melbourne, Our Watch, Venus Comms, Respect Victoria and the Shannon Company, have undertaken this research and produced the publications summarised below.

These publications inform WHV's recommendations for strengthening the Code of Ethics and the corresponding Practice Notes:

- [Advertising \(in\)equality: The Health Impacts of Sexist Advertising on Women's Health and Wellbeing](#)

This research paper provides an overview of significant literature currently published on the nature of gender portrayals in advertising, and the impacts of these representations on women's health and wellbeing, gender inequality and attitudes and behaviours that support violence against women.

The paper finds that the continued use of gender stereotypes and increasing reliance on images that sexualise and objectify women in advertisements undermines efforts to promote gender equality in

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<sup>1</sup> WHV's work was highlighted as a case study in Greaves, L., Pederson, A. and Poole, N. (eds) (2014), Making It Better: Gender transformative health promotion. Toronto: Canadian Scholars' Press/Women's Press, p. 217.

<sup>2</sup> See Senate Legal and Constitutional Affairs References Committee (2011), Sexualisation of children and objectification of women in the media In: Review of the National Classification Scheme: achieving the right balance, Chapter 11. Available from: [https://www.aph.gov.au/parliamentary\\_business/committees/senate/legal\\_and\\_constitutional\\_affairs/completed\\_inquiries/2010-13/classificationboard/report/index](https://www.aph.gov.au/parliamentary_business/committees/senate/legal_and_constitutional_affairs/completed_inquiries/2010-13/classificationboard/report/index)

Australia. Gender-stereotyped portrayals limit the aspirations, expectations, interests and participation of women and men in our society. These portrayals are associated with a range of negative health and wellbeing outcomes and are highly problematic for the prevention of family violence and other forms of violence against women.

The studies cited in this paper demonstrate that there is a clear business case for change. Brands, businesses and creative agencies can benefit from portraying both women and men proportionately, respectfully and realistically.

Full citation:

McKenzie M, Bugden M, Webster A & Barr M 2018, *Advertising (in)equality. The Health Impacts of Sexist Advertising on Women's Health and Wellbeing*, Women's Health Victoria.

- **Addressing and preventing sexist advertising: An analysis of local and global promising practice**

This research paper explores the efficacy of interventions that aim to address sexism or promote positive gender representations in advertising, highlighting examples of local and global promising practice. Interventions to prevent or address sexist advertising may occur through several distinct mechanisms: legislative frameworks; self-regulatory and co-regulatory systems; the provision of educational resources to the broader community; industry initiatives to re-shape advertising culture and promote diverse, inclusive and ethical practice; and the exertion of influence on advertisers and regulators through consumer activism. The paper explores the strengths and limitations of each mechanism and illustrates interventions in practice through a variety of case studies. Critical to addressing sexist advertising is a whole of system approach with mutually reinforcing interventions that capitalise on different opportunities for influence. Concluding summations are offered throughout with a range of recommendations drawn from these at the end of the paper.

Full citation:

Gurrieri L & Hoffman R 2019, *Addressing and preventing sexist advertising. An analysis of local and global promising practice*, RMIT University (forthcoming).

- **Community Responses to Gender Portrayals in Advertising. A Research Paper**

This qualitative research study was undertaken to explore community responses to gender inequalities in advertising and pathways forward to promote gender equality in the advertising setting. Data collection consisted of 10 focus groups, each of 90 minutes' duration, held in Victorian metropolitan and regional centres. This research received human research ethics approval from the Business College Human Ethics Advisory Network at RMIT University.

The focus groups were guided by researcher questions in a semi-structured format. At the beginning of the focus groups, participants were asked to discuss the portrayals of women and men in advertising today. The second part of the focus groups utilised stimulus material to explore perceptions of gender inequality, offensiveness and harm in advertising. Participants discussed two of four possible advertising examples, depicting women, men and children. Advertisements were selected because they: demonstrated use of gender stereotypes; demonstrated sexual objectification and/or gender inequality; had received large numbers of complaints against them; or had prompted vigorous conversations in the

media. Lastly, the focus groups explored community understanding of advertising regulation in Australia, stakeholder responsibilities for advertising in relation to gender equality, and the role of guidelines for the portrayal of women, men and children in advertisements. The focus groups were audio recorded and later transcribed for data analysis purposes.

The study suggests that community members perceive that stereotyped gender portrayals and sexualised images of women are common in advertising. Community members are concerned that these portrayals pressure women and men to conform to limiting stereotypes, have negative impacts on health and wellbeing, and may support attitudes that cause violence against women. However, the prevalence of these portrayals may have a desensitising effect, making community members unlikely to react to or complain about them. Community members expect industry to take responsibility for improving portrayals, and believe government should play a more prominent role in mitigating harmful impacts and enforcing regulation. They identify a need for increased industry and community awareness about the negative impacts of stereotyped and sexualised gender portrayals, along with increased consumer awareness of regulatory and complaints systems.

Full citation:

Gurrieri L, McKenzie M & Bugden M 2019, *Community Responses to Gender Portrayals in Advertising. A Research Paper*, Women's Health Victoria (forthcoming).

An important part of the WHV project has been building relationships with representatives from the advertising industry, and we are very pleased that the project has gained traction with a wide range of industry players – from large multinational advertising companies through to small boutique firms. We now have an Industry Reference Group comprising 13 representatives from creative agencies, media owners, media buyers and product owners, who are providing advice on how best to engage and build the capacity of the advertising industry to tackle gender inequality in advertising.

WHV also regularly engages with the Victorian Ministerial Council on Women's Equality, for whom promoting gender equity in media and advertising is a high priority.

## WHV responses to consultation questions

For the purposes of this submission, 'sexist advertising' is conceptualised as an umbrella term which encompasses a range of issues including under-representation of the diversity of women and girls; gender-based discrimination and vilification; use of rigid gender roles and stereotypes; unrealistic and unhealthy body ideals; sexualisation and objectification; and representations of violence against women (Gurrieri 2019a).

### Question 1. Does the Code of Ethics continue to meet its stated objectives? If not, why not?

The stated objectives of the AANA Code of Ethics are to:

*'Ensure that advertisements and other forms of marketing communications are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and a sense of fairness and responsibility to competitors.'*

The Code of Ethics currently fails to '*ensure advertising and other forms of marketing communication are legal, decent, honest and truthful*' in the following ways:

- Victorian research exploring community responses to gender portrayals in advertising suggests that current gender portrayals are out of step with contemporary society (Gurrieri, McKenzie & Bugden 2019). Community members reported that advertising portrayals of women and men were stereotyped, with women shown as homemakers, mothers or sex objects, and men portrayed in more action-oriented roles and associated with leadership and power (Gurrieri, McKenzie and Bugden 2019, p 3). When assessed on a case by case basis, these portrayals may be 'honest and truthful' for some community members. However, when taken together, these portrayals do not reflect the true diversity of current gender roles enacted by Australians. Instead, they reinforce dated stereotypes.

International research has also identified a community desire for change in gender portrayals in advertising. A recent public opinion study in the UK, commissioned by the Advertising Standards Authority, found that children and adults felt that advertising depictions of men, women and families were 'clichéd and stereotypical' and lacking diversity. Participants wanted more realistic gender portrayals that were in keeping with modern-day roles (Crush & Hollings 2017).

- In addition to the continued reliance on gender stereotypes in advertising, sexualised images of white, young, slim, able-bodied women dominate public spaces, and are prevalent on television and in magazines. The sexualisation and objectification of women in advertising and media is associated with a range of health implications including self-objectification and internalisation of unrealistic appearance-related ideals which have been linked to body dissatisfaction, disordered eating practices and mental health issues (discussed further in response to Questions 11, 12, 16 and 17). Similarly, the cumulative effect of the limited range of advertising representations acts to support other forms of structural inequality and disadvantage, including inequalities based on race, class, age, ethnicity, ability and sexuality. The depiction of marginalised groups – where they are depicted at all – often relies on stereotypes that are used to maintain oppression and justify inequality.

When assessed on a case by case basis, under the current Code of Ethics, advertisements which portray white, young, slim, able-bodied women may be *legal, decent, honest* and not factually incorrect. However, when assessed as a whole, the cumulative impact of these portrayals is **harmful** and does not reflect the diversity of Australian society in an *honest or truthful manner*.

- The use of '*decent*' as part of the Code's objective can create a misconception that those who raise concerns about gender portrayals in advertising have 'moral' objections and are attempting to 'censor' advertising. WHV's objection to the sexualisation of women in advertising is not based on the premise that these ads are indecent or immoral – contrary to the suggestion made in the recent '[red alert](#)' campaign by Honey Birdette – rather it is that these advertising and marketing portrayals perpetuate attitudes and behaviours that reinforce gender inequality and the drivers of violence against women (as detailed in response to Questions 13-15).
- Further, our research shows that community members have been desensitised to current gender portrayals in advertising, and no longer tend to perceive them as 'offensive'. They were more

concerned about the harms of these portrayals, particularly the impacts on children and women (Gurrieri, McKenzie and Bugden 2019, p 18-19).

- The AANA has indicated on page 3 of the discussion paper that it seeks to inspire and promote **'responsible, innovative and respected'** marketing. Rather than relying on a subjective and moralistic standard of 'decency', WHV recommends moving to a **harm-based standard**.

The Code of Ethics further aims to ensure that advertisements and other forms of marketing communications *'have been prepared with a sense of obligation to the consumer and society'*.

- There is now evidence to demonstrate that advertising and mass media representations of women are becoming increasingly sexualised (Zotos & Tschla 2014). This is associated with significant health impacts for society and attracts a substantial number of consumer complaints (McKenzie et al. 2018; Ad Standards 2017a). The Code of Ethics and Practice Notes make little to no reference to the health impacts of gender stereotypes and/or the sexualisation and objectification of women and men. This means that advertisers and marketers are able to produce advertising and other forms of marketing communications which fail to consider the powerful role advertising and media play in shaping social and cultural norms which impact both consumers as individuals and society as a whole. As such, WHV recommends that the obligation should specifically include **avoiding harm** to the consumer and society.

Lastly, the Code of Ethics aims to ensure that advertisements and other forms of marketing communications *'have been prepared with a sense of fairness and responsibility to competitors'*.

- If the goal of the Code of Ethics is to ensure a sense of fairness and responsibility, then the Code needs to be enforced, with consequences for failing to uphold the Code. There is no fairness if some agencies abide by the Code and others do not. WHV's Industry Reference Group has raised concerns about the absence of a 'level playing field', with larger brands and agencies – who have more resources and increased reach – able to afford to court controversy regardless of the harms or cost to community.
- As a reputable industry body, there is a clear role for the AANA to use its influence to enforce compliance with the Code, call out bad practice and reward good practice. Many creative agencies want to produce more 'gender transformative ads' and welcome the idea of co-regulation.

## **Question 2. Do the current objectives need to be amended? If so, what are the objectives that the Code of Ethics should address?**

As outlined in our response to Question 1, the objectives of the Code of Ethics, Practice Notes and decisions on complaints currently **fail to recognise the harmful impacts of sexist advertising**, despite mounting evidence of these harms.

For example, a recent report commissioned by Ad Standards notes that the Australian Government *Best Practice Regulation Handbook* states that government should regulate 'if the problem is high risk, or of high impact or importance... particularly if the problem relates to the health or safety of the public' (Deloitte 2017). However, Deloitte also argue that 'the problem that arises from inappropriate advertising is unlikely to be severe... or put people in danger'. This statement does not reflect the current evidence base which suggests there are significant community impacts resulting from current gender portrayals in



advertising, including on health, wellbeing, participation and safety. For example, sexualised and objectifying images of women contribute to attitudes that support violence against women (as discussed in response to Questions 13-15).

Violence against women is a serious public health issue, with intimate partner violence contributing more to the disease burden for women aged 18-44 than any other risk factor (Webster 2016). In addition, on average, one woman a week is murdered by her current or former partner (Australian Institute of Criminology 2017); 1 in 3 Australian women have experienced physical violence since the age of 15 (ABS 2017a); 1 in 5 Australian women has experienced sexual violence (ABS 2017b); 1 in 6 Australian women has experienced physical or sexual violence by current or former partner (ABS 2017b) and 1 in 4 Australian women has experienced emotional abuse by a current or former partner (ABS 2017b). Research has also demonstrated that victims/survivors often experience enduring mental health problems as a result of such violence (Rees et al, 2011). In this context, the problem that arises from sexist advertising is indeed '[likely] to be severe... or put people in danger'. These harms must be recognised in the Code.

The Code of Ethics and complaints process should recognise the power of advertising to shape and transform culture and community standards, not just reflect them. Our research exploring community responses to gender portrayal in advertising found that community members wanted current portrayals of women and men to reflect positive aspirations of our society (Gurrieri, McKenzie & Bugden 2019). One participant said:

*Male participant: [we need] to be making changes to make advertising more reflective of where we need to get to, and where we need to get to is in the direction of greater equality between the genders. And... we need to... take seriously the sorts of problems which are reinforced by advertising (Gurrieri, McKenzie & Bugden 2019)*

The AANA is well positioned to set a higher benchmark for advertising and media communications in Australia. The Code of Ethics should be contextualised within an understanding of the importance of promoting gender equality, the cumulative impact of gender portrayals in advertising, and the potential for ads to cause harm. Resources and training for both regulators and advertisers, informed by experts in gender equity and prevention of violence of women, should be provided alongside the Code of Ethics to increase understanding of the harms of sexist advertising, together with evidence that supports a business case for gender equitable portrayals.

#### **Recommendation 1:**

The Code of Ethics and complaints process should recognise the power of advertising to shape and transform culture and community standards, not just reflect them.

#### **Recommendation 2:**

The Code of Ethics should be contextualised within an understanding of the importance of promoting gender equality, the cumulative impact of gender portrayals in advertising, and the potential for ads to cause harm.

#### **Recommended amendment: Code of Ethics Objective**

The Code of Ethics' objectives could be amended as follows:

Ensure that advertisements and other forms of marketing communications are legal, ~~decent~~, honest and truthful and that they have been prepared with a sense of obligation to **avoid harm** to the consumer and broader society and a sense of fairness and responsibility to competitors.

#### **Question 4. Should the substantive provisions of the Code of Ethics, Practice Notes and Industry Practice Notes be incorporated into fewer documents?**

WHV recommends that the Practice Notes be integrated into the Code of Ethics to provide clearer and more streamlined guidance and context for advertisers.

#### **Question 5. Are there any other comments on the contents and structure of the Code, Practice Notes or Industry Practice Notes?**

The Code of Ethics and Practice Notes currently set a 'minimum standard' for advertising. In line with the consumer desire for more progressive and transformative gender portrayals noted in response to Question 2 above, WHV recommends that the Code and Practice Notes promote a higher standard for advertising portrayals.

For example, rather than framing its guidance only in a 'negative' way (that is, in terms of what should be avoided in advertising portrayals), guidance could be added that encourages advertising that transcends and transforms sexualised and stereotyped portrayals, and the AANA and Ad Standards could highlight and reward examples of best practice.

##### **Recommendation 3:**

Practice Notes should be integrated into the Code of Ethics to provide clearer and more streamlined guidance and context for advertisers.

##### **Recommendation 4:**

Rather than only setting a minimum standard, the Code of Ethics and Practice Notes should promote positive, diverse and authentic representations of women, men and gender diverse people that challenge gender stereotypes, norms and behaviours.

#### **Question 7. Should the Code of Ethics and Practice Notes continue to evolve outside of formal public reviews?**

WHV welcomes the recent changes to both the Code of Ethics and Practice Notes since the last comprehensive review in 2012.

In order to ensure continued alignment with best practice standards, WHV argues that the Code of Ethics and Practice Notes should continue to evolve outside of formal public reviews for the following reasons:

In 2018, WHV commissioned RMIT University to conduct a review of international and national best practice for the promotion of gender equality in advertising. This research found that:

*There is currently limited evidence about the effectiveness of different approaches to addressing sexist advertising and promoting progressive gender portrayals. This is in part because many initiatives are new, but it may also be due to a lack of attention to capturing and analysing longer*

*term outcomes, particularly where initiatives are industry- or consumer-led* (Gurrieri and Hoffman 2019, page 71)

Gurrieri and Hoffman (2019) further explain that *'it will be essential to monitor and evaluate any initiatives to address sexist advertising in the Australian context to build the evidence base about what works'*. Given that the evidence base is continuing to emerge, it is vital that the Code of Ethics and Practice Notes evolve to reflect new evidence over time, particularly as it relates to the health and wellbeing of consumers and their attitudes towards gender portrayals in advertising.

#### **Recommendation 5:**

The Code of Ethics and Practice Notes should evolve to reflect new evidence over time, particularly as it relates to the health and wellbeing of consumers and their attitudes towards gender portrayals in advertising.

#### **Question 9. Are any changes required to Section 2.1 of the Code of Ethics? If yes, please give reasons.**

Section 2.1 of the Code provides that:

***'Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates or vilifies a person or section of the community on account of race, ethnicity, nationality, gender age, sexual preference, religion, disability, mental illness or political belief.'***

WHV recommends that section 2.1 include a focus on **minimising the risk of causing harm**.

In contrast to a focus on discrimination and vilification, as adopted by the Australian Code of Ethics, the Advertising Standards Authority (ASA) in the UK focuses on harm and offence:

***Marketers should take account of the prevailing standards in society and the context in which a marketing communication is likely to appear to minimise the risk of causing harm or serious or widespread offence*** (ASA 2019a)

A strength of this approach is that under this principle, the ASA codes and complaints review process are able to successfully incorporate consideration of the cumulative health impacts of gender stereotyping, sexualisation and objectification on the community, particularly women and girls.

This further enables them to more effectively uphold their overarching objective of *'responsibility to consumers and society'*. Like the AANA Code of Ethics, a central principle of the ASA code is that:

***All marketing communications ... should be legal, decent, honest and truthful.***

***All marketing communications should be prepared with a sense of responsibility to consumers and society and should reflect the spirit, not merely the letter, of the Code.*** (ASA 2019b)

While the principles underpinning the ASA code mirror the objectives of the Australian Code of Ethics, it is the ASA's focus on harm which enables it to more effectively regulate advertising and marketing communications to ensure that they are prepared with a sense of *'responsibility to consumers and society'*, across all sections of the code.

### **Case study: 'Not just cooling', UK, 2019**

The 'Not just cooling' air-conditioning company posted an outdoor advertisement in July 2019. The ad featured a woman in denim shorts, a white T-shirt and sunglasses. Large text adjacent to the image stated, "YOUR WIFE IS HOT!" alongside the claim "Better get the air conditioning fixed".

25 community members complained that the ad was sexist and objectified women, and was therefore offensive under the code.

The company owner responded that "YOUR WIFE IS HOT" was relevant to the nature of their business. They did not believe that the tagline was inappropriate. The outdoor media owner also added that the ad was relevant to the industry to which the company's business belongs. They did not believe the ad was sexist or that the tagline objectified women.

The ASA acknowledged that the choice of image and tagline was broadly relevant to the advertised product. While some consumers might appreciate that the use of the double entendre was comical in tone, the ASA considered that the ad had the effect of objectifying women by commenting on a woman's physical appearance to draw attention to the ad. As such they concluded that the ad was likely to cause serious offence to some consumers and was socially irresponsible.

The ad breached Committee of Advertising Practice Code rules 1.3 (Social responsibility) and 4.1 (Harm and offence).

Under the UK system, the ASA responds advertisers' social responsibility and the impacts of the sexualisation and objectification of women in a way that the Australian system currently does not.

### **Recommendation 6:**

Section 2.1 of the Code of Ethics should include a focus on minimising the risk of causing harm.

### **Recommended amendment: Section 2.1 Code of Ethics**

*Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against, vilifies or causes harm to a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

### **Question 10. Are any changes required to the Practice Notes for section 2.1? If yes, please give reasons.**

**GENDER:** WHV recommends that the definition of 'gender' be changed from 'male, female or trans-gender characteristics' to 'masculine, feminine, trans and gender diverse', as defined in *Safe and Strong: a Victorian Gender Equality Strategy* (Victoria State Government 2017). This shift more clearly differentiates gender, as a social construct, from sex, a biological construct.

**HUMOUR:** WHV recommends that the statement 'Advertisements can humorously suggest stereotypical aspects of an ethnic group or gender, provided the overall impression of the advertisement does not convey a negative impression of people of that group' be removed from the code as the use of stereotypical representations may still cause harm, regardless of the humorous intent. When policies such as the Code of Ethics excuse, minimise or downplay the impact of gender inequality, they reinforce social norms which condone violence against women and children (discussed in more detail in response to Questions 13-15).

*DISABILITY:* WHV recommends that ‘...even if the advertisement may be upsetting to some members of the community...’ be removed from the Practice Note. This statement implies that the experience and depiction of disability is negative. The depiction of people living with a disability in advertising – where they are depicted at all – often relies on stereotypes that are used to maintain oppression and justify inequality. Advertising has the potential to positively transform social attitudes towards disability.

As noted in response to Question 5 and in recommendation 4, we suggest that the code focus on setting positive benchmarks for the advertising and marketing industry which highlight the importance of all community members seeing themselves represented in advertising and marketing communications. For example:

*Positive and transformative depictions of people living with a disability are encouraged.*

*GENDER STEREOTYPES:* WHV notes that the Practice Note has recently been updated (2018) to reflect developments in overseas jurisdictions, such as the UK and New Zealand. However, we argue that the guidelines require further strengthening to meet consumer expectations, respond to consumer concerns and prevent the harms associated with gender stereotyping.

Both the AANA and Ad Standards acknowledge that the majority of consumer complaints relate to gender portrayals. According to Ad Standards, gender portrayal concerns are identified in roughly ‘half of all complaints made to Ad Standards’ and these are regularly dismissed (83% of complaints were dismissed in 2018). The fact that these complaints are dismissed at such a high rate suggests there is a lack of alignment with community concerns.

At present, the Practice Note allows advertisements to ‘feature people undertaking gender-stereotypical roles e.g. a woman cleaning the house or a man doing DIY or displaying gender stereotypical characteristics e.g. a man being assertive or a woman being sensitive to others’ needs’ but then contradicts this by saying advertising should ‘avoid suggesting that stereotypical roles or characteristics are always associated with that gender’. This offers a limited framework that does not acknowledge or address the cumulative impacts of repeated stereotypical portrayals of men and boys, women and girls in advertising.

Recent research finds that gender stereotypical advertising is common and has a limiting impact on children’s gender roles, beliefs and aspirations (Chandra-Mouli et al. 2017; Our Watch 2018). Use of stereotyped gender roles causes women to be seen in ways that are devalued (for example, women constantly being depicted in the home or retail settings, while men are shown outdoors, in work or leadership roles; women being portrayed in alcohol and gambling ads as interfering with men’s leisure time) (McKenzie et al 2018). In addition, rigid gender roles are a key driver of violence against women (discussed in more detail in response to Questions 13-15).

This is important to Victorian community members who feel that current gender portrayals in advertising (Gurrieri, Bugden and McKenzie 2019):

- place pressure on individuals to conform to limiting gender stereotypes;
- are particularly disempowering for women;
- contribute to the devaluing of women in society; and
- contribute to violence against women.

To further align with the ASA in the UK, WHV recommends the Practice Notes include:

*Advertising and marketing communications should avoid the use of gender stereotypes as stereotyped portrayals can cause harm by limiting gender roles, beliefs and aspirations, and rigid gender roles are a key driver of violence against women.*

*Gender transformative portrayals – that is, portrayals which challenge gender stereotypes and traditional views of gender norms, behaviours and stereotypes – are encouraged.*

**Case study: ‘Neds’, Australia, 2017 (adapted from [Advertising \(in\)equality: the impacts of sexist advertising on women’s health and wellbeing](#))**

As identified in Australia’s framework for violence prevention, Change the Story, male peer cultures that promote hostility or disrespect towards women are one of the key underlying drivers of violence against women (Our Watch, ANROWS & VicHealth 2015). The available research suggests that advertising targeted at men contributes to this by reinforcing masculine peer cultures that exclude or denigrate women.

The Neds 2017 ‘Time to bet’ campaign advertisements reinforced these ideas, but complaints under section 2.1 of the Code (including concerns about deceptive, condescending and dismissive behaviour towards women and family members) were dismissed (Ad Standards case no. 460/17 and 0461/17 and 0475/17, available at [adstandards.com.au/cases](http://adstandards.com.au/cases)).

One of the ads depicts a man trying to escape a family gathering with his wife and in-laws in order to bet. Gambling is portrayed as a fun and relaxing way to escape family obligations. Another advertisement depicts a woman shopping for clothes with her male partner. He encourages her to try on clothes in the fitting room and she praises him for his generosity. However, in reality, he is using the time as an opportunity to continue betting on his phone.

Ogilvy Brisbane’s strategy director, Ewen Pettit, said the advertisements offer ‘Aussie blokes’ a ‘fun little escape’, considering that ‘After some research with Australian blokes we uncovered a startling truth – 80 per cent of our audience feel pressured by the demands of modern life and yearn for “me time”’ (Campaign Brief 2017).

Similar to other gambling advertisements, women and families in these ads are portrayed in stereotypical ways, as demanding and negatively affecting men’s leisure time (Towns Parker and Chase 2012; Ward, 2016; Lyons Dalton & Hoy 2006). Further, an analysis of 85 gambling advertisements from 11 Australian and international companies found that men were the central actors, while women featured in secondary, service or subordinate roles (Deans et al. 2016). Just under half used gender stereotypes, and about a quarter objectified women.

The Neds advertisements rely on gender stereotypes (for example, women in a retail setting), and portray men as seeking to escape from the demands of their partners and families.

**Recommendation 7:**

The definition of ‘gender’ be changed from ‘male, female or trans-gender characteristics’ to ‘masculine, feminine, trans and gender diverse.’

**Recommendation 8:**

The acceptability of humorous use of stereotypes should be removed from the Code as this continues to reinforce gender inequality and may still cause harm, regardless of the humorous intent.

**Recommendation 9:**

In order to be more inclusive of people of all abilities we recommend that ‘... *even if the advertisement may be upsetting to some members of the community...*’ be removed from the Practice Note.

**Recommendation 10:**

In order to ensure that advertising is prepared with a sense of obligation to the consumer and society, the Practice Notes should address the cumulative impacts of repeated use of stereotypical portrayals of men and boys, women and girls in advertising.

**Recommended amendment: Section 2.1 Practice Notes**

**GENDER: *masculine, feminine, trans and gender diverse characteristics***

**HUMOUR: *A negative or stereotyped depiction of a group of people in society may be found to breach section 2.1, even if humour is used. The depiction will be regarded as a breach, if a negative impression or harmful impact is created by the imagery and language used in the advertisement. Advertisements can humorously suggest stereotypical aspects of an ethnic group or gender, provided that the overall impression of the advertisement does not convey a negative impression of people of that group.***

**DISABILITY: *A realistic depiction of people with a disability is acceptable. Positive and transformative depictions of people living with a disability are encouraged.***

**GENDER STEREOTYPES: *Advertising and marketing communications should avoid the use of gender stereotypes as stereotyped portrayals may amount to discrimination on the basis of gender. Use of gender stereotypes can cause harm by limiting gender roles, beliefs and aspirations, and rigid gender roles are a key driver of violence against women.***

*For example, advertising which:*

- depicts family members creating a mess while a woman has sole responsibility for cleaning it up;*
- suggests that a specific activity is inappropriate for boys because it is stereotypically associated with girls, or vice versa; or*
- features a man trying and failing to undertake simple parental or household tasks.*

***Gender transformative portrayals – that is, portrayals which challenge gender stereotypes and traditional views of gender norms, behaviours and stereotypes – are encouraged.***

***Portraying a person as attractive does not, in and of itself, constitute discrimination or vilification. However, advertisers should have regard to the guidance on sexualisation and objectification, and body image under Sections 2.2 and 2.4 of the Code and related Practice Notes.***



**Question 11. Are any changes required to Section 2.2 of the Code of Ethics? If yes, please give reasons.**

Section 2.2 of the Code provides that:

***‘Advertising or Marketing Communication shall not employ sexual appeal:***

***(a) where images of Minors, or people who appear to be Minors, are used; or***

***(b) in a manner which is exploitative or degrading of any individual or group of people.’***

WHV proposes that Section 2.2 should be expanded to include a focus on ‘doing no harm’, similar to the UK model:

***‘Advertising or Marketing Communication shall not employ sexual appeal... (c) in a manner that could cause harm.’***

A focus on harms would strengthen the current Code of Ethics in relation to sexualisation and objectification of women in advertising and media communications.

Research summarised by McKenzie et al (2018) found that while depictions of women as passive sex objects in advertising remain common, in recent years there has been a shift to include images in which women appear sexually powerful and in control. Research has found these portrayals are associated with higher rates of self-objectification, and associated health impacts (discussed further in our response to Question 12 below).

**Recommendation 11:**

Recognising the cumulative harm associated with the sexualisation and objectification of all people, particularly women, section 2.2 of the Code should be expanded to include a focus on ‘doing no harm’.

**Recommended amendment: Section 2.2 Code of Ethics**

***Advertising or Marketing Communication shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; (b) in a manner which is exploitative or degrading of any individual or group of people; or (c) in a manner that could cause harm***

**Question 12. Are any changes required to the Practice Notes for section 2.2? If yes, please give reasons.**

Current Practice Notes argue that portrayals ‘are not considered degrading if the women are shown to be confident and in control’ (Ad Standards 2018). This means that complaints about advertising from businesses like Honey Birdette are regularly dismissed on the basis that the advertisement portrayed woman as ‘confident and in control’.<sup>3</sup>

Honey Birdette has a history of using sexualised images of women to sell their products and arguing that this imagery empowers women; however, research shows that exposure to sexualised and objectified

<sup>3</sup> For a recent example in which complaints about objectifying, exploitative and degrading advertising imagery were dismissed by the Ad Standards Community Panel on the basis that the advertisement showed the woman’s pose as ‘confident and in control’, see the Ad Standards case report from 7/3/2018, no. 0083/18 in relation to a Honey Birdette lingerie poster advertisement, available at <https://adstandards.com.au/cases/2018/March>.



images has negative health impacts for women regardless of whether the intention of the images is to empower (Halliwell, Malson & Tischner 2011). According to a recent review of 135 studies of the effects of exposure to objectifying media published over a 20-year period, there is 'substantial' evidence that advertising and other mass media contributes to body dissatisfaction (Ward 2016). Further, UK research found that 'sexually agentic' representations are associated with higher rates of self-objectification than viewing sexually passive representations (Halliwell, Malson & Tischner 2011). As such, assumptions about 'empowering' sexual images do not recognise evidence that images of sexualised women can be harmful to women's mental health and promote violence against women.

Recent Australian research exploring community responses to gender portrayals in advertising found that community members felt sexualised advertising could affect expectations in intimate relationships and placed pressure on women to please men (Gurrieri, McKenzie & Bugden 2019). After viewing an advertisement which depicted two women in lingerie surrounded by clothed men, one participant explained:

*Female: ... if girls are thinking that they need to be like this to get attention, then ... I think they are going to have sort of a difficult time of it, you know, sustaining attention, and relationships. ... It's not healthy. ... It's really harmful ... putting into the public saying: "Oh look if you want to be the 'It' girl, behave like this." It's not even just about the clothing, it's more an attitude about the women. And how they gain power is being this sexual object. (Gurrieri, McKenzie & Bugden 2019, p 19).*

Several other participants raised concerns that these images were linked to violence against women:

*Female: I see this as very harmful because of the context of the current rates of violence against women. So if the current context were different and we didn't have this kind of ridiculous crisis, then I think we could be, like, "Look, it's not ideal, but it doesn't mean much". But the reality ... is that ... **a lot of women feel threatened on a daily basis. A lot of women will have a high chance of sexual harassment or abuse in their life, and men do as well...** (Gurrieri, McKenzie & Bugden 2019, p 21).*

The Code of Ethics should not allow representations that undermine efforts to promote gender equality in Australia, by constructing female success as being predicated on physical attractiveness, by relying on limiting, unrealistic images of women's bodies and by linking women's power to their sexual desirability to men.

The Code should not be based on whether the woman appears confident, in control or empowered, but whether there is evidence that these types of portrayal cause harm. The code needs to recognise the cumulative impact of objectifying portrayals on women's health and wellbeing.

The following case studies demonstrate how the cumulative impact of objectifying portrayals of women are dismissed under the current Code, and the importance of focusing on health and wellbeing.

#### **Case study: General Pants Group, Australia, 2016 (0161/16)**

The advertisement in this case depicted women who were unclothed or partially clothed, while the men fully clothed. The case was dismissed, on the following grounds: *The Board noted that this advertisement shows a group of young men and women wearing the advertised clothing product; one of the women has*

*no top on, and is covering her breasts with her hands. The Board considered that the advertisement **portrays all the models as confident** and felt that **the advertisement did not discriminate against or vilify women** in particular, as **they were treated as equal in the group** and the woman without the top was equally confident. The Board noted that it is not discriminatory to use an image of a woman to advertise clothing and that although the female is not wearing a top, in the Board's view she is not depicted in a demeaning manner and is not represented in a less favourable way. ... The Board considered that the images of the men and women posing in the context of **the advertisement for clothing were not overly sexualised**. The models are wearing the advertised products and although one of the women has no top on, her breasts are covered and no model is depicted in a sexualised manner. The Board considered that the models are not depicted in a degrading manner, instead are conveyed as confident and relaxed.*

We argue this finding is problematic and is not reflective of community attitudes. It depicts women in an unequal way – as the women are unclothed, while the men are clothed. Community concerns about these issues were raised in recent research conducted by Gurrieri, McKenzie and Bugden (2019). During focus groups, this advertisement was shown to participants to determine their attitudes towards this portrayal. Participants – particularly women – perceived this advertisement as contributing to the unequal treatment of women. Notably, participants repeatedly expressed discontent and unhappiness with stereotyped and sexualised portrayals of women who lacked the authority and agency embodied by their male counterparts (Gurrieri, McKenzie & Bugden 2019).

For example, one participant said:

*Female: It just seems that the women aren't good enough on their own, like, they need to show some sexualisation in order to reserve their spot, whereas men can just chuck on a t-shirt and that's enough so that's going back to worth and, like, deriving worth from women being sexual objects. (Gurrieri, McKenzie & Bugden 2019, p13).*

This Ad Standards determination also fails to consider the advertisement in the context of other ads, which consistently portray women wearing less clothing than men. For example, research conducted by Prieler (2015) found that women are more likely to be dressed suggestively and men fully clothed (Prieler 2015). These repeated portrayals have been found to have cumulative impacts on women's body satisfaction, mental health, eating behaviours, and participation in sport and exercise (McKenzie et al. 2018).

#### **Case study: Vitaco Health, Australia, 2016 (0223/16)**

This advertisement was for a health bar and featured a woman wearing a wetsuit exiting a beach side pool. The woman is being stared at by a man who is doing some weight training by the pool side. The man is seen in a fixed stare as he watches the woman remove her wetsuit and then, with her back to him, her bikini top. The man is awakened from his fixed stare by the woman, now covered with a towel, clicking her fingers near his face. The woman is then seen lying on her stomach eating the protein bar. The product is shown on screen and is called 'naked.' The headline reads 'no naughty bits'.

The complaint about this ad was dismissed, on the grounds that *'the woman is presented in a way that suggests she is enjoying the attention and does not appear concerned by his attention. The Board noted that the woman takes control as she snaps her fingers and the scenario presents a balance of power between the man and the woman as she takes an active role in the interaction between them. The Board*

*considered that although the woman is presented as attractive, the advertisement is not using her sexual appeal in a manner that is exploitative and degrading and did not breach section 2.2 of the Code.*

Further, the case is mentioned in the Ad Standards summary of determinations, noting that the Community Panel's view is that: *'Depicting men admiring or commenting on the attractiveness of a woman, is not seen as exploitative and degrading if that woman is shown in a positive light and is appreciative of the attention'*.<sup>4</sup>

We argue that this finding is problematic. The woman in the ad is clearly being viewed in a sexualised way by the male viewer. Research shows consistent evidence that sexualised depictions of women have negative impacts on body satisfaction for girls and women (McKenzie et al. 2018). Research shows that body image concerns and self-objectification are a significant contributor to reluctance among women to participate in sport and physical activity (Stiefler Johnson 2014; Szymanski, Moffitt & Carr 2010; Slater & Tiggemann 2011; Sabiston & Chandler 2010). Regardless of the depiction of the woman 'enjoying the attention', evidence suggests that ads like this reinforce the perception of girls and women as sexual objects of the male gaze, including when they are engaged in recreation and exercise activities.

Such depictions also reinforce attitudes associated with sexual harassment and violence against women; experimental studies find that, for men, viewing sexualised images of women is linked with sexually aggressive attitudes and increased proclivity to engage in sexual coercion – see for example: Wright and Tokunaga 2016; Galdi, Maass & Cadinu 2013 and other studies cited in McKenzie et al 2018.

#### **Recommendation 12:**

The Practice Notes for Section 2.2 should be amended to provide that sexualisation and objectification of all people should be avoided, regardless of whether they are depicted as 'enjoying the attention', 'confident' or 'in control'.

#### **Recommended amendment: Section 2.2 Practice Notes**

...

*For material to breach this section of the Code, it must contain sexual appeal, however not all images or other material depicting people who are scantily clad or naked will be unacceptable under this section. **While this section restricts the use of material only if it employs sexual appeal in a manner which is exploitative of or degrading to any individual or group of people, in general, sexualising and objectifying portrayals should be avoided in advertising. Sexual appeal may be still considered exploitative or degrading even if the person is shown to be confident, in control or appreciative of the attention.***

#### **Question 13. Are any changes required to Section 2.3 of the Code of Ethics? If yes, please give reasons.**

Section 2.3 of the Code provides that:

***Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.***

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<sup>4</sup> <https://adstandards.com.au/issues/exploitative-or-degrading/determination-summary#fashion>

Section 2.3 of the Code restricts the representation or portrayal of violence, however it does not restrict the representation and/or portrayal of the *drivers* of violence against women. Specifically, the Code does not include reference to the four expressions of gender inequality which are the most consistent predictors of violence against women, as established by international evidence (Our Watch, ANROWS and VicHealth 2015). These four expressions of gender inequality, known as the ‘gendered drivers’, arise from gender discrimination which occurs at multiple levels within society, including in advertising and media communications.

A recent review of literature exploring current gender portrayals in advertising found the four gendered drivers of violence against women occur in the following ways (McKenzie et al 2018):

### **1. Condoning of violence against women:**

Advertising promotes attitudes and beliefs that excuse or justify violence against women:

- In recent years, advertisements have increasingly relied on sexualised and objectifying images of women and girls (Graff, Murnen and Krause 2013, Ward 2016, Zotos and Grau 2016)
- Research has also found that 15 per cent of advertisements in men’s magazines and women’s fashion magazines showed women as victims of violence (Stankiewicz and Rosselli 2008)
- Experiments show that people exposed to sexualised images of women are more likely to blame women for sexual assault or violence (Loughnan, Pina, Vasquez 2013, Romero-Sánchez, Toro-García, Horvath 2015)
- Men and younger consumers exposed to advertisements that depicted sexualised violence against women have been found to be more likely than women or older people to accept sexual harassment and interpersonal violence (Capella, Hill, Rapp 2014, Lanis and Covell 1995)
- The more often men consume sexually objectifying media, the more likely they are to hold sexually aggressive attitudes that support violence against women (Galdi, Maass and Cadinu 2013, Wright and Tokunaga 2016)
- When people are exposed to sexualised images of women, they are more likely to view women in de-humanising ways (Graff, Murnen and Smolak 2012, Heflick, Goldenberg, Cooper 2011, Ward 2016)
- Experiments also show that people – particularly men – are more tolerant of sexual violence and more likely to blame women for violence after being exposed to sexually objectifying media (Capella, Hill, Rapp 2014, Lanis and Covell 1995, Loughnan, Pina, Vasquez 2013, Romero-Sánchez, Toro-García, Horvath 2015).

### **2. Men’s control of decision-making and limits to women’s independence:**

Advertising typically portrays men as the decision-makers and as the ‘voice of authority’. For example, studies of television commercials have found:

- Men provide almost two-thirds of the voiceovers (Matthes, Prieler and Adam 2016)

- There are twice as many male characters as female characters (Geena Davis Institute on Gender in Media and J Walter Thompson Intelligence 2017)
- Men are almost twice as likely as women to be portrayed as funny and 62 per cent more likely to be shown as intelligent (Geena Davis Institute on Gender in Media and J Walter Thompson Intelligence 2017).

In advertisements for children, boys tend to be the main narrators and are often shown playing independently or in dominant roles, while girls are more often supervised by adults (Bush and Furnham 2013).

### 3. Rigid gender roles and identities:

Advertising reinforces rigid gender roles and stereotyped ideas about masculinity and femininity:

- Children's toy catalogues continue to rely on gender stereotypes. Masculinity is associated with action and femininity with nurturing and physical attractiveness. For example, vehicles, weapons, and building toys are typically advertised for boys, while toys advertised for girls relate to beauty, cosmetics, jewellery, and domestic work (Auster and Mansbach 2012, Lewin-Jones and Mitra 2009).
- Advertisements for adults also reflect gender stereotyped roles. Ads typically show women in home or retail settings, while men are shown in outdoor or employment settings, or in senior work roles (Milner and Higgs 2004, Prieler 2015, Rubio Milagros Del 2018).
- These representations influence our beliefs, aspirations and behaviour. The more children and adults are exposed to gender-stereotyped mass media, the more likely they are to express stereotypical beliefs about gender (Giaccardi, Ward, Seabrook 2016, Seabrook, Ward, Reed 2016, Zurbriggen and Morgan 2006).

### 4. Male peer relations that emphasise aggression and disrespect towards women:

Advertisements for men often depict male peer cultures that disrespect or exclude women. For example, gambling and alcohol advertisements are typically targeted to men. These tend to objectify or denigrate women, show women in subordinate roles, or portray women as demanding and interfering with men's freedom and their relationships with male friends (Deans, Thomas, Daube 2016, Lyons, Dalton and Hoy 2006, Towns, Parker and Chase 2012). The Neds case study highlighted in our response to Question 10 is an example of this type of ad.

### Community responses

In addition to the way in which the drivers of violence against women are being reinforced in advertising, recent research conducted by Gurrieri, McKenzie and Bugden (2019) has explored community members' responses to these gender portrayals in advertising. Participants in this research recognised that portrayals of gender roles in advertising could contribute directly to violence against women.

*Male: Those adverts might have an impact on violence towards women ...Women are being advertised, targeted towards their appearance, and men – the advertisements that are targeted towards men are about how assertive and powerful they are. [That] might lead to that power*

*dynamic in which men might take it upon themselves to then act upon that power and twist that to their own needs. (Gurrieri, McKenzie and Bugden 2019, page 20)*

*Female: And it certainly impacts upon females socially, like it gives license to ... not value her role as much. And I think it has a greater impact in regards to violence against women ... It gives him more control. (Gurrieri, McKenzie and Bugden 2019, page 20)*

Participants in this research were also shown an advertisement from Honey Birdette's 2017 'office party time' line. The advertisement depicts two lingerie clad women in a room surrounded by fully clothed men, who are wearing tuxedos and hold glasses of champagne in their hands. On viewing this, some participants spontaneously raised concerns about violence against women:

*Male: The guys look powerful and the women look ... like, they don't feel in charge of the situation. It feels like they're not in charge. Even the fact that they're not fully clothed and stuff; it feels like their power has been taken away from them or their agency in the advertisement ... It just feels off. It just feels like they're overly vulnerable in this situation where the men are still given their own agency. (Gurrieri, McKenzie and Bugden 2019, p 21)*

Worryingly, participants in this research raised concerns about the normalisation of, and desensitisation to, stereotypical portrayals in advertising and broader media, reporting that they often did not react to problematic ideas or depictions, even though they were affected by them:

*Female: I just feel there is so much desensitisation taking place. Every new reality TV is one step worse, and it slowly brainwashes you. You're shocked in the first episode, and then it becomes normalised, and then the next reality TV show comes on, and it's one step more morally deprecated. I don't know what else to say. It's the same happening in advertising as well. There's a shock factor, and then you think, okay, I've seen it. Show me something new.*

WHV commends the AANA for including a Practice Note regarding the use of gender roles (see response to Question 10 this submission for recommendations). However, we recommend that the Code and Practice Notes explicitly cover all four gendered drivers of violence.

In doing so, the AANA would continue to demonstrate industry leadership in its action to prevent violence against women and their children, which is a serious and prevalent public health issue.

### **Recommendation 13:**

The Code should be amended to add that Advertising or Marketing Communication shall not depict the drivers of violence against women.

#### **Recommended amendment: Section 2.3 Code of Ethics**

*Advertising or marketing communication should not present or portray violence unless it is justifiable in the interests of public health and wellbeing.*

***In addition, advertising or marketing communication should not include portrayals that drive violence against women and girls, namely:***

- condoning of violence against women***
- men's control of decision-making and limits to women's independence***

*- stereotyped constructions of masculinity and femininity*

*- disrespect towards women and male peer relations that emphasise aggression*

**Question 14. In particular, should the audience likely to view the advertisement be a consideration under Section 2.3?**

The four gendered drivers of violence noted above occur at multiple levels of society and are reinforced in advertising and media communications. The prevalence of violence against women (highlighted under Question 2) and the many harms noted in our response to Question 13 demonstrate the significant impact current gender portrayals have on women, men and children in the community.

In this context, it is harmful and inappropriate to depict the gendered drivers of violence regardless of the audience.

**Recommendation 14:**

The gendered drivers of violence should not be depicted in advertising or marketing communication regardless of the audience.

**Question 15. Are any changes required to the Practice Notes for section 2.3? If yes, please give reasons.**

WHV recommends that the Practice Notes for section 2.3 be expanded to explain the four gendered drivers of violence against women. For further information on the gendered drivers of violence against women, please see [Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia](#) (Our Watch, ANROWS and VicHealth 2015).

**Recommendation 15:**

The Practice Notes for section 2.3 should be expanded to explain the four gendered drivers of violence against women.

**Recommended amendment: Section 2.3 Practice Notes**

...

*Advertising or marketing communication should not condone or encourage violence against women. This includes the portrayal of social norms, practices and structures that justify violence against women due to 'circumstances'; excuse violence against women through attribution to external factors; trivialise the impact of violence; downplay the seriousness of violence; or shift blame from the perpetrator to the victim.*

*Advertising or marketing communication should not portray or encourage men's control over women or over decision-making, or portray women as having less independence than men. For example, advertising or marketing communication should not show women as economically dependent on men.*

*Advertising or marketing communication should encourage gender transformative portrayals which challenge rigid gender roles and identities.*



**Advertising or marketing communication should not condone or encourage male peer relations which emphasise aggression, use stereotyped depictions of masculinity, or demonstrate a lack of respect towards women, including the sexualisation and objectification of women and/or their bodies.**

**Question 16. Are any changes required to Section 2.4 of the Code of Ethics? If yes, please give reasons.**

Section 2.4 of the Code provides that:

***Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.***

A core objective of the Code of Ethics is to ensure that advertising and marketing communications have *'been prepared with a sense of obligation to the consumer and society'*. However, the harms associated with the sexualisation and objectification of women in advertising demonstrate that this objective is not being achieved. Research has shown that the use of sexualised portrayals of girls and women has increased (Graff, Murnen and Krause 2013, Hatton and Trautner 2011, Zotos and Tschla 2014). For example:

- Studies show that women are more likely than men to be shown wearing revealing clothing, simulating sex acts, being dominated or portrayed as objects or animals (Geena Davis Institute on Gender in Media 2017, Prieler 2015, Ward 2016).
- A study of magazine ads found that more than 50% showed women as sex objects (Stankiewicz and Rosselli 2008).
- TV ads portraying women are three times more likely to show just their body parts than ads portraying men (Geena Davis Institute on Gender in Media 2017)

There is also substantial evidence that the prevalence of sexualised and objectifying portrayals of girls and women causes girls and women to perceive that they are valued based on their appearance.

- For example, a review of 135 studies on mass media and sexualisation found that the more often girls and women are exposed to objectifying media, the more likely they are to objectify themselves and internalise those ideals about their appearance.
- Exposure to these kinds of advertisements has been consistently shown to reduce women's self-esteem and their satisfaction with their bodies (Moradi and Huan 2008; Schaefer, Burke, Calogero 2018; Szymanski, Moffitt and Carr 2010; Tiggemann and Brown 2018; Ward 2016).
- It is also associated with disordered eating and lower participation in sport and exercise (Stiefler Johnson 2014; Szymanski, Moffitt and Carr 2010).

Even when women are shown as sexually powerful and in control, these portrayals still have adverse impacts on women's body image (Halliwell, Malson and Tischner 2011).

As noted in the AANA discussion paper, consumers are not happy with advertising and marketing communications that use sex, sexuality and nudity, with consumer complaints under this section of the code more than doubling to 36.39% of total complaints in 2018-19.



Consistent with this finding, recent research conducted by Gurrieri, McKenzie and Bugden (2019) found consumers felt the sexualisation of women in advertising undermines broader efforts to educate young people about gender equality:

*Female: The objectification of women in an ad ... translates to how we feel within the society. [It affects] the youth that are coming out of their teens and the way they see women portrayed. And at home, we're giving them the message that you need to respect women, and you need to have positive attitudes towards them, but then they see a totally different attitude in the media.*

Community members also felt that the sexualisation of women in advertising impacts intimate relationships, specifically, that it places pressure on women to please men (Gurrieri, McKenzie and Bugden 2019). After viewing an advertisement which depicted two women in lingerie surrounded by clothed men, participants made the following comments:

*Female: ... the underwear is very sort of based on pornography... It's again... the expectations that girls have to please boys –because boys are into watching a lot of pornography these days. And you know, that influences that ... doing things to please, because you think that's what you should, so you wear all this sexy underwear. (Gurrieri, McKenzie and Bugden 2019, p 19).*

US research has similarly found that exposure to objectifying media has a negative effect on relationships and sexual satisfaction. Specifically, this research found that both men and women who had greater exposure to sexually objectifying television, films and magazines were more likely to objectify their romantic partners. In turn, partner objectification was linked to a decrease in relationship satisfaction for women and men, and decreased sexual satisfaction for men (Zurbriggen, Ramsey & Jaworski 2011).

#### **Recommendation 16:**

Advertising and marketing communication should avoid sexualising and/or objectifying people, particularly women, regardless of the relevance to the product.

#### **Recommended amendment: Section 2.4 Code of Ethics**

*Advertising or Marketing Communication will treat sex, sexuality and nudity with sensitivity to the relevant audience **and avoid sexualising and/or objectifying people, particularly women.***

#### **Question 17. Are any changes required to the Practice Notes for section 2.4? If yes, please give reasons.**

WHV argues that there are no circumstances in which 'highly sexually suggestive' images are necessary or appropriate and therefore recommends that the words 'and inappropriate for the relevant audience' be deleted; the words 'which may cause harm to consumers and or society' could be substituted. This would acknowledge the significant health impacts that these portrayals have on adult women and men, as well as children, in the community (see our response to Question 16).

It is important to note that sexualised images of men are increasingly used in advertising, and these have also been found to reduce men's satisfaction with their bodies and make them more likely to objectify themselves (McKenzie et al 2018). However, these images have different social meanings. Sexualised portrayals of men tend to be associated with strength and dominance, while images of women are not only more common, they are often associated with being vulnerable and passive. Sexualisation in

advertising also has a disproportionate impact on women and girls because it occurs in the context of gender discrimination and inequality, reinforcing the notion that women are valued less than men and valued for their appearance over other qualities and abilities. WHV therefore recommends that the first line of the Practice Note: *'This section applies equally to images of men as well as images of women and children'* be positioned at the end of the Practice Note to reflect the disproportionate representation and impact that these portrayals have on women and girls.

Further, the health and wellbeing of the consumer and society should be prioritised over the 'relevance' of the advertisement to the product.

#### **Recommended amendment: Section 2.4 Practice Notes**

WHV make the following recommendations:

~~*This section applies equally to images of men as well as images of women and children.*~~

*Images which are not permitted are those which are highly sexually suggestive, **and those in which women and men are sexualised or objectified, which may cause harm to consumers and or society.** Explicit sexual depictions in marcomms, ~~particularly where the depiction is not relevant to the product or service being advertised~~ are generally objectionable to the community and will offend Prevailing Community Standards.*

*Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example.*

*Discreet portrayal of nudity and sexuality an appropriate context (e.g. advertisements for toiletries and fashion) is generally permitted but note the applications of the relevant audience **and must not cause harm to the consumer or society.** More care should be taken in outdoor media than magazines, for example. ~~Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.~~*

*Images of women in bikinis are permitted, however, unacceptable images could include those where a woman (or man) is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as objects, sexual or otherwise).*

*Models who appear to be minors should not be used in sexualised poses. An advertisement in which the female looks very young and is lying in bed with a man, with no direct reference to the product being advertised, was found in breach by the Community Panel as it used a highly sexualised image regardless of the audience to which the advertisement was directed.*

*The use of the word "sex" does not, of itself, make an advertisement unacceptable. However, such advertisements must not contain images that are highly sexualised.*

***This section applies equally to images of men as well as images of women and children.***

**Question 20. Are any changes required to Section 2.6 of the Code of Ethics? If yes, please give reasons.**

Section 2.6 of the Code of Ethics provides that:

***Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.***

Section 2.6 of the Code should recognise the health impacts associated with rigid gender stereotypes and the sexualisation and objectification of women in advertising, in the same way it recognises the potential harms of ‘riding down a hill in a wheelie bin’ (AANA 2019).

As highlighted throughout this submission (see response to Questions 12, 13 & 16), there is now substantial evidence showing the harms of rigid gender stereotypes and the sexualisation and objectification of women in advertising. For example:

- From an early age, advertising influences our interests, aspirations and behaviour. Research shows that the more often children see advertisements and other media that reflect gender stereotypes, the more likely they are to show gender-stereotyped play behaviour, conform to stereotyped beliefs, and develop stereotyped career aspirations (Bond 2016, Ward and Aubrey 2017). Advertising also influences adults’ beliefs about gender (Giaccardi, Ward, Seabrook 2016, Seabrook, Ward, Reed 2016).
- Advertising often sexualises women or presents unrealistic images of women as slim and beautiful, and this has a harmful impact on girls and women. For example, exposure to these kinds of advertisements has been consistently shown to reduce women’s self-esteem and their satisfaction with their bodies (Moradi and Huan 2008; Schaefer, Burke, Calogero 2018; Szymanski, Moffitt and Carr 2010; Tiggemann and Brown 2018; Ward 2016). It is also associated with disordered eating and lower participation in sport and exercise (Stiefler Johnson 2014; Szymanski, Moffitt and Carr 2010). Even when advertisements show women as sexually powerful and in control, these portrayals still have a negative impact on women’s body image (Halliwell, Malson and Tischner 2011).
- The prevalence of sexualised images also negatively influences how women are perceived and is associated with attitudes that drive violence against women. When people are exposed to sexualised images of women, they are more likely to view women in de-humanising ways (Graff, Murnen and Smolak 2012; Heflick, Goldenberg, Cooper 2011; Ward 2016). Experiments also show that people – particularly men – are more tolerant of sexual violence and more likely to blame women for violence after being exposed to sexually objectifying advertisements (Capella, Hill, Rapp 2014, Lanis and Covell 1995, Loughnan, Pina, Vasquez 2013, Romero-Sánchez, Toro-García, Horvath 2015).

Community members are concerned about the harms of gender portrayals and simultaneously becoming desensitised to these problematic portrayals. As noted in our response to Question 13, community members who participated in a recent Victorian study felt that stereotyped advertising portrayals were so pervasive they often did not react to problematic ideas or depictions, even though they recognised that they were affected by them:

*Female: I'm used to that theme ... I've become conditioned not to be offended... I've absorbed way more than one should. (Gurrieri, McKenzie and Bugden 2019, p 3)*

*Male: It's not something that if I were going to glance by in the street, since we see so many typical adverts. ... And now I can kind of look at that and see that ... maybe there's a power dynamic going on there and it's now bothering me. (Gurrieri, McKenzie and Bugden 2019, p 22)*

In this context, the test of 'Prevailing Community Standards' used in section 2.6 of the Code, and applied by the Ad Standards Community Panel in its decision-making on complaints, is inadequate. WHV recommends that section 2.6 of the Code extend beyond 'Prevailing Community Standards' and focus on depictions that cause harm.

#### **Recommendation 17:**

Section 2.6 of the Code should recognise the health impacts associated with sexualised, objectifying and stereotyped gender portrayals, in the same way it recognise the harms of 'unsafe practices', motor vehicles' and bullying.

#### **Recommended amendment: Section 2.6 Code of Ethics**

*Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety, or which may cause harm to the health, wellbeing or safety of consumers or society.*

#### **Question 22. Are any changes required to the Practice Notes for section 2.6? If yes, please give reasons.**

##### **Body image**

WHV commends the AANA on the 2018 changes to the Practice Notes relating to body image.

Advertising has a profound impact normalising gender representations, including teaching community members what the 'ideal' female and male bodies are. The use of 'aspirational' gender-based stereotypes not only has negative impacts on health and wellbeing, but may also be ineffective as a marketing strategy. A study of advertising that used idealised portrayals, such as depictions of strong athletes or 'beautiful' slim models, found these could be psychologically damaging to consumers, lowering self-esteem, and in turn reduced consumers' purchase intentions and perceptions of the brand (Dimofte, Goodstein & Brumbaugh 2015).

Poor body image has a significant impact of the health and wellbeing of all community members in Australia, and particularly on the health of women and girls. Body image ideals are strongly gendered. Western society holds different body standards for women and men, with women held to stricter aesthetic ideals. Striving to conform to rigid and unrealistic beauty standards can dominate women and girls' self-worth and can have serious physical and mental health implications, including anxiety and depression (Webster, Anderson & Barr 2017). Body image concerns can also profoundly impact how young women interact with the world around them, influencing their participation in physical activity, relationships and social inclusion (Webster, Anderson and Barr 2017). For example:

- Young Australian women report considerably higher concerns about body image than young men (41.4% compared with 17%) (Mission Australia 2016).
- Compared to men, body ideals for women are at much lower weights, are slimmer than in the past and are thinner than most of the adult female population (Anderson, Webster and Barr, forthcoming).
- More than half of Australian girls report that they are most often valued for their looks, rather than their brains and ability (IPSOS 2016).
- Women report higher rates of weight stigma than men (Sattler et al 2018). Women also report that they begin to experience weight-based discrimination at lower weights than men (King and Puhl 2013).
- Body dissatisfaction often emerges during childhood and peaks in adolescence when young women are ‘acutely attuned’ to their body weight and shape (Webb and Zimmer-Gembeck 2013)

Research shows that many women, even those in the ‘normal’ BMI weight range, aspire to lose weight. The Australian Longitudinal Study on Women’s Health found that only 22% of young women within a ‘normal’ healthy weight range reported being happy with their weight, with 68% wanting to weigh less (Kenardy, Brown and Vogt 2001). A more recent survey of over 15,000 Australians found that half the women in a ‘healthy weight range’ wished to lose weight. This finding was not mirrored for men within the ‘normal’ BMI weight range. The survey also found that 11% of women (compared with 6% of men) had bought weight loss or meal replacement products in the last 6 months (Roy Morgan Research 2015).

Concerns about how advertising influences body image were raised by Victorian community members in research conducted by Gurrieri, McKenzie and Bugden (2019). They found that women and men were concerned about the unrealistic standards reinforced in advertising, **particularly with respect to women’s bodies**. Community members felt these portrayals negatively impacted on body image, self-esteem, mental health and social inclusion.

*Male: The stereotype of a woman’s body. If you don’t fit in that, it’s like you are rejected from normal standards of being attractive to men. I think that is [the] most harmful thing.*

*Female: That kind of makes you feel inadequate as a woman. Because you go: “Oh I don’t have that beautiful hair, I don’t have those beautiful lips”, like, “I couldn’t look like that”.*

*Male: It’s important to think about the effects of advertising especially, like, with self-esteem, self-image and mental health and everything like that and the effect that it can have on younger people in particular (Gurrieri, McKenzie and Bugden 2019, p 20)*

Given the strong community concern about unrealistic portrayals of women’s bodies, WHV recommends that the Practice Notes be amended to set a higher benchmark for advertising portrayals, promoting positive, diverse and realistic portrayals.

### Body size and the alteration of images

We also recommend that references to a body shape or size being ‘(un)attainable through healthy practices’ be removed. Body shape, size and weight are determined through a mix of genetic/biological, social and environmental factors; it is not necessarily the case that any particular body shape or size is ‘attainable through healthy practices’. The pervasive belief that weight is a lifestyle choice and completely

within an individual's control leads to weight bias and weight stigma (Nutter et al 2016), which has significant impacts on physical and mental health (Anderson, Webster and Barr, forthcoming).

A variety of studies have established a link between media that idealises thinness and body dissatisfaction in women (Tiggemann & Brown 2018; Ward 2016), with particularly pronounced impacts being identified in women who already have significant body concerns (Andrew, Tiggemann & Clark 2015; Ferguson 2013; Halliwell 2013). For example, a recent Australian study found that undergraduate women who were exposed to fashion advertisements that used thin models experienced increased body dissatisfaction.

The study also found that labelling the advertisements to indicate that the images had been digitally altered had no impact on women's body dissatisfaction (Tiggemann & Brown 2018), which suggests that women may be negatively affected by advertisements even when they are aware that the images used are not real women's bodies. Similar findings about labelling have been identified in other studies (Bury, Tiggemann & Slater 2014; Bury, Tiggemann & Slater 2016; Paraskeva, Lewis-Smith & Diedrichs 2015).

Given these findings, we recommend that the Practice Notes on body size focus less on particular body sizes and instead focus more on promoting body diversity in a way that improves health and wellbeing for consumers. Further, we recommend that the Practice Notes explicitly encourage advertisers to consider the cumulative impact of frequently portraying a narrow range of body types on body image, body satisfaction and mental health, particularly for women and girls.

For example, in the UK, the ASA code provides that:

*All marketing communications should be prepared with a sense of responsibility to consumers and society (Rule 1.3), and advertisers should ensure that they don't portray particular body types in an irresponsible manner, imply people can only be happy if they look a certain way, or present an unhealthy body image as aspirational.*

Finally, the only scenario in which an idealised body image portrayal could be 'justifiable in the context of the product or service being advertised' is where the product or service being advertised directly alters the body, such as cosmetic surgery. (The promotion of cosmetic surgery and other cosmetic procedures raises its own issues, which are outside the scope of this review.) Portrayal of idealised bodies is not justifiable in the context of advertising fashion, beauty products, lingerie etc.

**Recommendation 18:**

The Practice Notes for Section 2.6 of the Code should be amended to encourage advertisers to promote portrayals that ensure that people, particularly women and girls, are represented in all their diversity (including diversity of size, shape, age, cultural background and ability) and in positive and authentic ways.

**Recommendation 19:**

The Practice Notes for Section 2.6 of the Code should be amended to remove references to body image that is 'attainable' or 'unattainable' through 'healthy practices' because it is misleading to imply that certain body shapes and sizes are attainable through healthy practices.

**Recommendation 20:**

Any reference to portrayals which are 'justifiable in the context of the product or service being advertised' should be narrowly construed to include only those products or services that directly alter the body.



## Recommended amendment: Section 2.6 Practice Notes

**BODY IMAGE:** Advertising **should aim to promote diverse, authentic and realistic body image, for example, by portraying diverse body shapes and features.**

*Unrealistic body image: Advertising that provides an unrealistic unreal body image by portraying body shapes or features that are unrealistic ~~or unattainable through healthy practices, which is not justifiable in the context of the product or service being advertised,~~ will be contrary to prevailing community standards relating to health and safety.*

**Advertising should not use portrayals** where the overall theme, visuals or language used in the advertisement imply that:

- a body shape, or feature, of the kind depicted (e.g. very thin or very muscular) is required to use the product or service or to participate in an activity associated with the product or service;
- those people who do not have a body shape, or feature, of the kind depicted cannot use the product or service, or participate in a particular activity; or
- those people who do not have a body shape, or feature, of the kind depicted should alter their body shape, or features, before they can use the product or service, or participate in a particular activity.
- **people should attain a particular body image to be valued and accepted.**

An unrealistic ideal body image may also occur where models are depicted in a way that:

- **promotes an ideal body type**
- promotes unhealthy practices
- presents an unrealistic body image as aspirational; or
- is reasonably likely to cause pressure to conform to a body shape that is unrealistic or unattainable through healthy practices ~~(such as diet or physical activities), unless such depictions are justifiable in the context of the product or service advertised.~~

*Body size: The Code does not require the use of 'healthy weight' models as this term could exclude people ~~in smaller or larger bodies~~ **with a range of body shapes and sizes** from advertising, by unnecessarily limiting the portrayal of diversity in society.*

*As such, advertisements should include a diversity of images, including people who have a variety of sizes and shapes, **and who challenge gendered stereotypes and ideals relating to body shape and physical features.** ~~, but advertisers should take care to avoid images of people with extreme body weights or shapes that are unrealistic or unattainable through healthy practices which are not justifiable in the context of the product or service advertised, and which are contrary to prevailing community standards relating to health and safety.~~*

*While the use of people in smaller or larger bodies is itself not necessarily problematic, advertisers must ensure that models do not adopt a pose or are not depicted in a way which **implies people can only be valued, accepted and/or happy if they look a certain way, or which promotes** ~~produces~~ an unrealistic sense of body image, for example through the style of the advertising, the clothing, lighting, or make-up*

**used. Advertisers should consider the cumulative impact of frequently portraying a narrow range of body types on body image, body satisfaction and mental health, particularly for women and girls.**

*Alteration of images: The use of digitally-enhanced images is a normal part of the production process used in many aspects of the media and advertising industries, and is a vehicle for visual expression. The Code does not prevent the use of post-production, altering or digitally enhancing an image. Similarly, the Code does not require a disclosure that images have been digitally altered.*

*However, where technology is used to digitally alter images of people to such an extent that their body shape, or features, are no longer realistic ~~or attainable through healthy practices~~ **or where it implies people are only valued, accepted and/or happy if they look a certain way**, ~~or where the changes are not justifiable in the context of the product or service advertised~~, the advertisement may breach the Code if it is contrary to prevailing community standards relating to health and safety, or may cause harm to health, wellbeing and safety of consumers or society.*

*Advertisers should refrain from altering images in a way that changes the body shape or proportions portrayed, for example by lengthening a person's legs to the extent they are not in proportion with the rest of their body or tightening their waist disproportionately to the rest of their body, so that the resulting image portrays a body shape or features that are unrealistic. ~~or unattainable through healthy practices~~*

**Question 26. Are there any other issues, rules or standards that should be included in the Code of Ethics? If so please, give details.**

As noted throughout this submission, there is a need to refocus the Code of Ethics and Practice Notes on avoiding harm and to go beyond a minimum standard to promote gender equality and diverse, realistic gender portrayals. This includes addressing the gendered drivers of violence, promoting gender transformative portrayals and strengthening the guidance on body image.

There is also a gap in the Code in relation to objectification which is not sexualised. This would include portrayals where a person is treated like an object in a way which is dismissive, disrespectful or derogatory.

**27. Do you know of any other evidence-based research which could inform the evolution of the Code of Ethics? If so, please give details.**

As noted under Women's Health Victoria's expertise, the AANA should consider the following evidence-based research to inform its review of the Code of Ethics:

- Gurrieri L, McKenzie M & Bugden M 2019, 'Community Response to Gender Portrayals in Advertising. A Research Paper', Women's Health Victoria.
- Gurrieri L & Hoffman R 2019, 'Addressing and preventing sexist advertising. An analysis of local and global promising practice', RMIT University.
- McKenzie M, Bugden M, Webster A & Barr M 2018, *Advertising (in)equality. The Health Impacts of Sexist Advertising on Women's Health and Wellbeing*, Women's Health Victoria.



## 28. Do you have any additional suggestions or comments on the review of the Code of Ethics?

### The 'prevailing community standards' test

The Code of Ethics and complaints process should both recognise the power of advertising to shape norms and culture, not just reflect them. The 'prevailing community standards' test should be reconsidered to take this into account, with consideration given to replacing this test with a test focused on public health and wellbeing, and avoidance of harm.

### Gender equity expertise to inform the AANA, Ad Standards and industry

At present, over half the complaints to Ad Standards in Australia concern gender portrayals (Ad Standards 2018a), yet there is no systematic mechanism to ensure that industry codes and decisions on complaints are informed by gender equity expertise or by evidence of the harms of sexist advertising.

Research conducted by Gurrieri and Hoffman (2019, page 29) explains that in Australia:

*There is currently no expertise in sexist advertising despite other efforts around the world to address this gap.*

*For example, in Austria where over half of advertising complaints relate to gender portrayals, an advisory board on anti-sexism to the Austrian Advertising Council was installed that included gender experts as a means of countering gender discriminatory advertising (Council of Europe Gender Equality Commission 2018).*

*It did this through both monitoring gender discriminatory content and enabling the Advertising Council to stop advertisements that violated norms, in turn promoting the practice of positive portrayals in the industry.*

Instead, in Australia, a Community Panel decides whether advertising breaches prevailing community standards, on a case by case basis. A major critique of this process is that the vast majority of complaints to Ad Standards are dismissed (Gurrieri and Hoffman 2019), which suggests that decision-making by the Community Panel is not in line with community standards. For example, according to the 2018 annual review, 83% of complaints were dismissed, and a similar figure was recorded in 2017 (Ad Standards 2018b, Ad Standards 2017b).

As outlined throughout this submission, Australia's self-regulatory system could be strengthened by more specific rules on gender portrayals. However, we note the advice from the World Federation of Advertisers' Guide to progressive gender portrayals in advertising that '*regulating gender portrayals is tricky. Identifying a stereotype is a subjective exercise so developing detailed statutory rules can be hard to implement and enforce*' (World Federation of Advertisers, 2018). We argue that experts in violence prevention and gender equity should continue to be involved in revising the Code of Ethics and Practice Notes, in order to strengthen efforts to promote positive, diverse and transformative gender portrayals. In addition, the establishment of a gender equity advisory board at the AANA and/or Ad Standards would build greater gender awareness and could provide expert advice on complaints to assist decision-making.

Knowledge and capability-building for regulators should be accompanied by industry education and practice guidance that is based on evidence of the harms of sexist advertising, together with evidence that supports a business case for gender equitable portrayals. In collaboration with experts, the AANA or another relevant body could offer ethics training to advertisers; evidence shows that ethical training in business can positively impact on ethical decision-making.

### Prioritising the views of those depicted in advertising

In developing standards and codes, it is also important to prioritise the views of those depicted in advertising and marketing communications. A need to prioritise the views of those depicted was flagged in the UK Advertising Standards Authority (ASA) report on gender stereotypes in advertising *'The evidence gathered over the course of the project reminds us of the value of giving particular weight to the perspective of those depicted or represented in ads'* (p.10). Sexualisation and stereotyping is also more likely to be harmful to women and girls, given the social context in which women and girls are valued for their appearance over their abilities (IPSOS 2016) and experience social, economic and political disadvantage, compared with men and boys.

Further, evidence suggests that women are more likely than men to be concerned about sexualised and stereotyped portrayals. For example, an Ad Standards research report found that women were significantly more likely than men to perceive advertisements negatively if they used sexual appeals (Colmar Brunton Social Research 2013). Gurrieri, McKenzie and Bugden (2019) found that female participants were quicker to recognise the harms of gender portrayals and often prompted male participants to more fully consider how women were represented and the potential for this to impact on social norms.

WHV recommends greater consultation with and involvement of those affected by advertising portrayals – for example, women and individuals from marginalised communities – in developing guidelines (the Code and Practice Notes) and also in decision-making on complaints. This could include weighting membership of the Community Panel to include higher representation from affected populations.

### Strengthening the regulatory system

The Australian self-regulatory system for advertising also has significant weaknesses that limit the effectiveness of the Code of Ethics. These include limitations related to compliance and enforcement of the Code of Ethics, such as:

- Limited sanctions for non-compliance
- A lack of incentives to produce model outcomes
- Perverse incentives for advertisers who may court publicity by transgressing the Code of Ethics
- Incomplete coverage of industry – that is, not all advertisers are members of the AANA and therefore subject to (voluntary compliance with) the Code of Ethics.

The current approach to regulation is also reactive and complaint-driven. This means that issues that do not attract public attention tend not to be regulated, even where evidence of harm is established. Other limitations of the complaints process overseen by Ad Standards include:

- The considerable lag time before a final determination is made on a complaint, which means that problematic portrayals have been publicly available for a long time before being addressed.
- Like the Code itself, decision-making on complaints is not informed by evidence of harms or linked to broader strategies to address gender inequality.
- Advertisements subject to complaints are considered individually, limiting the regulator’s capacity to consider the cumulative impact and normative power of sexist advertising.
- As noted above, there is a high rate of dismissal of complaints – many of which relate to gender portrayals – suggesting a lack of alignment with community concerns.
- There is limited recourse for complainants beyond industry adjudicators.

Greater enforcement capacity and effective sanctions for non-compliance with the Code is also required; this could be achieved through a co-regulatory model. In a co-regulatory model, self-regulation is backed up by legislative requirements. This puts pressure on industry to maintain standards, allows for government to intervene where appropriate, and offers the capacity for punitive action where required, while still retaining many of the benefits of a self-regulatory system.

Public education about the impacts of sexist advertising and available complaints mechanisms – together with simple tools to support consumers to make complaints – may also increase community engagement in advertising regulation.

**Recommendation 21:**

The ‘prevailing community standards’ test should be reconsidered to take into account the power of advertising to shape social norms as well as reflect them. Consideration should be given to replacing this test with a test focused on public health and wellbeing, and avoidance of harm.

**Recommendation 22:**

In order to strengthen efforts to promote positive, diverse and transformative gender portrayals:

- a) experts in violence prevention and gender equity should continue to be involved in revising the Code of Ethics and Practice Notes.
- b) a gender equity advisory board should be established at the AANA and/or Ad Standards to build gender awareness and provide expert advice on complaints to assist decision-making.

**Recommendation 23:**

The AANA or another relevant body – in collaboration with experts – should offer industry education on the harms of sexist advertising, the business case for gender equitable portrayals, and ethical practice in advertising.

**Recommendation 24:**

Further development of the Code and Practice Notes should involve greater consultation those affected by advertising portrayals – for example, women and individuals from marginalised communities. Ad

Standards should also consider options for giving greater weight to the views of those most affected by advertising portrayals in its decisions on complaints.

**Recommendation 25:**

The AANA should explore models for effective sanctions for non-compliance with the Code, including co-regulatory models.

**Recommendation 26:**

The AANA should undertake public education about the impacts of sexist advertising and available complaints mechanisms to increase community engagement in advertising regulation.

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