

Daddies and Mommies and Babies, Oh My! - UK Bans Ads that Gender Stereotype

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A series of likely precedent-setting rulings regarding gender stereotyping was recently issued by the UK advertising regulator Advertising Standards Authority (ASA). These are the first rulings issued by the ASA following the issuance of new rules issued by the regulator that prohibit ads featuring “harmful gender stereotypes.” The issuance of ASA’s new rules and the publicity regarding the recent enforcement action may encourage similar complaints to the Canadian advertising regulator, Ad Standards and may impact Ad Standard’s enforcement of its Gender Portrayal Guidelines.

In a series of three rulings issued on the same day, the ASA upheld gender stereotyping complaints made against ads run by Mondelez UK Ltd. And Volkswagen Group UK Ltd., but did not uphold similar complaints made against an ad run by Nestle UK Ltd. In issuing the three rulings simultaneously, it appears that the ASA is attempting to provide some advertisers with some guidance regarding how it will apply its gender stereotyping rules going forward.

The Mondelez ad promoting Philadelphia cream cheese was criticized for portraying the stereotype that men were unable to care for children as well as women. The Volkswagen ad was criticized for showing men engaged in “adventurous” activities, while the women were shown in “passive” or “stereotypical care-giving” roles. In both cases, the ASA concluded that these ads perpetuated harmful gender stereotypes.

In contrast, the ASA did not uphold the complaint against the Nestle ad promoting its Buxton brand of bottle water which featured a female ballet dancer, a male drummer and a male rower – which complainants viewed as activities stereotypically associated with these genders. The ASA stated that, when considering the ad in its entirety, viewers would understand that the ad was less focused on the specific activities of the characters and more focused the drive and talent that had allowed them to excel in their chosen fields - and accordingly held that the ad did not perpetuate harmful gender stereotypes.

While there has been limited enforcement under Ad Standards’ Gender Portrayal Guidelines to date, their broad language likely supports similar complaints under the Canadian Code of Advertising Standards. Only time will tell if the publicity generated by the ASA’s recent rulings will prompt an update of the Gender Portrayal Guidelines (which were last updated in 1993) or result in increased complaints to Ad Standards alleging harmful gender stereotypes. Our experience is that Canadian regulators closely monitor developments in similar jurisdictions and believe that Canadian advertisers should take increased care in reviewing their ads to minimize potential complaints related to gender stereotyping.

Links of Interest

- [BBC Article](#)
- [ASA Mondelex Ruling](#)
- [Volkswagen Ruling](#)
- [Nestle Ruling](#)

For more information regarding Canadian advertising, competition and foreign investment review law please contact Chris Hersh of this article or any member of our Competition, International Trade & Foreign Investment Group.

The author of this article gratefully acknowledges the contributions of summer student Stacey Weltman.

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