

National Classification Scheme Review



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15 July 2011

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Introduction

Women's Health Victoria is a statewide women's health promotion, information and advocacy service. We are a non government organisation with most of our funding coming from various parts of the Victorian Department of Health. We work with health professionals and policy makers to influence and inform health policy and service delivery for women.

Our work at Women's Health Victoria is underpinned by a social model of health. We are committed to reducing inequities in health which arise from the social, economic and environmental determinants of health. These determinants are experienced differently by women and men. By incorporating a gendered approach to health promotion work that focuses on women, interventions to reduce inequality and improve health outcomes will be more effective and equitable.

Women's Health Victoria's vision is for a society that takes a proactive approach to health and wellbeing, is empowering and respectful of women and girls and takes into account the diversity of their life circumstances.

Women's Health Victoria's ways of working are guided by four principles:

- We work from a feminist framework that incorporates a rights based approach.
- We acknowledge the critical importance of an understanding of all of the determinants of health and of illness to achieving better health outcomes.
- We understand that the complexities involved in achieving better health outcomes for women require well-considered, forward thinking, multi-faceted and sustainable solutions.
- We commit to 'doing our work well'; we understand that trust and credibility result from transparent and accountable behaviours.

SUBMISSION

Question 10: Should the fact that content is accessed in public or at home affect whether it should be classified

Women's Health Victoria believes that content accessed in public, such as outdoor advertising, should be subject to a general classification. Outdoor advertising is unique in that it is consumed in public space and therefore imposed on the public, which is not offered a choice of whether or when to view¹.

The *Portrayal of Women Advisory Committee* was established to provide recommendations to the Minister for Women's Affairs in relation to images of women in outdoor advertising. The Committee identified a number of issues regarding representations of women in outdoor advertising. These include:

- Failure to represent the diversity of women in terms of body size and shape, as well as race, sexuality, disability and religion².
- Use of women's bodies and body parts to sell products. For example, use of images which only show parts of women's bodies or depictions of women as inanimate objects for consumption³.
- Association between women with sex. Women are represented as sexual objects and/or as sexually available⁴.

The *Portrayal of Women Advisory Committee* found that outdoor advertising impacts on community perceptions of women, and:

... perpetuates and reinforces stereotypes, encourages negative views of women's status in society, and fosters attitudes about women and sex that are less than positive⁵.

This can manifest in negative self-esteem and body image among women and girls, and promotes acceptance of images that are either violent and/or sexually explicit⁶. To address these issues in a targeted manner, Women's Health Victoria believes that content accessed publicly, including outdoor advertising, should be regulated under the *National Classification Scheme*, and subject to a general rating.

These recommendations are also proposed in the *Legal and Constitutional Affairs References Committee's Review of the national classification scheme*, which states:

...the National Classification Scheme does not apply to all media. For example, media such as billboards and outdoor advertising are regulated through industry codes. Given the very public nature of such media, the committee believes it is appropriate to consider the application of the National Classification Scheme to these types of media⁷.

It also recommends:

... to the extent possible, the National Classification Scheme should apply equally to all content, regardless of the medium of delivery⁸.

Recommendation: Content accessed in public, including outdoor advertising, should be regulated under the *National Classification Scheme* and subject to a general classification.

Question 15: When content should be required to display classification markings, warnings or consumer advice?

Consumer advice on digitally altered images

While many factors affect women's body image, the media is repeatedly identified as a significant contributor to the predominant image of the ideal female body⁹. The media provides women with constant messages that the perfect body is thin and beautiful: images presented in the media are typically of women who are unnaturally slim and who have often undergone cosmetic surgery. The images themselves are often digitally enhanced, and are both unreal and unrealistic.

The *Voluntary Industry Code of Conduct on Body Image* recommends that media and advertising should use realistic and natural images of people, and 'Make consumers aware of the extent to which images of people have been manipulated'¹⁰. It recommends:

When using technology to digitally alter images of people, organisations that support good practice in the use of realistic and natural images of people are encouraged to:

- refrain from enhancing images in a way that changes a person's body shape, for example by lengthening a person's legs, tightening their waist or changing his or her body size
- refrain from removing moles, freckles and other permanent distinguishing marks
- ensure skin tones remain natural and refrain from smoothing over creases and lines
- ensure that where alterations are made to an image of a person... it results in the image remaining as close to natural as possible and not resulting in a significant change to the image (except where the intent is to produce an image that is not realistic)
- disclose images that have been retouched

However, because the Code is a voluntary measure, its implementation has largely been neglected. Women's Health Victoria recommends that the *National Classification Code* should incorporate the requirement for consumer advice labels on all images that have been digitally altered.

Recommendation: The *National Classification Code* should incorporate the requirement for consumer advice labels on all images that have been digitally altered.

Representation of women's genitalia in women's and M rated pornographic magazines

Medicare data shows that increasing numbers of women are undergoing cosmetic vaginal procedures such as vulvoplasty and labioplasty¹¹. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists strongly discourage these procedures, which lack peer reviewed scientific evidence and are associated with serious risks such as scarring, disfigurement, infection, and altered sexual sensation¹².

The growing demand for these procedures can be linked to a lack of awareness about the natural diversity of female genitalia. One reason for this is that representations of women's vulvas are digitally altered in magazines. Pornographic magazines rated M

and women's magazines are subject to the *Guidelines for the Classification of Publications 2005* (the Guidelines), which state the following for unrestricted publications:

Realistic depictions of sexualised nudity should not be high in impact. Realistic depictions may contain discreet genital detail but there should be no genital emphasis. Prominent and/or frequent realistic depictions of sexualised nudity containing genitalia will not be permitted¹³.

Mia Freedman, former Editor-In-Chief of *Cosmopolitan*, *Cleo* and *Dolly* magazines, described how this impacted magazines' ability to publish images of women's genitalia:

... the basic situation is that any magazine featuring a picture of a naked woman, had to digitally remove anything visible outside the 'single slit' of the vaginal lips. So any stray bits of labia or clitoris has to be airbrushed out¹⁴.

In effect, realistic genital images are altered in a process that lacks transparency. Correspondence between Kirsten Drysdale, a journalist for the Australian Broadcasting Commission's *Hungry Beast* program, and the Classification Board highlights the confusion in application of the Guidelines. In response to a question regarding the meaning of 'discreet genital detail', a representative of the Classification Board responded:

Yeah well I guess genital detail's that, we can have discreet genital detail in Unrestricted and I guess that means genital, well, detail is pretty straightforward, so discreet means little or no or very little detail or not prominent, so it's sort of quite clear on what is not allowed, if that makes sense...¹⁵

And:

Well, genital details. It's just the detail of the genitals. Like if it's not specific in our guidelines we use the Macquarie Dictionary meaning for those terms. And genital detail is details of the genitals. So, I guess in Unrestricted you can have discreet genital detail, and whatever that means, you combine that also with a pose, and with everything¹⁶.

These responses demonstrate the lack of clarity surrounding application of the Guidelines, and suggest that they are used to censor realistic depictions of genitalia on an arbitrary basis and for no identifiable reason.

Altered images are highly accessible in women's magazines and mainstream pornography, and they inform both women and men's perceptions of their own genital (and others') genital appearance. Women's Health Victoria believes that the *Guidelines for the Classification of Publications 2005* should be amended to ensure that publications are able to publish real depictions of women's genitalia for unrestricted consumption. In the absence of this, images of genitalia that have been digitally altered should be labelled as such, consistent with the *Voluntary Industry Code of Conduct on Body Image*¹⁷. This would ensure that women and men are aware of the significant natural variation that exists in female genital appearance.

Recommendation: The *Guidelines for the Classification of Publications 2005* should be amended to ensure that publications are able to publish real depictions of women's genitalia for unrestricted consumption. In the absence of this, images of genitalia that have been digitally altered should be labelled as such.

Question 21: Is there a need for new classification categories and, if so, what are they? Should any existing classification categories be removed or merged?

Women's Health Victoria believes that the *National Classification Scheme* should incorporate a separate category for responding to the objectification of women, which is prevalent in both advertising and television content, particularly music videos.

Our recommendations are consistent with the *Legal and Constitutional Affairs References Committee's Review of the national classification scheme*, which recommends:

... the fourth key principle in the National Classification Code should be expanded to take into account community concerns about the sexualisation of society, and the objectification of women¹⁸.

Objectification has a number of significant personal and social consequences, including:

- *Impact on girls' health and wellbeing* including cognitive and physical functioning, body dissatisfaction and appearance anxiety, mental and physical health, sexuality, and attitudes and beliefs¹⁹.
- *Impact on others* including boys, men, and adult women²⁰.
- *Impact on society* including sexism, sex bias and sexist attitudes. 'Across several studies, women and men exposed to sexually objectifying images of women from mainstream media... were found to be significantly more accepting of rape myths...sexual harassment, sex role stereotypes, interpersonal violence, and adversarial sexual beliefs about relationships than were those in control conditions'. Exposure to sexualised content has also been shown to affect how women actually behave and how men treat and respond to real women in subsequent interactions. These studies have generally found that after men are exposed to sexualised content, their behavior toward women is more sexualized, and they treat women like sexual objects²¹.

Objectification in advertising

The national voluntary system of advertising self-regulation is ineffective in preventing the objectification of women. This is related to the fact that objectification is not identified as a separate factor in the *Australian Association of National Advertisers' Advertiser Code of Ethics* (the Code). As it currently stands, the Code does not differentiate between experiences of discrimination or vilification, and objectification. Discrimination and vilification are distinct from objectification, which is particularly relevant to women's experiences. Objectification is damaging and should be considered as a separate grounds for consideration under the Code.

Section 2.1 of the *Code of Ethics* states:

Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.²²

The Advertising Standards Bureau's (ASB) own definitions of discrimination and vilification do not incorporate the concept of objectification. The ASB's *Research report on discrimination and vilification* defines 'discriminates' as:

Acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.²³

'Vilifies' is defined as:

Humiliates, intimidates, incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.²⁴

Objectification complements these ideas, but expands on them in a way that cannot be encompassed as either 'discrimination' or 'vilification'. Objectification can be defined as occurring when:

...a woman's sexual parts or functions are separated out from her person, reduced to status of mere instruments, or else regarded as if they were capable of representing her. To be dealt with in this way is to have one's entire being identified with the body...²⁵

Objectification theory offers:

...an integrative framework for understanding how women's socialization and experiences of sexual objectification are translated into mental health problems: mainly eating disorders, depression, and sexual dysfunction, each of which is more prevalent among women than among men.²⁶

The Advertising Standards Bureau's own analysis of community perceptions of sex, sexuality and nudity in advertising, identifies that 'Reinforcement of women as sexualised 'objects' through portrayal in sexualised ads' is a factor which contributed to ads being seen as unacceptable. The results of this research show that:

Respondents were highly sensitive to ads which objectify women because in their view such ads reinforce and desensitise women as sexualised 'objects'. They believe that such ads portray women in this way to the broad community and are particularly concerned about the effect of such ads on developing and impressionable young women.

Again, ads which portray women as sexualised 'objects' were seen to put young females at risk of mimicking or aspiring to these unacceptable SSN [sex, sexuality and nudity] attitudes and behaviours (e.g. risky and premature sexual behaviour, self esteem and body image issues). Respondents also tied this issue back to their concerns about children's exposure.²⁷

Recent cases such Pharmacare Laboratories Case # 0334/10 highlight that Section 2 of the Code is inadequate because objectification is not identified as a separate grounds for consideration. In this case, objectification was identified in the advertisement, but was not considered suitable grounds for discrimination or vilification in the original determination:

The [Advertising Standards] Board noted that there is no relationship between a woman in a bikini and the product being advertised. The [Advertising Standards] Board noted the focus in the advertisement on the woman's body and breasts and the depictions of the men staring at the woman because she is attractive. The [Advertising Standards] Board considered that the woman is objectified. However the Board considered that the overall theme of the advertisement is light hearted and is specifically directed to depicting men who appreciate the beauty of a woman. The [Advertising Standards] Board considered that the theme song which invites men to ensure that their friends also see the attractive woman is related to the woman as she has herself presented

herself at the beach and there is no indication that the men do anything to the woman other than watch her. In addition the [Advertising Standards] Board noted that the woman appears confident and happy to receive the attention from the young men. The [Advertising Standards] Board considered that there is a proportion of the community who would find the objectification of the woman in this advertisement unacceptable. However in the [Advertising Standards] Board's view, although the advertisement objectifies the woman, it does not amount to discrimination against or vilification of women.

From this determination, Women's Health Victoria can surmise that the Advertising Standards Board views objectification as something that contributes to discrimination or vilification. This fails to reflect the substantial available evidence that objectification is in itself offensive and does not meet the objective of decency promoted in the Code. As a result, advertisements that demean and perpetuate stereotypes of women are sanctioned because they fall outside the scope of the Code.

Given that it is the only forum for regulation of this sort, it is vital the system of self-regulation is replaced with a more rigorous and independent approach. This should incorporate objectification of women as a separate factor for consideration, and be regulated through the *National Classification Scheme*. This would recognise the difference between experiences of discrimination or vilification, and objectification, and would respond more effectively to the impact of objectification.

Objectification in television

The criteria used to classify television content do not directly examine the objectification of women depicted visually, or in the lyrics of music videos. The classification process is based on the consideration of the following elements²⁸:

- Themes
- Violence
- Sex and nudity
- Language
- Drugs
- Suicide

'Themes' is the most ambiguous of the six elements. It refers to content depicting social issues such as crime, suicide, drug and alcohol dependency, death, serious illness, family breakdown and racism. Objectification of women is not explicitly considered as an issue.

As a result, television content that objectifies and demeans women often remain unmodified and is shown during general viewing times. Women's Health Victoria believes that the *National Classification Scheme* should be applied to music videos, and that the current classification process should be expanded to include objectification of women, depicted either visually or lyrically.

Sample codes that incorporate the objectification of women

The following is a sample list of clauses from advertising codes around the (English-speaking) world that contain specific sections relating to the representation of women. Each country has a similar system of regulation to Australia- codes of practice administered through self-regulation, some of which may intersect with national classification schemes and advertising law.

New Zealand: Advertising Codes of Practice (Advertising Standards Authority)²⁹

Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule³⁰.

And:

Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal³¹.

Although this clause mentions objectification of children (rather than women), it does demonstrate how broader principles of objectification could be incorporated into the Code.

Ireland: Code of Standards for Advertising, Promotional and Direct Marketing in Ireland (Advertising Standards Authority for Ireland)³²

Decency and Propriety

- 2.17 Marketing communications should respect the principle of the equality of men and women. They should avoid sex stereotyping and any exploitation or demeaning of men and women. Where appropriate, marketing communications should use generic terms that include both the masculine and feminine gender; for example, the term 'business executive' covers both men and women.
- 2.18 To avoid causing offence, marketing communications should be responsive to the diversity in Irish society and marketing communications which portray or refer to people within the groups mentioned in 2.16 should:
- a) respect the principle of equality in any depiction of these groups;
 - b) fully respect their dignity and not subject them to ridicule or offensive humour;
 - c) avoid stereotyping and negative or hurtful images;
 - d) not exploit them for unrelated marketing purposes;
 - e) not ridicule or exploit religious beliefs, symbols, rites or practices.
- 2.19 Advertisers should take account of public sensitivities in the preparation and publication of marketing communications and avoid the exploitation of sexuality and the use of coarseness and undesirable innuendo. They should not use offensive or provocative copy or images merely to attract attention. Marketing communications that may be considered by some to be distasteful, might not necessarily conflict with 2.15 above. Nevertheless, advertisers are urged to consider public sensitivities before using potentially offensive material.

South Africa: Code of Advertising Practice (Advertising Standards Authority of South Africa)³³

3.5 Gender

Gender stereotyping or negative gender portrayal shall not be permitted in advertising, unless in the opinion of the ASA, such stereotyping or portrayal is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

Canada: Canadian Code of Advertising Standards (Advertising Standards Canada)³⁴

14. Unacceptable Depictions and Portrayals

Advertisements shall not:

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule;

(d) undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population

Recommendation: Advertising and television content should be subject to regulation through the *National Classification Scheme*.

Recommendation: The *National Classification Scheme* should be expanded to encompass measures that specifically address objectification of women, either visually or lyrically. The sample clauses provided could be used as models from which to develop more direct language regarding objectification.

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