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Putting the 'Community' Back into Community Standards for Advertising

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Disciplines

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Putting the ‘Community’ Back into Community Standards for Advertising.

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Abstract

The Advertising Standards Board passes judgments on complaints each year against what is referred to as prevailing community standards. There is however, no explicit definition of what these prevailing community standards are. This research found that there were two major issues that were of most concern to the public in regard to (un)acceptable advertising: the portrayal of women and the consequences of social marketing advertisements. Neither of these issues are adequately addressed by the current advertising Code of Ethics. The results of this research suggest there is an urgent need to develop a set of evidence based community standards for advertising in Australia to ensure that the general public’s views on advertising issues are understood and applied by the ASB when making complaint determinations on behalf of that community.

Introduction

In Australia, advertising complaints from the general public are adjudicated by the Advertising Standards Board (ASB) against what are referred to as ‘prevailing community standards’. This term is used throughout the academic literature on advertising ethics and has a central place within the existing regulatory framework in Australia. Despite its normative importance, there is no formal definition of the term ‘community standards’ and there is no apparent consistency in the use of this term in ASB decisions. Currently, the majority of complaints are dismissed by the ASB as they are judged not to be contrary to ‘prevailing community standards’ in relation to the existing AANA Code of Ethics (ASB, 2005; ASB, 2004; ASB, 2003). There are eight clauses of the Code that are used to assess complaints; 2.1: discrimination/vilification, 2.2: violence, 2.3: sex, sexuality and nudity, 2.4: causes alarm or distress to children, 2.5: language, 2.6: health and safety, 2.7: Federal Chamber of Automotive Industries Motor Vehicle Code and 2.8: food and beverage (Advertising Standards Bureau, 2007a)¹.

The role of the ASB is to adjudicate complaints in relation to taste and decency (Advertising Standards Bureau, 2007c). However, despite the use of the term community standards within ASB complaint determinations, it is unclear if the current Code of Ethics is able to address all issues that the general public may find distasteful or indecent. The current structure of the Code does not allow for issues such as the offence to moral, philosophical or social values; and complaints received are categorised by the ASB into the existing clauses, even if they do not accurately reflect the actual issue of complaint. This restrictiveness of the Code and the subsequent adjudication process has the potential for ASB determinations to inaccurately place an ideal (and currently undefined) ‘community standard’ on issues drawn from misclassified

¹ No data is available on Code 2.8 as it was introduced late 2006, after the collection of data for this research.

complaints. The latest complaint statistics available from the ASB (Advertising Standards Bureau, 2007b), show that of all the complaints received about advertising, discrimination, sex, sexuality and nudity and violence are the issues that consistently receive the most complaints (see Table 1). However, when examining the relevant complaint determinations by the ASB, there is a concern that the issues addressed by the Code are not necessarily those raised by complainants (ASB, 2005; ASB, 2004; ASB, 2003; ASB, 2002), rather the complaints are placed into a category deemed as the most appropriate fit by the ASB to adjudicate the complaint.

Table 1: Percentage of Complaints against each clause of the AANA Code of Ethics 2005-2002

	2005 (n=1986)	2004 (n=1610)	2003 (n=1906)	2002 (n=1218)
2.1 Discrimination	27.13	36.42	25.46	18.43
2.2 Violence	17.38	18.36	8.47	10.46
2.3 Sex, sexuality and nudity	26.49	17.22	30.32	31.48
2.4 Alarm and Distress to Children	0.2	5.24	1.67	5.78
2.5 Language	4.36	3.97	9.38	3.81
2.6 Health and Safety	6.46	5.84	10.65	13.11
2.7 FCAI	3.38	7.77	5.43	0
Other	14.59	5.18	8.62	16.93

There has been limited research within Australia to develop an understanding of what the Australian public believe is (un)acceptable in regards to images and appeals used in marketing campaigns. The limited research on community reactions to advertisements and products has primarily utilized a college student population (Fam and Waller, 2003; Fisher and Dubé, 2005; Mittal and Lassar: 2000; Waller, Fam and Erdogan, 2005) and/or the testing of only one type of product (Mittal and Lassar, 2000). Although this research is able to give an insight into views about the ethicality of commercials, due to the limited sample populations or restricted stimuli, the data cannot be generalized across populations with a high degree of confidence and therefore can only be considered an introduction to the types of issues that the Australian public find problematic in advertising today. There is a need to address this issue with a broader and more representative group of people to develop an accurate understanding of what the Australian public believe are prevailing community standards in regard to advertising.

Purpose

The purpose of this paper is to explore the range of issues that the Australian community deem as (un) acceptable and problematic in relation to advertising. It will then be possible to compare these issues to the existing AANA Code of Ethics to determine whether the current 'prevailing community standards' as determined by the ASB are a true reflection of the standards held by the Australian community.

Method

For this exploratory research, a series of focus groups were conducted with 10 groups (n=80) of Illawarra residents segmented by age and gender. The Illawarra is a regional city in NSW approximately 100 kilometres south of Sydney. Participants from each focus group attended two sessions resulting in a total of 20 groups completed. The transcripts from the groups were entered into the qualitative data analysis program NVivo 7, where a thematic analysis was undertaken utilising the current AANA Code of Ethics as the initial framework for the analysis.

Results

Similar to the pattern of complaints received by the ASB against each of the clauses of the AANA code of Ethics (see Table 1), this research found that language, health and safety and the FCAI Code were not the most significant issues to participants. There was the acknowledgement that while these clauses are important, they were not what participants found the most crucial in regard to what is acceptable for advertising in Australia. However, what was significant within these results was the emergence of two issues that are not covered specifically by the existing Code: the portrayal of women and the consequences of social marketing.

Portrayal of Women

Under the current system, any complaints related to the portrayal of women in advertising are categorised and adjudicated under either clause 2.1: (discrimination) or clause 2.3: (sex, sexuality and nudity) of the Code of Ethics, and it is these two clauses that received the most complaints to the ASB between 2005-2002 (see Table 1). An analysis of ASB complaint determinations under section 2.1: (discrimination) during 2005, 2004 and 2003 reveal that 42%, 62% and 50% of complaints respectively under this clause were in reference to women (ASB 2005; ASB 2004; ASB 2003). Although these statistics suggest that discrimination against women and the use of sex, sexuality and nudity are the key issues that the general public find unacceptable, the results of this research suggest otherwise.

The importance placed on the representation of women in advertising by the focus group participants was unmistakable and appeared consistent across all ages and genders, however, it was viewed as distinctly separate from discrimination and removed from the concerns of sex or nudity. The actual term “discrimination” or “vilification” was not used by any focus group participants throughout their discussions, however issues that would be categorised under this clause centred on advertising that made others look silly or there was a feeling that someone was being bullied.

The issues involving women raised by research participants focussed on the representation of women in advertisements including social stereotypes of women, portraying them as having little to no intelligence, a concern around body image and an issue that participants felt difficult to categorise or define, the (dis)respect shown to women in advertisements:

“You don’t see ads about men being stupid. It’s usually blonde women. I find it a bit degrading and I’m not a feminist by any means” (Female 46-60 years)

“...they are basically telling us that we are stupid and idiotic and that we don’t need to know anything about the car or how much it costs, we just need to know that we will look good in it” (Female 18-30 years)

The theme of sex, sexuality and nudity was one that did generate discussion from all focus group participants. It is important, however, to note that throughout the discussions, this issue was noticeably separate from the issue of how women are portrayed in advertising. The topics of concern to the focus group were levels of clothing, the incidence of double standards in regard to the sexual representation of men and women, and a level of scepticism surrounding the use of sex/sexuality and nudity in advertisements in today’s society:

“(ads) that are perceived as being overly sexist or overly risqué... tend to get a hell of a lot more coverage anyway. It just creates more conversation about that particular ad and that particular product.” (Male 31-45 years)

These results suggest the two clauses used by the ASB to categorise complaints related to the representation of women: 2.1: (discrimination) or 2.3: (sex, sexuality and nudity) do not adequately represent the concerns that the general public have in relation to this issue.

Social Marketing Consequences

The consequences of advertisements is not an issue addressed within the Code of Ethics, however the consequences of social marketing advertising, particularly road safety advertising was raised by the focus group participants. Complaint determinations state that the majority of complaints related to road safety advertising fall under the clause 2.2: violence (ASB 2005; ASB 2004; ASB 2003; ASB 2002) due to the classification of graphic road accidents and injuries as violence by the ASB. Despite this classification by the board, violence however was not a theme that emerged from the data as a major issue with participants struggling to recall any advertisements that contained violence. In regard to the images used in social marketing advertisements including fatal accidents and the depiction of horrific injuries, participants did not make the connection between these images and the concept of violence. There was no doubt that the participants believed that social marketing was a valuable tool in selling the message of road safety or drink driving prevention, however it was the unintended consequences of these advertisements that seem to elicit most concerns, with no reference to violence at all. These consequences included the effect campaign images which are often graphic may have on children and also the victims of road trauma and their families. During these discussions, the ethicality of harming some to save others was questioned;

“It’s a bit harsh on the victims. You’re trying to rehabilitate from an accident and you get it thrown in your face on TV. It’s one of the unfortunate complications.” (Male 18-30 years)

“I saw an ad for drink-driving at the cinema when I was 6 years old and I’ve never forgotten it. It gave me nightmares for months afterwards.” (Female 61+ years)

The concerns about the unintended and potential long term effects that graphic social marketing advertising can have on the public are the issues of concern raised by the participants in this research. So for the ASB to classify the majority of social marketing complaints about road safety under the clause 2.2: violence suggests that they are out of touch with what the community perspective is in relation to this issue.

Discussion

The transcripts for the focus groups were analysed to explore themes that emerged from the data to compare the ASB's view of community standards for advertising in Australia to the actual community's view on those standards. The current framework of ethics utilised by the ASB was used as a basis for the thematic analysis, however it was not found to be an all-inclusive model. It cannot be assumed that the general public are aware of the specific clauses within the Code of Ethics and therefore it is reasonable to suggest that not all complaints specifically state against which section of the Code they would like to complain, if indeed the Code actually addressed their issue of concern. Due to this, the ASB interprets complaints and categorises them into the clause they consider most appropriate. However, the constraints of the current Code of Ethics result in this classification by the ASB not accurately representing the complainant's original grievance. This process raises questions about the ability of the ASB and the complaint system to be in a position to place a judgement of a 'community standard' on a complaint when it is not adjudicated under a clause which is representative of the actual issue of complaint.

This research found that the general public felt that the representation of women and the unintended consequences of social marketing advertising were the two most important issues in relation to taste and decency in advertising. Neither of these issues are addressed adequately by Section 2 of the Code of Ethics. Focus group participants discussed the issue of the representation of women in a context that currently falls outside the AANA Code of Ethics. The themes that emerged were not relevant to discrimination, nor were they relevant to sex, sexuality or nudity, which is how a complaint about women would be currently be categorised by the ASB. Instead, participants discussed the social representation of women including how women are often reflected poorly in advertisements, both as being shallow or unintelligent, and often with little to no respect paid to them. Currently, the ASB is not equipped to adjudicate the general public's complaints about the representation of women, as the Code does not represent prevailing community standards in regard to this issue.

The other issue that fell outside the existing Code of Ethics as discussed by the focus group participants was the unintended impact of social marketing advertisements. Despite the acknowledgment that these advertisements can be a valuable educational tool, particularly those that focus on road safety issues, concerns were raised about the effect they could have both on children and on victims of road accidents and their families. Throughout focus group discussions at no time was the theme of violence raised, despite ASB statistics stating it is the most complained about issue in relation to road safety advertising. These results suggest there is a weakness with the existing Code that allows issues that the community believe are important to be either omitted or misclassified which results in an inaccurate 'community standard' being utilised for that issue.

In conclusion, the results of this study suggest that there is a discrepancy between what the Advertising Standards Board believes are community standards and actual public opinion about what is (un)acceptable with regard to advertising in Australia. The current AANA Code of Ethics appears only to cover a small proportion of what the general public find problematic about advertising. Due to the inadequacy of the Code, the ASB categorise complaints in to what they believe is the most appropriate clause even if that particular issue is not referred to within the original grievance. The issues that generated the most discussion within the study are currently not adequately addressed within the Code. This suggests there is a gap between the ASB's view and the general public's view on what community standards for advertising are, and there is an obvious need for the development of accurate evidenced based community standards for advertising in Australia.

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