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SEX-ROLE STEREOTYPING AND SEX DISCRIMINATION REGULATION IN ADVERTISING: THE BELGIAN CASE

ABSTRACT

This study adds to the discussion (semi-)legal mechanisms for the regulation of advertising sexism in the Belgian context. Presently, Belgium does not have specific legislation against sexist advertising. The gender advertising legislation currently includes general anti-discrimination laws and industry self-regulation. The Jury for Ethical Practices in Advertising is Belgium's self-regulatory body. Its decisions are based on the International Chamber of Commerce's Consolidated Code of advertising and marketing communication practice, the Belgian national advertising codes and 'all applicable statutory regulations'. The aim of this study is to determine whether this existing system of self-regulation is an effective and successful mechanism to ward off sexism from advertising. For this purpose, 125 cases were selected from the judgments issued between 1999 and 2012 about advertising that were considered gender-unfriendly by complainants. Their analysis served to clarify how the jury deals with such complaints and whether they give concrete substance to their standards through their practice. The arguments and criteria used by the Jury were measured against a more theoretical definition of sexist advertising based on academic literature. The results support, at least in part, the conclusion that this mechanism has some serious shortcomings and that there is need for serious (legal) intervention in the existing system.

KEYWORDS

Sexist advertising; self-regulation; Belgium; gender discrimination

1. INTRODUCTION

The study reported here adds to the discussion on (semi-)legal mechanisms for the regulation of advertising sexism in the Belgian context. This contribution is part of a wider project regarding the role of law in

the regulation of sexism in words and images. There have been previous researches regarding this topic in the Belgian context, but not from a legal perspective (Magda Michielsens Onderzoekshuis, 2009; Van Hellemont & Van den Bulck, 2009). The aim of the project is to identify and critically analyze existing and potential forms of regulation of sexism in words and images in the Belgian context. The final goal is twofold: firstly, to contribute to the assessment of the success of regulation in this field, and secondly an attempt to define the problem in the form of workable definition of ‘prohibited sexism’ in Belgian law.

Advertising and street harassment are the two main problems that are associated with sexism in Belgium. In the summer of 2012, the Belgian legislator announced that these problems would be tackled with a major ‘anti-sexism law’. The law was finally approved in April 2014 in a reduced ‘light-version’, eventually leaving out the topic of gender and advertising. This meant that the Belgian legal situation in relation to gender and advertising remained unchanged.

The aim of this research is to determine whether the existing system of self-regulation is an effective and successful mechanism to ward off sexism from advertising. The study data support, at least in part, the conclusion that there is need for serious intervention in the existing (semi-)legal system, and that Belgium would benefit from examining foreign advertising regulation concerning sexism for possible implementation in Belgium.

Part II of this contribution sets out the system of Belgian ‘gender advertising law’. Part III lists criteria for sexist advertising to be included in a working definition. Part IV describes the Jury for Ethical Practices in Advertising’s assessment of complaints on sexist advertising, the results of the study and a reflection on these results.

2. BACKGROUND

While countries such as Norway, Sweden and Finland have specific legislation against sexist advertising, Belgian ‘gender advertising law’ currently includes general anti-discrimination laws and industry self-regulation. Belgium does not seem to have looked to other countries for guidance in the area of regulation of gender advertisements. So far, there is no formal regulation by law of gender advertising. The legislator does not want to intervene: “whereas it is not effective to systematically take legal actions because the criminal legislation would become unwieldy and because it is recommended to find a balance between freedom of speech, creativity and respect for human dignity” (Belgian Senate, 2006).

a) Industry self-regulation

The *Jury for Ethical Practices in Advertising* is Belgium's self-regulatory body. The Advertising Council founded it in 1974 and its secretariat is funded by the advertising sector. Its main task is to determine whether the advertising messages disseminated through the mass media (newspapers, magazines, door-to-door papers, weekly papers, radio, television, billboards in public places, cinema, Internet), e-mailing and/or direct mail and are in accordance with the rules on advertising ethics, for which it relies on Belgian statutory law and on the self-disciplinary codes. The self-disciplinary sanctioning of the Jury depends on the voluntary collaboration of advertisers, advertising agencies and media, and happens out of consideration for 'interests of consumers' and/or 'the image of advertising'. On the one hand, the Jury investigates complaints received from the public, particularly consumers. On the other hand, advertisers, advertising agencies and media can voluntarily request advice. The Chairman of the Jury can submit an advertisement to the Jury for assessment on his own initiative or at the request of one or more members of his Jury, for the purposes of the defense of consumer interests and/or the image of advertising. The decisions and recommendations of the Jury do not have a legally binding character.

Until 2008, the Jury consisted only of advertising professionals. This led to criticism on their effectiveness and to a lack of credibility with the public, as they were both judge and defendant in the regulatory process. Therefore, there was a change in the composition of the Jury with effect from the 1st of January 2008. Since then half of the members represent the civil society, the other half represent the advertising industry.

b) Interpretation of claims and remediation

The procedure (Raad voor de Reclame, 2013) for dealing with complaints has a fixed structure. In the first instance, the advertiser is contacted and he receives a depersonalized copy of the complaint. The advertiser is then given the opportunity to react. In addition to the motives mentioned by the complainant, the Jury may add extra elements, for example based on conflict with applicable legislation and / or self-disciplinary rules. In this case, the advertiser is invited to give his views on these aspects. When the record is completed, it is submitted to the Jury. The Jury investigates the advertisement and decides whether it is in accordance with the laws, regulations and codes to protect consumers. Every advertisement is investigated separately, taking into account all elements of the message, the type of product or service, the target audience and the social, cultural and economic

context. The Jury can take three types of decisions. When the Jury is of the opinion that the advertisement does not contain elements that are contrary to statutory or self-disciplinary provisions, no remarks are formulated. This does not imply that the Jury approves the advertisement itself. In case of dispute, the case can be brought to court. When the Jury finds elements that are contrary to statutory or self-disciplinary provisions, it decides that the advertisement should be modified or suspended, depending on the nature and the extent of the infringement. The Jury can also issue an 'advice of reservation', whereby the responsibility to handle is left to the advertiser and the media. The deliberations and records are confidential, but when a case is closed, a summary of the record is made available on the website.

c) Sources for the (self-)regulation of gender advertising

The Jury bases its decisions on the International Chamber of Commerce's *Consolidated Code of Advertising and Marketing Communication Practice* (ICC Code) (International Chamber of Commerce 2011), the Belgian national codes and 'all applicable statutory regulations', based on five basic principles: advertising has to be honest, decent, truthful, legal and show a sense of social responsibility.

In terms of self-regulation, sexist advertising falls partly under the general headings of 'taste and decency' (Article 2) and 'denigration' (Article 12) and partly under Article 4 of the ICC Code on 'social responsibility':

Marketing communication should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation.
Marketing communications should not without justifiable reason play on fear or exploit misfortune or suffering.
Marketing communications should not appear to condone or incite violent, unlawful or anti-social behaviour.
Marketing communications should not play on superstition.

The Belgian national advertising regulations are based on the ICC Code. Like other national advertising codes, it reflects the country's cultural, legal and commercial traditions (Gustafsson, 1993). The Belgian national code of advertising practice incorporated the ICC rules on decency and social responsibility in a set of recommendations about 'Representation of the person' (Jury voor Ethische Praktijken inzake Reclame, 2002), but unlike some other European countries, it did not go further in terms of specific rules on the portrayal of gender. The Jury asks advertisers, advertising

agencies and the media to comply with these recommendations. They are based on the Code of the International Chamber of Commerce and supplemented with guiding comments by the Jury.

Regarding decency, the guiding comment states that advertising has to avoid to discredit persons or to exploit them in an improper manner by 'spreading images that violate dignity and contravene decency, so that the public is shocked or provoked'. Further, representations of (parts of) the human body should not be 'indecent or obscene'. Particular caution is required 'when the image is not related to the product and its objective or subjective properties'. The use of nudity in advertising should not seem 'humiliating and degrading'.

In the context of social responsibility the guiding comments recommend to avoid 'contempt, mistrust or mockery, regardless of the ethnic, social, professional or economic category to which a person belongs. Also, 'negative comparisons based on sex, age, race, nationality, social or professional status' should not be encouraged, developed or exploited. Advertising may not ignore 'the abilities, desires and the role of the various human and social groups'. Furthermore, 'attitudes regarding the inferiority or the superiority of a person in function of the social group to which he belongs, as well as encouraging feelings or behaviors that lead to expulsion, intolerance or racism' should be avoided.

Regarding the use of violence, the guiding comments clarify that the use of needless violence, direct or suggested, and every incitement to moral and physical violence, should be avoided. Violence is defined as 'at least all illegal, unlawful and reprehensible behaviors targeted by the legislation'. Direct violence is a depiction of the action of violence itself, while suggested violence is an atmosphere or a context that is the result of an act of violence. Moral violence includes dominant actions and unwanted harassment, both morally and sexually. In all cases, the used statements or representations should not trivialize violence.

The Belgian national code goes further than the ICC code, by adding a recommendation on the evolution of morals and of society: 'Advertisers must constantly take into account the evolution of the morals and should avoid that they would contribute to the perpetuation of social prejudices or stereotypes that go against social evolution or against prevailing ideas within the population'. The guiding comment underlines that all recommendations should be particularly adhered to when stereotypes about social or ethnic groups are used. Suggestions of submission and dependence by which human dignity is affected should be avoided.

The Belgian national code of advertising has an extra set of recommendations about 'Humor in advertising' (Jury voor Ethische Praktijken inzake Reclame, 1992), which is quite extensive compared to other countries. Among other, this is important with respect to pejorative allusions or references based on gender.

Overall, the standards the Jury has to work with are quite vague and do not explicitly mention sexist advertising, nor the principle of equality between men and women. The rules are limited to 'meeting current applicable standards of decency', 'respect for human dignity', 'avoiding discrimination based on gender' and the 'prohibition to humiliate persons or groups of persons'. Stereotyping in general should be avoided, but gender stereotypes are not specifically mentioned. Also, the term sexism is nowhere to be found, and the theme of 'women and violence' is not specifically taken into account. As regards the statutory law the Jury can apply, there are only general anti-discrimination laws that do not specifically deal with advertising.

This invites us to ask whether the Jury and the standards it applies are an effective mechanism to ward off sexism from advertising. The change in composition of the Jury led to the question whether the new composition - while the evaluation criteria remain unchanged - influenced the way the Jury deals with complaints about sexist advertising.

3. CRITERIA FOR SEXIST ADVERTISING

To answer the abovementioned questions, the arguments and criteria used by the Jury have to be measured against a theoretical definition of sexist advertising. There is no consensus amongst scholars about a definition of sexist advertising. It depends very much on cultural values and social customs, and on context. It can almost never be neutral. It is very difficult to distinguish accepted from not accepted gender portrayal. It requires very sophisticated line-drawing and fine interpretation of rules (Boddewyn, 1989; Preston, 1997). In the context of this study, I have attempted to list a set of minimum criteria as a working definition of sexist advertising, mainly based on literature, supplemented with advertising codes from other countries, such as Norway, that go much further than the Belgian Code. These criteria focus on the portrayal of gender roles, the use of persons as objects, focus on body parts, product relevance, beauty ideals, humor and violence.

With regard to the portrayal of gender roles in sexist advertisements, women or men are reduced to and defined as certain simplistic gender roles or characteristics that are mainly traditional gender stereotypes and

role models. Women are traditionally portrayed as mothers, related to the household, in traditional occupations, while men traditionally appear as breadwinners related to the public life (Cohen-Eliya & Hammer, 2004; Cortese, 2007; Dyer, 2007; Goffman, 1979; Lysonski & Pollay, 1990; Seehan, 2014; Wyckham, 1987). Often, used gender stereotypes ascribe qualities that are perceived as unfavourable or negative to one gender. Examples of this are statements that women are impractical or that men are inconsiderate.

Advertising is also considered 'sexist' when persons, usually women, are reduced to their sexuality or only parts of the body are used, with focus on legs, breasts, faces and hair (Chambers, 2009; Dyer, 2009). Men are usually less often dismembered this way. Often, the bodies are separated into parts that need change or improvement (Kilbourne, 1998). When body parts are shown divorced from the body, this emphasizes that the picture is of the body, not the person, which leads to dehumanization and the perpetuation of the notion that a woman's body is not linked to her mind, soul and emotions (Cortese, 2007; Gill, 2009; Masse & Rosenblum, 1988; Merskin, 2013). This is problematic regardless if the dismembered part of the body wears or bears the item that is for sale (Merskin, 2013).

In case of 'dismemberment', bodies and body parts are usually used as objects. Objectification (Gill, 2008, 2009; Jhally, 1989; Preston, 1998), reification (Boddewyn & Kunz, 1991) or commodification (Piety, 2009; Rosewarne, 2005) also occurs when there is no natural link between the sex of the person and the advertised product or the person's body is only used to attract the public's attention, leading to dehumanization or depersonalisation (Lysonski & Pollay, 1990). Bodies, mainly female bodies (Kilbourne, 2000), are displayed to be consumed (Rosewarne, 2005). The use of bodies as objects is related to product relevance, namely whether the portrayal has a factual relevance to the product being advertised (Seehan, 2014). Product relevance is an important factor, but even if the advertisement is product relevant, it may still be assessed as offensive.

Objectification is linked with body focus (Gill, 2009), the beauty myth (Wolf, 1991), beauty ideals, unrealistic standards of beauty (Sarikaki & Shade, 2011) and the use of the exemplary female prototype (Cortese, 2007). She is young, good-looking, thin, tall, smiling, acquiescent, provocative, sexually available, she has long hair, long legs and she does not have scars or blemishes (Cortese, 2007; Dyer, 2009).

Objectification as such can justify violence (Kilbourne, 1999). Also, advertisements can be considered sexist when they reinforce, trivialize or justify violence against women, as well as submission, dependence and

exploitation (Consumer Ombudsman, 2009; Kilbourne, 2000). This can be done through graphic representations of violence (Gill, 2009), naturalization of female bodies in pornographic poses (Merskin, 2013) or expressions of physical or symbolic violence, for example by depicting women in passive poses (with half open mouth, arched back, lying down, with their legs spread) and men in possessive, assertive and active poses (Sarikakis & Shade, 2011).

Another possible criterion for sexist advertising is the misuse of humour at the expense of women and/or gender equality (Cortese, 2007). The fact that an advertisement has a humorous and satirical manner about it does not exempt the advertiser from his responsibility (Consumer Ombudsman, 2009).

These criteria listed in the working definition can be used as guiding principles to lead to findings of sexist advertising in a majority of cases, but they cannot be generalized, since this problem will always be hard to measure, due to context and personal perceptions. Yet, there is one last criterion that might be generalized: advertisements can be considered sexist when reversal of the image, where men take over the role of women and vice versa, would immediately cause irritation, amusement or dislike (Meier, 2012).

4. THE JURY'S ASSESSMENT OF COMPLAINTS ON SEXIST ADVERTISING

a) Data

Data on complaints about sexist advertising are not included as a separate category in the statistics, on the website and in annual reports of the Jury. There is no annual survey of complaints regarding sexism, keywords such as 'sex', 'gender', 'sexist imagery' or 'sexism' are not used. All complaints are lumped together specific problems are not delineated. This study is limited to the summaries of the judgments available on the website, since the full records are confidential. The cases studied in this research were selected on the basis of their perceived gender-unfriendly nature according to the complainants.

The Jury handles 150-200 complaints each year. Most advertisements receive complaints from one consumer or organisation only (Van Hellemont & Van den Bulck, 2009). Around 30% of the complaints are about 'Representation of the person'. On average, one-third to maximum half of these 30% each year are about the perceived gender-unfriendly character of advertisements. A previous study failed to identify the reason for this low number of complaints: 'either consumers hardly have complaints about female or

male image [in advertising] or the Jury is insufficiently known by the public' (Van Hellefont & Van den Bulck, 2009, p. 40). The same study also questioned whether consumers want to express their reactions or complaints through an official complaint. Anonymous complaints are not accepted by the Jury and can thus not be found in the statistics.

A number of judgments on the gender-unfriendly nature of advertising were studied to determine how the Jury deals with such complaints, whether they give concrete substance to the vague standards through their practice and interpretations and whether there is a noticeable difference since the change in composition of the Jury in 2008. The main strategy was to locate their approaches towards the complaints and their arguments or reasons to accept or decline them, and to look whether do more than merely applying their vague guidelines, by using or referring to elements of the working definition.

Between 1999 and 2012 the Jury issued 278 judgments about advertising that was considered gender-unfriendly by complainants. In 99% of these cases, complaints were filed by consumers. Organizations do not file a lot of complaints. In the large majority of the cases, the complaints were about sexism against women. Complaints about discrimination against men are filed very rarely. From these judgments the five largest categories (in which there were 20 or more complaints over the covered period) were selected. At the same time, these categories represent classical themes where many stereotyped views about men and women exist, namely 'cosmetics', 'beverages', 'information technologies and telecommunications', 'motor vehicles and accessories' and 'textiles and clothing'.

	BEFORE 2008	AFTER 2008	TOTAL
Cosmetics	12	8	20
Beverages	14	10	24
Information technologies and telecommunications	9	13	21
Motor vehicles and accessories	15	8	22
Textiles and clothing	23	15	38
		TOTAL	125

Table 1: Complaint categories and number of complaints per category before and after the change in composition of the Jury in 2008

b) Results

Attempting to draw generalizations from justified and unjustified complaints is difficult. From the data available in the summaries of the cases it is in most cases not possible to determine specifically what is acceptable and what is not according to the Jury. The majority of complaints deals with subtleties and it is not easy to clearly identify characteristics of advertisements found to be contrary to the guidelines.

In the majority of the cases, the description of the advertisement and/or the argumentation of the complainant refer to certain elements of the working definition. Most cases are thus potential cases of sexist advertising if they would be objectively measured against the working definition, still keeping in mind that certain cases are hard to measure, and that there are restrictions because of the limited amount of available information.

Before 2008, the Jury did not find breaches of statutory and/or self-disciplinary rules in 71% of the cases. Therefore, they did not find it necessary to formulate remarks. After 2008, this percentage was reduced to 66%. Overall, the Jury did not formulate any remarks ('No remarks') in a large majority of the cases (85 out of 125). The categories 'Cosmetics' and 'Beverages' appear to be the least problematic, with respectively 19 out of 20 and 21 out of 24 cases that did not receive any remarks. In the category 'Motor vehicles and accessories', just more than half of the cases did not receive any remarks (13 out of 22), while in the category 'Textiles and clothing', one third of the cases (25 out of 38) were considered unproblematic. In the category 'Information Technologies and Telecommunications', more than half of the complaints resulted in an advice of reservation, modification or suspension.

	NO REMARKS		ADVICE OF RESERVATION		MODIFICATION / SUSPENSION	
	Before 2008	After 2008	Before 2008	After 2008	Before 2008	After 2008
Cosmetics	11	8	1	0	0	0
Beverages	11	10	2	0	1	0
Information technologies and telecommunications	5	4	2	4	2	4
Motor vehicles and accessories	10	3	2	1	3	3

Textiles and clothing	15	10	3	3	5	2
	52	35	10	8	11	9

Table 2: Outcome of the complaints per category before and after the change in composition of the Jury in 2008

In the majority of the cases where the Jury did not find breaches, they reject the complaints about the sexist nature without further investigation or motivation. Where they do substantiate the rejection of the complaints, the same arguments usually return. A first argument is that the majority of the consumers would not have problems with the advertisement, be shocked by it or would not understand it in a wrong way, or that according to the current societal evolution there are no elements contrary to generally accepted standards of decency. Secondly, it seems sufficient for the Jury that there are no obscene elements, for example that intimate body parts are covered or that positions are not pornographic. When the intimate body parts are covered, this implies for the Jury that there is no breach of the dignity of the woman. Thirdly, humor, take-offs and hyperboles are usually considered as factors that make more bold advertisements acceptable, it even helps when women are literally used as objects/tools. Another element is that a vague connection between picture and text or product is sufficient for the Jury. Even when there is no connection, they do not consider it unproblematic when there are no problems with decency. Where traditional stereotypes are used, the Jury does not consider them sexist or problematic for the perpetuation of stereotypes contrary to the societal evolution, and rather finds them 'funny'. Next, the fact that women are used to praise products for women is not unjustified. Finally, often the jury just concludes that 'the advertisement is not sexist, indecent, humiliating or discriminating, it does not offend the dignity of women or does not perpetuate stereotypes', without explaining or defining what these terms mean.

When the Jury does find an advertisement problematic, that is not always because it is considered to be sexist or disputable from a gender perspective. Where they find a negative connotation that is not respectful vis à vis women, they connect it to the demonstration of good taste or the fact that it can hurt or shock consumers. Another main concern is that certain advertisements might create 'negative reactions of the public towards advertising'. Over the covered period, the Jury acknowledged only once, in 2006, that the image of men and women in advertising is 'part of the current affairs and social sensitivities in the current societal context'. Only in

one case of 2007, the Jury literally says that the woman is instrumentalised, reduced to an object, and that therefore, her dignity is breached.

After 2008, the Jury acknowledges in a couple of cases that stereotypes are perpetuated that conflict with societal evolution or the position of women in current society, or that there is denigration against women. In only one case after 2008, they recognize that humor can lead to belittling of women.

While assessing specific cases, references to other similar cases or previous decisions are very rare. The Jury does not apply most of the aforementioned criteria of the working definition, and where they do so, they certainly do not do this in a systematic way. Overall, no references can be found to statutory provisions of Belgian law.

c) Reflection on the results

Since many cases were clearly potential cases of sexist advertising, the Jury had numerous occasions to denounce certain principles, but instead they decided not to formulate comments. Based on the criteria they use, it is impossible to conclude why which advertisements receive comments and others do not.

In general, there seems to be ample freedom for advertisers in the portrayal of women, as long as it is minimally related to the context of the promotion and there are no elements contrary to the general standards of dignity. The criteria used by the Jury are not fixed criteria and they are not defined. It is not clear how the term 'sexist' should be understood, what the 'the current societal evolution' represents, how the concept 'humor' is delineated and how the concept 'functionality' has to be applied. Not only do they not explain what they mean when they use these terms, they do seem to apply them in different ways to similar cases. There is no line in their judgments: cases with a lot of similarities are handled in a different way. There is clearly no consistency nor equality in the handling of the cases.

As Sheehan (2014, p. 91) suggests, "when looking at portrayals and imagery of men and women, it is important to examine a body of advertisements, not just one or two specific advertisements that have imagery that may be stereotypical or in other ways problematic. Stereotypes are created by the continual, extended exposure of consumers to patterns of imagery". By not working systematically, not referring to similar cases or previous decisions, the Jury denounces these principles. The Jury does not seem to be aware of the possible magnitude of the influence of advertising, nor of the potential effect of their decisions. The Jury could have a bigger deterrent

effect by creating a stronger precedent-setting value. Certain principles, that are recognized only a handful of times, such as the negative power of humor or the fact that stereotypes can be harmful for women, seem to be forgotten or overlooked when they could be applied numerous times in other similar cases.

The judgments do not always take into account all the elements of the complaints, and certain aspects of the working definition are never applied. For example, the display of body parts and the concept of dismemberment are never addressed, although the Jury was confronted with some very clear examples of the usage of this concept. Other aspects of the working definition are used exceptionally, but not always in the right meaning. For example, product relevance seems to have another meaning for the Jury than the meaning it has in the working definition. The Jury always seems to find a useful link between the display of women and the selling of cars.

Explicit line-drawing is avoided in most cases, possibly because certain concepts are hard to measure or because of personalized interpretations of certain issues (Preston, 1997). Some elements are indeed hard to measure, but there are not even attempts to measure them. For example, the Jury accepts the fact that women are used for female products, without calling into question the beauty ideal, the fact that bodies are displayed in certain ways, or that only parts of the body are displayed.

The Jury does not seem to find it necessary to measure certain aspects of cases, even where they have 'rules' available in the Belgian Code on advertising and the ICC Code. Where these rules are applied, the jury members do not show their willingness to change certain thought patterns or to interpret certain guidelines in greater depth. The Jury refrains from referring to statutory Belgian law, although they clearly state in their regulations that it should be applied and the first principle of ethical behavior is respect of the law (Boddewyn, 1989).

With regard to the cases where they accept there is a problem, the Jury usually does not focus on the structural problem of sexism. Respect is for them more an aspect of good taste and decency than a matter of respect for the equality between the sexes. Their main concern is the reputation of the advertising industry itself, not the sexist nature of certain advertisements. They also seem to focus on the advertiser's intentions, rather than on the impressions of the complainants. The system should evolve more towards a "consumer-redress mechanism" (Boddewyn, 1989, p. 23) Moreover, there is a tendency to refer to prevailing public attitudes and values rather than to emerging or ideal ones (Boddewyn, 1991).

There is no visible improvement in the responses from the Jury to growing criticisms to the use of sex in advertising, and there is little improvement since the change in composition of 2008, while the inclusion of non-industry members (outsiders) is supposed to broaden the perspectives of self-regulatory bodies (Boddewyn, 1991). A lot of sexist – or women-unfriendly advertisements are overlooked.

While the goal of this research was not to recount advantages and disadvantages of advertising self-regulation, it is clear that the effectiveness of the Jury to ward off sexism from advertising is partly limited by the fact that it is a self-regulation mechanism: its scope is limited, its reach is incomplete and its methods are only partially effective. Dominant criticisms to self-regulation and soft-law (Boddewyn, 1989) apply in the Belgian case: the number of cases that is handled in proportion to the overall number of potentially problematic advertisements is very low, relatively little publicity is given to the Jury standards and decisions, many decisions come after the infringing advertisement has been discontinued and the penalties are very mild. Another problem is that in the Belgian case, although the Jury is in theory not the sole arbiter of norms and sanctions on advertising, in practice, it is the only used mechanism. There is need for implementation of other – existing and new – societal and statutory control mechanisms.

5. CONCLUSION

This study sought to determine whether the existing system of self-regulation is an effective and successful mechanism to ward off sexism from advertising. From the judgements of the Jury it is clear that they apply very vague rules and that they seem to hold on to them: they focus mainly on decency and do not really attempt to broaden the perspectives and definitions within the existing framework. There is a reluctance and hesitation to assume responsibilities in this field. Moreover, it remains underexposed that sexism in advertising is not an incidental, but a structural problem. Even though the existing system of self-regulation has a lot of lacks, it might still be the best medium, it is not clear whether government intervention is appropriate or even plausible. Law works best when supported by a broad consensus and the governments has to be willing to intervene. Further research might include an elaboration of the proposed working definition to be included in the ethical codes and an assessment of other possible options both in and out the traditional confines of law. A thorough evaluation of the complaints against the proposed working definition could reveal the

sexist character of commercials in a relatively simple way. As shown abroad, it is possible to develop a system of clear criteria. It might not be 100% fool-proof, but at least it can be objective and controllable. It is important that this problem is taken seriously, while keeping in mind that images where sex plays a role are not wrong per se, but it is important to prevent explicitly sexist manifestations.

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