

## Deutscher Werberat Discrimination flyer; July 2019

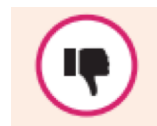
The following is a relatively 'loose' translation of the flyer from Deutscher Werberat that sets out the 'Dos and Don'ts' in Discrimination issues in advertising and how they might be dealt with. A few points by way of context:

1. The following text is obviously not binding. What matters is the German text, separately supplied. The following will provide international advertisers with a good grasp of where the DW 'are coming from' on this sensitive topic;
2. The formatting will look a little 'loose' also; we have taken screen shots from the original flyer for the images which will therefore be less than sharp;
3. We have not included some of the introductory section, but have gone straight to the 'meat'.
4. We will replace this text when an 'official' translation is available.

In commercial advertising, therefore, in particular, no statements or representations may be used which...

**1. ...discriminate against people, on account of, for example, their gender, descent, race, language, place of origin, religion, political opinions, age, disability, or occupation.**

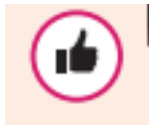
### Discrimination based on origin



Discrimination on the basis of origin, background or race occurs in particular in racist advertising. This is the case, for example, when the impression is given that groups of people of a particular origin are an increased risk because they are particularly violent.

*(The 'ad' is selling courses on self-defense)*

In stereotypical representations of groups of people, the Advertising Council may only in a few exceptional cases decide there has been a breach of the advertising code. So the presentation of a 'typical' French person does not justify a complaint. It would be different if the advertising in some way undermined/ detracted from the person or group of people.



## Stereotyping

The group of cases that falls into the category of 'Discrimination against women' at the Advertising Council includes complaints about advertising which, from the point of view of the complainants, contain obsolete role models and thus a confirming of outdated roles of men and women in terms of their contribution to society.

Basically, the Advertising Council applies the following in these cases: If advertising presentations rely on clichés (key phrases: women don't drive well, don't like football, care only for their looks, fashion etc.), this does not necessarily mean that the advertising is objectionable.

The use of stereotypes may not be as derogatory or discriminatory as other forms of advertising. This is the case, for example, when people are shown to be unable to perform or accomplish certain things because of their gender, and this is developed in a degrading manner in advertising.

The advertising Council considers a stereotypical presentation to be discriminatory if it also implies that a particular gender is less valuable or unable to perform certain activities. Discrimination is always relative to another gender.

For example, an advertisement in which a man is portrayed on a higher level of the 'career ladder' as a woman, and suggests that the man also belongs to the higher position. breaches the code.

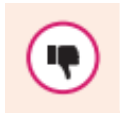


*The top 'ad' reads: 'We're looking for you: the right career opportunity for everyone'; the one following, i.e. the 'ad' immediately above this text, reads 'Ill and Mum has to work? 24-hour childcare. For her and her family.'*

Women still do more family and household work than men. In this respect, women are also shown in advertising more often in connection with the housework or the children, although compared to previous years, a significant change can be seen in advertising.

So long as the advertising addresses this family reality and does not articulate, for example, that it is the job of women (exclusively) to take care of the household and children, the Advertising Council provides for this when receiving a complaint

The advertising code of conduct does not prescribe that genders must be equally represented in advertising. Just as a business can decide to promote household products primarily to women, because they often buy the products, then so it can decide not to represent every gender in its advertising. Such decisions must be made by the company itself. However, if a role is presented either as a duty or as the natural order of things ("Everyone has their job"), then this is discriminatory from the point of view of the Advertising Council.



The 'ad' reads: Everyone has their job. And yours? Further information at etc.



Not objectionable is the use of stereotypical representations of girls and boys by attribution of certain interests or preferences, as long as it does not favour one gender over the other.

Whether children actually pursue their interests and preferences is influenced by a variety of factors, not least parenting. In the example opposite, the slogan says explicitly that any child can become whatever it wants.

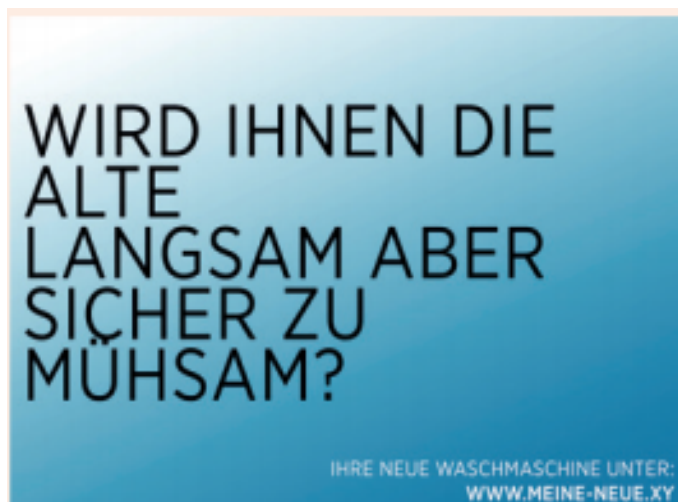


The 'ad' reads you can become ...whatever you want

## The 'Old' and the 'New'



The statement that an older woman can be exchanged for a younger one is considered by the Advertising Council to be derogatory to older people. Older women are shown as annoying or worthless by this type of advertising. Neither does the deliberately created ambiguity of the slogan change that. *(The slogan reads throw out your old version; get to the new one, the ambiguity relating to hair, one assumes)*



If, on the other hand, a product is depicted alone or if it is not clear that the slogan is intended to refer to a woman, it is usually not a case of discriminatory advertising.

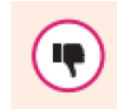
*The headline reads 'The old one slowly but surely is becoming too much for you?' The reference below the headline is to a washing machine retailer*

## Discrimination against men

The German Advertising Council assesses sexism and discrimination with reference to all genders by the same rules of conduct and criteria. In addition to sexism towards women, there are also some themes in advertising that are derogatory towards men.

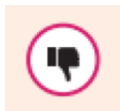


For example, the Council considers the following as being a sexist example when the question is asked with a finger pointing to the man: "Did he go limp again?" From the perspective of the Council, the headline and the images are used to ridicule erectile problems and to humiliate the man.



**2. ... treat persons as of lesser value simply because they do not conform to prevailing expectations in respect of their appearance, behaviour, sexual orientation, personal qualities or lifestyle;**

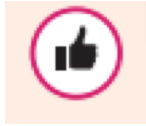
Discrimination by appearance is for example to espouse the idea that overweight people are reduced to "ideal weight" people. This may be the case if they are "stamped" as unattractive or unsightly.



*The 'stamp' reads 'Fat stories are now a thing of the past'. The 'ad' is selling slimming drinks*

What is non-discriminatory from the point of view of the Advertising Council is the use of pictures before and after a weight reduction, even if the well-sculpted figure is presented

as an aspirational version. The use of fitness and nutrition programmes, In addition to a healthy lifestyle, often also means a reduction in body weight. A product or service may fulfill the desire many people have for a slimmer figure and, in the opinion of the Advertising Council, they must also be able to advertise.

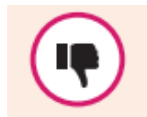


*The 'ad' reads 'you have it in your own hands. Be the difference'*

**3... Include violence or the trivialization of violence against people or permit violence or domineering behaviour to appear to be acceptable.**

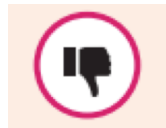
### **'Entering' and 'grabbing'**

Violence and violent images and aggression in words and pictures are a taboo in advertising. Even humor, ambiguity and deliberate exaggeration are not automatically sufficient ways in which images and messages might be played down.



The advertising Council therefore sees slogans such as "Enter Now" or "Grab now" particularly critically if the advertising text is illustrated with a woman such that one could assume that the slogan refers to the woman. Companies state in such cases that the text should not refer to the woman, but only to the advertised product. This may indeed have been intended by the company. However, the perspective of the recipient is crucial: such slogans in connection with mostly naked female bodies suggest a domineering effect on women, which has no place in advertising or society.

**4....create the impression that people are available for sale, or treat them as objects.**



Worthy of complaint therefore are illustrations that represent a person as a printing surface or the like. The ambiguity of such slogans means that the person appears as a mere document and printable object. This impression is reinforced by further ambiguities, for example by Copywriting like "Full spicy!". Companies often respond that the slogan was meant literally and would not refer to the woman. From the point of view of the Advertising Council, however, there is a great deal of likelihood that the ambiguity of advertising copy and a largely unclothed woman is created deliberately.



*The 'ad' reads 'We print everything'*

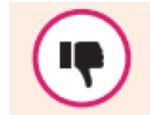


## Objectification

A person is equated with an object when using the object, often the advertised product, compared and therefore degraded. This can be the case, for example, when the slogan refers equally to the person and the Product.

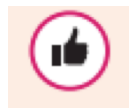


*The 'ad' reads 'Easy to eat. The ice as well,'*



Equally objectifying, from the point of view of the advertising council, are themes whereby an act that one can carry out with the advertised product can equally apply to the woman. Such ambiguity breaches the Code of Conduct, when it is also degrading. This applies, for example, to slogans such as 'Devour me', 'Rent me', 'Rip me up' or similar.

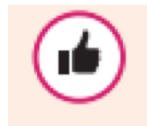
However, a slogan's ambiguity does not necessarily have to be sexist. If the person represented by the slogan is particularly strong or self-confident, in the opinion of the Advertising Council there is no demeaning of people. The description of a woman in such cases as a 'powerhouse' is therefore not objectionable from the perspective of the Advertising Council.



## 5. ...reduce people to their sexuality or suggest their sexual availability.

### Sex in advertising - not necessarily sexist

Many of the complaints regarding sexist advertising are to do with sexually charged or suggestive advertising. In the opinion of the advertising Council the limit is exceeded if the person depicted is reduced to their sexuality or is portrayed as sexually available. On the other hand, sexual aptitude alone is not automatically sexist. A self-determined sexuality is part of a free society. As long as the advertising does not demean or discriminate against people, the advertising Council believes it is up to the advertisers how they wish to present themselves to the public.

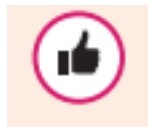


The Advertising Council therefore does not consider advertising in which two people are intimate to be demeaning. But the representation of sexuality does not mean that people are reduced only to their sexuality, and thus degraded to a mere object of sexual desire.



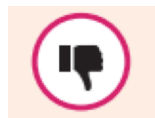
*The 'ad' is selling 100% cotton sheets for summer days*

Erotic advertising is allowed - even if there is no relation to the advertised product or the advertised service. As well as sexuality, eroticism is part of a free society. Whether a company thinks it can sell its products or services better or more profitably, if it puts it on eroticism, the company ultimately has to answer for itself. While the limit to demoting is not exceeded, the Advertising Council usually considers a complaint of such advertising to be inadmissible



The slogan "We'll tow you off" would be assumed to apply to a harmless towing service. However, if the copy is illustrated with a slightly clothed woman, it gives the impression that it also refers to the depicted woman. This is disparaging and sexist in the opinion of the Advertising Council.

A reduction of the person to her sexuality, for example, takes place when that person appears purely as an object of sexual desire. Frequently, sexual availability is suggested by an ambiguous slogan, as in the example shown by the statement "laid flat really well". This advertising simultaneously includes an objectification connected with the advertising text, since the slogan equally applies to the woman and refers to the advertised floor products



## Bare ass

Some companies use the female buttocks as a visual attention device for their advertising. This is not sexist per se for the Advertising Council. Whether an advertisement is criticized depends in particular on it from how the illustration and the accompanying text are designed.



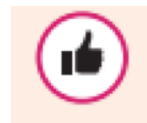
The Advertising Council usually rejects complaints about the advertising of gyms: The offer is designed to improve physical fitness. This is usually accompanied by a visual change of the body, for example, by a weight reduction in weight or a tauter skin. From the Advertising Council's point of view, it must be possible for a gym to advertise this.



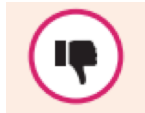
In any event, advertising that uses buttocks is objectionable when there is no need to depict buttocks that are usually only partially clothed, and a derogatory slogan is shown as well. This is the case, for example, with suggestive ambiguities or comparisons with the advertised products (*the 'ad' headline reads, 'Must be fresh, plump and juicy'*)



## A deep cleavage



Décolletés are often used for visual impact in advertising. This is not problematic per se. Sexy is not sexist. This is especially true when a woman in dirndl (*traditional feminine dress*) or costume is shown in the overall picture and a country-specific institution or event is advertised.



On the other hand, the exclusive focus on a Dirndl cleavage is critical if the woman is depicted without a head and without any product reference. Frequently women are reduced to breasts alone in such cases. The depiction of a décolleté in connection with the term "balcony renovation" has been used several times (*the 'ad' references these*). The breasts of a woman are equated in such advertising with balconies and thus with objects. The Advertising Council considers this degrading.

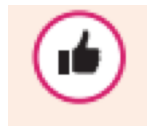
**6. ... convey a degraded view of sex with excessive display of nakedness.**

### **Nudity in advertising**

Some complainants consider any representation of naked skin to be sexist. For example, the German Advertising Council receives complaints about underwear and bikini advertising. This will not, however, as long as there is no sexist slogan, be objectionable. The Advertising Council does not consider the picture of a naked or partially clothed person to be derogatory. To demand a woman (or a man) must always be fully clothed, would suggest that naked people are indecent. Accordingly, the Advertising Council holds that representations of (nearly) unclothed women and men are not offensive, if they are neither derogatory nor discriminatory



From the perspective of the Advertising Council, a person's nudity is exaggerated if its level seems completely disproportionate to the advertised product so that it is degrading and discriminatory. This is the case, for example, if the image serves only a voyeuristic purpose, and the depicted person is reduced only to their body.  
*(The 'ad' headline reads 'Do you also suffer from headaches?' and sells a medication)*



A popular motif is also the image of a woman in a bath or a shower in the context of the application of a healthcare product or manufacturer. These ad themes are usually not objected to by the Advertising Council. One is usually naked in the shower, a representation of which the Advertising Council does not consider to be derogatory or discriminatory. However, it should also be a recognisably real shower or bath scene.

**7. ... are of a pornographic character.**

In deciding whether there has been a breach of these principles, the following criteria in particular are to be considered:

- The general understanding of the average, informed and reasonable consumer belonging to the sections of the public which the advertising addresses (according to the politically and socially recognized consumer model in the member states of the European Union);
- The nature of the product or service being advertised; in particular attention is to be given to whether the connection between the depiction of the human body and the product or service is socially acceptable, not discriminatory or derogatory;
- The situation in which the consumer comes into contact with the advertising;
- The advertising medium;
- The character of the medium by which the advertising is disseminated;
- Aspects of the protection of children and minors, in particular if they are directly addressed or the advertising appears in public places;
- The generally accepted basic values in society and the prevailing views of decency and morality;
- Social reality, as represented, for example, in the editorial content of the media.

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