







# DRAWING THE LINE: CREATIVE FREEDOM vs. GENDER SENSITIVITY

Analysis of decisions of  
Advertising Standards Council of India (ASCI)  
on indecent representation of women in advertising

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under the guidance of United Nations Population Fund and Population First



# Contents

<b>1. Introduction</b>	<b>1</b>
1.1 Purpose of the study	2
1.2 Methodology	2
<b>2. Structures and Procedures: ASCI</b>	<b>4</b>
2.1 The ASCI Code on Gender	4
2.2 The Consumer Complaints Council (CCC)	4
2.3 Post CCC meeting procedure	5
2.4 Complaints upheld and compliance	6
2.5 Total complaints received (2007-2012)	6
2.6 Complaints relating to indecent representation of women and gender (2007-2012)	6
2.7 Break up of products in ads complained against	7
2.8 A review of selected offending ads	7
2.9 Dominant themes in the offending ads	17
2.10 Analysis	17
2.11 An analysis of the decisions made by the CCC	18
2.12 How can ads be more gender-sensitive?	20
<b>3. Looking at the Bigger Picture: The Changing Tide? The Impact of Self-regulation</b>	<b>21</b>
3.1 The state of self-regulation (total complaints)	21
3.2 Who complains?	22
3.3 Has increased self-regulation led to increased gender sensitivity?	22
3.4 Comparing general outcomes with gender-specific outcomes	24

4. Measuring Compliance	27
4.1 Rate of compliance (total complaints)	27
4.2 Rate of compliance (gender-specific)	27
5. Key Findings	29
6. Recommendations: The Way Forward	32
7. Conclusion	35
Appendices	37
I. List of Brands/Companies/Advertising agencies complained against, 2007-10	38
II. Members of the Consumer Complaints Council of ASCI (2012-13)	39

# 1. Introduction

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The Census of 2001 highlighted the problem of a fall in the sex ratio. In response to this, in June 2005, Population First launched *Laadli*, a girl-child campaign aimed at stopping gender discrimination and pre-birth sex selection. The objective was to change the mindsets that undervalue girls, promote gender discrimination and justify violence against women.

The focus of Laadli campaign has been on working with media and advertising to create a positive image of the girl child and create awareness about the gender nuances in their communication and its impact on reinforcing gender stereotypes, discrimination and violence against women. As part of advocacy with media and advertising a number of activities were taken up under the laadli campaign viz., the exclusive media awards for gender sensitivity, National Creative Excellence Awards for Creative and Advertising professional for developing communication materials/campaigns on the issue of pre-birth sex selection Media fellowships, theatre workshops on gender for media, Million Signature Multi Media Campaign etc.

In a society where women are often discriminated against before birth, within their families, homes and the workplace, there is a constant need to strengthen the gender discourse at all levels. Media and advertising being of utmost importance in influencing public attitudes and beliefs on a large scale, a fair and unbiased representation of women in advertisements and media is crucial. While the representation of women in advertising has seen a positive change over the last five years – with the increasing portrayal of ‘real’ women adopting multiple roles, entering the workplace and challenging traditional gender stereotypes – a large number of advertisements continue to depict women as sexual objects and are gender insensitive.

To regulate and combat gender insensitive advertisements, there are existing professional codes in the advertising profession to regulate the projection of women, the most prominent being the robust framework of the Code of Conduct formulated by the Advertising Standards Council of India (ASCI).

The ASCI Code of Conduct is of interest to the Laadli initiative for the following reasons:

1.	<b>Strengthening existing structures:</b> There exists self-regulation within the advertising industry towards bringing about greater gender sensitivity. Working with the ASCI, UNFPA and Population First aim at further strengthening the existing regulations to hasten the shift towards greater gender sensitivity within the industry and beyond.
2.	<b>Influencing influencers:</b> ASCI enjoys the membership of 212 prominent advertising agencies, 225 advertisers and 58 influential media companies and related sectors across the country. ASCI thus plays a very crucial role in influencing the messaging across media and is represented in all committees working on advertising content in every Ministry of the Government of India.
3.	<b>Focal point for complaints:</b> The Consumer Complaints Council (CCC) of ASCI is a prominent body that looks into <i>suo moto</i> complaints made by members of the CCC, ASCI Board and/or the Secretariat as well as intra-industry complaints, complaints from consumer organisations and the general public.
4.	<b>Legal recognition:</b> In 2006, the Government amended the Cable Television Networks (Amendment) Rules 2006, in that “no advertisement which violates the Code for Self-Regulation in Advertising, as adopted by the ASCI, Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.”

## 1.1 Purpose of the study

1. To study the total complaints received by ASCI regarding the indecent representation of women and gender issues in advertising during the period 2007-2012 and analyse the decisions taken by the CCC.
2. To identify key areas which need to be elaborated upon in the ASCI code on gender sensitivity and the representation of women in advertisements.
3. To understand the impact of self-regulation on gender attitudes across a spectrum of stakeholders in advertising.
4. To ascertain the effectiveness of ASCI to ensure compliance with decisions made by the CCC regarding gender insensitive ads.

## 1.2 Methodology

The study was conducted over six weeks during which 45 ads made from 2007 to 2012 were analysed. These ads were complained against for being either insensitive to women or having gender issues in them. The analysis was followed by discussion with members of ASCI and Mr. Ramesh Narayan of the International Advertising Association (IAA) to understand their views



on the representation of women in advertising and the range of activities undertaken to promote gender sensitivity.

The ads analysed include complaints received by ASCI regarding violations of Chapters II and III.1(b), the two sub-sections of the code which deal broadly with gender issues, obscenity, nudity and general standards of decency. The analysis included complaints that were both upheld and not upheld by ASCI. However, the ads discussed in this study represent only gender-related ads, even though Chapters II and III.1(b) also refer to attitudes towards sex and other cases of obscenity/discrimination. Consequently, being a direct reflection of perceived gender roles in society, ads relating to the representation of men in Chapters II and III.1 (b) has also been included in this analysis.

It important to note that during the analysis of ads, ASCI was unable to provide the visuals for many ads complained against since the ads were destroyed. While this has affected information gathering, descriptions of the ads provided by ASCI have been supplemented where possible by YouTube links.

## 2. Structures and Procedures: ASCI

ASCI is a self-regulatory voluntary organisation of the Advertising Industry. Established in 1985 by the Advertising Agencies Association of India (AAAI) and the Indian Newspapers Society (INS), ASCI aims to protect the interests of consumers and other stakeholders concerned with advertising.

In its attempt to maintain and enhance the public's confidence in advertising, ASCI has adopted a Code for Self-Regulation in Advertising. ASCI ensures that advertisements conform to this code.

### 2.1 The ASCI Code on Gender

Chapters II and III of the code touch upon depiction of women in advertisements which has been laid down as follows:

#### Chapter II

To ensure that advertisements are not offensive to generally accepted standards of public decency. Advertisements should contain nothing **indecent, vulgar or repulsive** which is likely, in the light of generally **prevailing standards of decency and propriety**, to cause **grave or widespread offence**.

#### Chapter III

To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as **hazardous or harmful to society or to individuals**, particularly minors, to a degree or of a type which is unacceptable to society at large.

1. No advertisement shall be permitted which:  
...(b) **tends to deride any** race, caste, colour, **gender**, creed or nationality.

### 2.2 The Consumer Complaints Council (CCC)

The Consumer Complaints Council of ASCI receives complaints from civil society for not following the above codes. The current composition of the CCC members is listed in Appendix II. The CCC meets twice a month to deliberate on the complaints received and takes decisions on these.

According to the Pre-CCC Meeting Procedure as stated by ASCI, there are three types of complaints which are received:

1. Complaints from the general public
2. *Suo moto* complaints (complaints made by a member of the ASCI Board, CCC, or the Secretariat).

In addition, in recent times, ASCI started an initiative, National Advertising Monitoring Service (NAMS), to monitor and track misleading advertisements nationally in print and television. On an average, NAMS tracks and assesses around 350 TV and 10860 newspapers for newly released ads each week. **NAMS will soon launch its services to monitor gender-specific ads as well, improving the *suo moto* reporting of gender-offensive complaints.**

3. Intra-industry complaints

Source: The ASCI Code

## 2.3 Post CCC meeting procedure

Once the CCC has taken a decision on the complaint, the party complained against is informed of the same within 5 working days. If the complaint is not upheld, the complainant and the advertiser are informed simultaneously. If a complaint is upheld, then the advertiser and its agency are informed of the decision within 5 working days. The advertiser is given two weeks to assure time-bound compliance with the CCC decision. On receipt of its assurance, the complainant is also informed of the CCC decision.

If a positive response is not received, or compliance is not assured by the advertiser within two weeks as above, a letter from the Vice Chairman, ASCI, is dispatched to the advertiser requesting their commitment within two weeks either to withdraw the offensive ad or to modify it appropriately to avoid contravening the ASCI code.

If the advertiser doesn't give any positive assurance, the offensive ad is included in the All India Media Release by ASCI, along with the quarterly compilation report of CCC. The media release and report is shared with concerned associations of practitioners in advertising, government authorities including the Ministry of Information and Broadcasting, as well as media all across the country.

Peer pressure will be exerted through respective associations of practitioners in advertising who will be sent requests by the Chairman, ASCI, to influence their fellow professionals responsible for such offending ads. Copies of such communications will be sent to the concerned agency and media vehicles.

Failure of an Advertiser/Agency to comply with the CCC decision on a complaint upheld against a *TV commercial* may be considered as a violation of the Cable TV Networks (Regulation) Act 1995 and amendments of 2 August 2006. ASCI will therefore inform the *Ministry of I&B and IBF* about the TV commercial contravening the ASCI code.

If an Advertiser/Agency fails to comply with the CCC decision on a complaint upheld against a *press ad*, ASCI will inform the *Press Council of India* and the *INS*, about the print ad contravening the ASCI code.

Source: The ASCI Code

## 2.4 Complaints upheld and compliance

Apart from the traditional procedure of addressing complaints received, ASCI has initiated a fast track procedure from 1 September 2011 for expeditious resolution of intra-industry and inter-member complaints. Resolutions are arrived at within seven days.

From 15 March 2013, ASCI has initiated the 'suspending pending investigation' (SPI) process, through which an advertisement broadcast can be suspended pending final decision at the CCC, if *prima facie* the ad is seen to cause immense damage to the consumer or society in general.

## 2.5 Total complaints received (2007-2012)

The total number of complaints received for the last five years has been 4430, against a total of 784 ads. Of these ads, 54.7 per cent of complaints were upheld, 43.6 per cent were not upheld and 1.7 per cent was non-issues.

## 2.6 Complaints relating to indecent representation of women and gender (2007-2012)

The total number of gender-specific complaints between 2007 and 2012 is 136, accounting for 3.06 per cent of the total number of complaints received. Of these, the total number of ads complained against relating to gender is 45, forming 5.7 of the total ads complained against.

On a yearly basis, the gender-related complaints accounted for an average of 10 per cent of the total ads complained against. While gender issues counted for only 3.2 per cent of total ads complained against in 2007-08, this increased to 9.7 per cent in 2011-12. The number of gender-related complaints constituted 7.5 per cent of total complaints in 2007-8, going down to 0.1 per cent of total complaints in 2011-12. This drop in percentage has been due to the simultaneous rise in number of total complaints as well as a decrease in the number of gender-specific complaints.

With regard to product categories, deodorant ads have repeatedly been found offensive during the last five years for representing women in an overtly sexualised manner and for obscenity, thus violating Chapter II of the code. Clothing and hosiery ads have also followed suit for reasons of nudity and obscenity, relating to the indecent representation of both men and women. Other high-offence categories include ads for condoms and oral contraceptives and cosmetics in general including fairness creams and hair care products for violations of both Chapter II and Chapter III.1(b).

## 2.7 Break up of products in ads complained against

With regard to product categories, Deodorant ads have been repeatedly found offensive during the last five years for representing women in an overtly sexualised manner and for obscenity, thus violating Chapter II. Clothing and hosiery ads have also followed suit for reasons of nudity and obscenity, relating to the indecent representation of both men and women. Other high-offence categories include ads for condoms and oral contraceptives and cosmetics in general including fairness creams and haircare products for violations of both Chapter II and Chapter III.1(b).

## 2.8 A review of selected offending ads

Most of the ads reviewed for gender issues were destroyed by the ASCI and this has affected the description of the ads in the report. These have been supplemented by YouTube clips where possible. Despite this, of the 45 ads reviewed, 10 were excluded due to lack of description and visuals. The researcher was able to view them just once. To avoid impact of personal views on the research, only those with descriptive content have been used for the report.

### COMPLAINTS UPHELD

#### Aircel Ad 2011-12

<https://www.youtube.com/watch?v=TFho3JkHpgo>

**Description:** As per the complaint, the TVC shows college students secretly filming a young woman in a library removing her coat as she feels hot and uncomfortable, whilst being watched by a fellow student.

**Complaint:** The TVC might trigger voyeuristic instincts in youth who look at commercials for ideas and inspiration. This TVC can potentially free them from the guilt for secretly filming a woman in the name of 'fun'.

**Decision Taken:** The CCC viewed the TVC and concluded that the college students secretly filming a young lady displays a voyeuristic attitude as well as infringes on privacy. This is likely, in the light of

generally prevailing standards of propriety, to cause grave or widespread offence. The advertisement contravened Chapter II of the code. The complaint was upheld.

### Times of India Best Bottom Pincher Ad

Visuals not available.

**Description:** Ad talks about an award for the best bottom pincher.

**Complaint:** Ad encourages the act of bottom pinching which it labels as fun. Ad is offensive and defies all norms of propriety and gender sensitivity.

**Decision taken:** *Ex parte* the ad is offensive and derogatory to womanhood, likely to cause grave or widespread offence. The complaint was upheld.

### Amul Body Warmer

<https://www.youtube.com/watch?v=LtrWoLFPFo>

**Complaint:** The TVC depicts a scene of Draupadi Vastraharan in an objectionable manner, wherein the lady seems to be enjoying the act, throwing flying kisses. This depiction of a character from the Mahabharata in such a frivolous manner is bound to hurt religious sentiments of millions across the country.

**Decision Taken:** The CCC concluded that the depiction of Draupadi in a frivolous manner is likely to hurt the religious sentiments of a large section of society thus causing grave and widespread offence. It also was derogatory to women. The advertisement contravened Chapters II and III of the 1(b) code. The complaint was upheld.

### Axe Effect

<https://www.youtube.com/watch?v=FgfzdgWgEZ4>

**Description:** The ad shows girls licking and biting the rear of a boy made out of chocolate.

**Complaint:** The scene of the girl biting the rear of a boy is highly objectionable.

**Decision taken:** The CCC concluded that the visuals were indecent and likely to cause grave or widespread offence. The advertisement contravened Chapter II of the code. The complaint was upheld.

## Lux Hosiery

<https://www.youtube.com/watch?v=vXII7SqYaKU>

**Description:** Ad shows a semi-nude man being molested by a clothed woman.

**Complaint:** The advertisement showing 'a semi-nude man apparently being molested by a clothed woman' is offensive and repugnant. The advertisement is obscene and may hurt a man's sensibilities.

**Decision taken:** The CCC concluded that the advertisement was likely to cause grave or widespread offence. The advertisement contravened Chapter II of the code. The complaint was upheld.

## Passport Spray

<https://www.youtube.com/watch?v=PA6hpWGMt9g>

**Description:** The TVC shows a mother sending her teenage son to deliver some gifts to the neighbour who is a young lady. The neighbour opens the door to the boy. She then is shown as being seduced by the spray he has applied and takes him inside the house. After a while the mother is shown enquiring about her son, and the son is putting on his clothes.

**Complaint:** The ad has crossed all limits of vulgarity. The ad will have a bad impact on the youth.

**Decision taken:** The CCC concluded that in the light of generally prevailing standards of decency and propriety, the TVC was likely to cause grave or widespread offence. The advertisement contravened Chapter II of the code. The complaint was upheld.

## Fuel Deodorant

<https://www.youtube.com/watch?v=nIry087nJ1Q>

**Description:** The TVC shows a girl reaching a fuel pump. There is a charming man who applies Fuel body spray on himself. The girl gets aroused and he starts seducing her. She in turn opens her shirt.

**Complaint:** This is a vulgar advertisement showing women in the worst light, as if they will fall for the smell of a perfume.

**Decision taken:** The CCC concluded that the advertisement is likely to cause grave or widespread offence, particularly amongst women. The advertisement contravened Chapter II of the code, the complaint was upheld.

## Set Wet Zatak Deodorant

[https://www.youtube.com/watch?v=CSFvQ\\_LJex0](https://www.youtube.com/watch?v=CSFvQ_LJex0)

**Description:** As per the complaint, the man is shown using the deo and then he is shown with a woman clinging to him with a passionate display of desire. A man looking on tries the deo and very soon a woman takes off her garments and clings to him lustily.

**Complaint:** The ad has overtly sexual overtones and shows women in a bad light under the influence of the deodorant.

**Decision taken:** The complaint was upheld as it contravened the Chapter II of the code.

## Zatak Deodorant

[https://www.youtube.com/watch?v=GQ2NBs9Z\\_sE](https://www.youtube.com/watch?v=GQ2NBs9Z_sE)

**Description:** The TVC shows a boy going to a lady dentist. As he sprays the dentist is shown closing her eyes and moaning suggestively. When the boy says he has a toothache, the lady dentist is shown unbuttoning her shirt. She asks him to breathe deeply and demonstrates by sensuously thrusting her bust forward. In doing so her white coat is off and her inner garment is clearly visible showing her cleavage.

**Complaint:** The depiction and portrayal in this TVC is overtly sexual in tone.

**Decision taken:** Both demeaning to women and dentists in particular. The complaint was upheld.

## Fast Track Watches

<https://www.youtube.com/watch?v=6R6eiEG8ZDU>

**Description:** The TVC shows a young woman taking off her innerwear and holding it out as if to discard it. The ad was promoting a new offer of 20% off on watches.

**Complaint:** The advertisement is offensive to women, damaging to young minds, and totally unrelated to the subject of the ad.

**Decision taken:** The CCC concluded that the depiction is likely to cause grave or widespread offence. The complaint was upheld.



## ING Vysya Bank

<https://www.youtube.com/watch?v=jhKmqI0AKG4>

**Description:** As per the complaint the TVC says, *"Dikhne me to pyari he, yeh khushiyan thodi bhari hai"*, which is very offensive to women because it suggested that daughters are a burden.

**Complaint:** The advertisement is anti girl-child and deeply offensive to all females, conveying the message that they are nothing more than burdens.

**Decision taken:** The CCC concluded that the tagline refers to the female gender as good looking but a financial liability. The advertisement when viewed as a whole portrays avoidable gender insensitivity. The complaint was upheld. The advertiser informed that ad campaign ended in Feb 2008.

## Ultratech Ltd. Vaginal tightening cream

<https://www.youtube.com/watch?v=m-4zopfYPMk>

**Description:** The video is not available for viewing

**Complaint:** Complaint registered against the TV commercial of 18 again, appearing on YouTube.

**Decision taken:** As per the complaint, the advertised product being a vaginal tightening and rejuvenation cream, claiming in its ad "feels like a virgin" and showing an old lady ordering the product was vulgar and repulsive in light of generally prevailing standards of decency and propriety which could cause grave and widespread offence. The advertisement contravened Chapter II of the code. The complaint was upheld.

## Clean and Dry Cream

<https://www.youtube.com/watch?v=9Tx9vVVMWw0>

**Description:** The TVC shows an animation displaying intimate parts of a woman's body and claims fairness improvement (of the intimate parts of a woman).

**Complaint:** Need for vaginal area to be fair is absolutely ridiculous. The ad is offensive and portrays women in a derogatory manner.

**Decision taken:** The CCC concluded that the reference to fairness improvement in the intimate parts of a woman was considered likely to cause grave and widespread offence. The complaint was upheld as it contravened Chapter II of the code.

## Vivel Soap

<https://www.youtube.com/watch?v=eqgVZRHYWVY>

**Complaint:** TVC in Tamil shows a girl with darker complexion as someone with a lower IQ, low self esteem and confidence.

**Decision taken:** Chapter I.5(d) Advertisement tends to imply a perceived inadequacy due to darker skin colour. This could be objectionable to a large number of young women in India. The complaint was upheld. TVC discontinued.

## Sisley Fall Winter Collection

Visuals not available.

**Description:** As per the complaint, this advertisement should be classified as pornography. The complainant objects to the use of a female body for selling clothes. This advertisement shows a woman in a provocative pose. In addition, the tagline "You'll melt once inside" is indecent.

**Decision taken:** The CCC concluded that the ad tagline is indecent. The advertisement contravened Chapter II of the code. The complaint was upheld. Advertiser assured that the product was withdrawn and that such ads will not be released in the future.

## Roop Amrit Fairness Cream

Visuals not available.

**Description:** Claims that dark skinned people will become fair skinned after using the cream; people with dark skin will not succeed in life and will suffer a lot.

**Complaint:** Complaint received in August 2007. These claims are not only radical but baseless. Claims were not substantiated.

**Decision taken:** Ad was discriminatory. TVC withdrawn. Advertiser assured that such claims will not be repeated in future ads.

## Axe Deodorant

<https://www.youtube.com/watch?v=MB7uFDpI2E0>

**Description:** The TVC shows a female security staff frisking a man at an airport and as she uses her metal detector on his chest and arms, she is shown closing her eyes and clinging to his body in an overpowering display of sexual passion and the background voice says, "The Axe Effect".

**Complaint:** The depiction and portrayal in this TVC is overtly sexual in overtone. The ad appeared to be indecent, vulgar and suggestive.

**Decision taken:** The CCC concluded that the visual of a female security staff frisking the man at the airport was overtly sexual, and keeping in view the generally prevailing standards of decency and propriety, the TVC is likely to cause grave and widespread offence. The TVC contravened Chapter II of the ASCI code. The complaint was upheld.

## COMPLAINTS NOT UPHELD

### Kitply Wood Board

<https://www.youtube.com/watch?v=6AWf2BHhdKA>

**Description:** A bride slapping her timid groom for not having bought Kitply to avoid a creaking bed on their wedding night.

**Complaint:** Ad promotes domestic violence by a person on the spouse.

**Decision taken:** The CCC concluded that the ad did not promote domestic violence and it was not likely to cause grave or widespread offence.

### Zomato

<https://www.youtube.com/watch?v=QQs4JuG-sxg>

**Description:** The TVC shows a husband/boyfriend being slapped by a woman.

**Complaint:** Highly sexist, being projected as acceptable form of social treatment towards men.

**Decision taken:** The ad does not encourage or make fun of domestic violence against men. The complaint was not upheld.

### Killer Deodorant

**Description:** TVC shows woman in bed covered by a sheet while the man puts on his clothes. The man is shown spraying deo on a half naked body and many women's hands are shown clutching his body.

**Complaint:** The depiction and portrayal in the ad is overly sexual. The ad appears indecent, vulgar, suggestive and violates Advertising Code of the cable Television Network Rules, 1994.

**Decision taken:** In keeping with the generally prevailing standards of decency and propriety, the TVC is not likely to cause grave or widespread offence.

## Vanesa/Denver Deodorant

<https://www.youtube.com/watch?v=vuaC0GvJw38>

**Description:** TVC shows a woman model in a skimpy bikini trying to expose more.

**Complaint:** This portrayal of the woman model is objectionable. TVC is also not for family viewing.

**Decision taken:** Visuals depicted in the TVC are not offensive to generally accepted standards of public decency and the TVC is not likely to create grave or widespread offence.

## Somany Ceramics

**Description:** A woman who hides her nudity behind a wall tile.

**Complaint:** Visual is unrelated to the product promoted (tiles) and is indecent.

**Decision taken:** Ad not indecent and not likely to give rise to grave or widespread offence as no sensitive parts of the human anatomy are shown by the woman.



## Virgin Mobiles

<https://www.youtube.com/watch?v=fZigifVlyA8>

**Description:** TVC portrays the sexuality of the nurse as a gimmick to sell the product.

**Complaint:** TVC may well encourage patients in similar medically intimate situations to view nurses and other ancillary staff as sexual beings rather than as professionals worthy of their respect and gratitude.

**Decision taken:** Not likely to cause grave or widespread offence.

## JK Cement

<http://www.youtube.com/watch?v=P2cqlw3pwFw>

**Description:** Girls clad in red bikinis walk out of the sea with a voiceover of "Kuch to baat khas hai isme".

**Complaint:** It is completely irrelevant as it does not talk about the product being promoted. (102 similar complaints received against the same TVC).

**Decision taken:** Whilst the depiction of the woman in a bikini in the TVC was irrelevant to the product promoted, it was not indecent so as to give rise to grave offence.

## Radisson Hotel

Visuals not available.

**Description:** Ad shows a visual of a sauce bottle depicting women's innerwear or swimwear.

**Complaint:** The ad is indecent.

**Decision taken:** The complaint was not upheld; however advertiser assured the ad would not be used in future.

## Flying Machine Denim wear

**Description:** Ad states, "What an ass!"

**Complaint:** The ad presents a woman's body in the jeans and its wearer has been depicted as a commodity. The language and double entendre in the term 'ass' is used to skilfully link the image with the written word and in a crude and offensive manner. Ad is offensive and derogatory to women.

**Decision taken:** The CCC concluded that in the light of generally prevailing standards of decency and propriety, the TVC was not likely to cause grave or widespread offence. The complaint was not upheld.



## Manforce Chocolate Condoms

Visuals not available.

**Description:** Ad states, "I was mesmerised as if he had cast a spell on me. I was enjoying obeying his orders. I was a slave by choice".

**Complaint:** This smacks of sado masochism and female enslavement. The ad is vulgar and offensive to women.

**Decision taken:** The ad copy 'Slave by choice' isn't derogatory. The complaint was not upheld.

## Havells Crabtree Switches

<https://www.youtube.com/watch?v=ljgim3S5BwI>

**Description:** A bridegroom flicking a switch on and off on the bride's upper arm to make her cry or smile.

**Complaint:** Ad is downright offensive to women as if suggesting that a woman can be operated by a man like a robot, at the flick of a switch.

**Decision taken:** Ad not offensive and the complaint was not upheld.

## Tribhovandas Bhimji Zaveri

<https://www.youtube.com/watch?v=sRLPYEQ0vJA>

**Description:** TVC is about a mother-in-law showing disdain for her future daughter-in-law because she is a 'plain Jane'. The mother-in-law's reaction undergoes a sea change when the girl emerges wearing the fine ornaments that her future in-laws present.

**Complaint:** Ad has a very regressive connotation and it perpetrates serious social ills.

**Decision taken:** The implied context is marriage; the gift to the girl by the boy's mother cannot be construed as dowry and thus not perpetuate a social ill.

## Clinic Plus Shampoo

<https://www.youtube.com/watch?v=94HRcb4ify8>

**Description:** A young girl desires long hair and complains she does not have it because her mother goes to office.

**Complaint:** There is no link between the mother going to office and the daughter not having long hair. Length of hair depends on a lot of other factors, including healthy diet etc.

**Decision taken:** The ad does not disparage working mothers, and is not offensive.

## Cipla I-pill

<https://www.youtube.com/watch?v=qWRDO5Bly3s>

**Description:** An unmarried girl is worried about getting pregnant.

**Complaint:** Ad advises women to avoid unwanted pregnancy by using I-pill. Ad is highly objectionable as it seems to promote premarital sex.

**Decision taken:** Ad was not objectionable as it does not promote premarital sex.

## 2.9 Dominant themes in the offending ads

A review of the 45 ads on gender issues from 2007-12 could be categorised under the following recurrent themes (Table 2.1).

**Table 2.1: Dominant themes in the offending ads**

Dominant Themes	Decisions Upheld	Decisions Not Upheld	Total Number of Ads Complained Against
Sexual objectification/Sexual representation of woman irrelevant to product advertised	9	8	17
Obscenity/ nudity	7	4	11
Condoning sexual offences/voyeuristic behaviour	4	3	7
Discrimination against women	1	4	5
Problems caused by product	4	0	4
Other	0	1	1

## 2.10 Analysis

- Of the 45 ads analysed, the maximum number of complaints pertained to the 17 ads, where women were represented as sexual objects in a context irrelevant to the product being advertised. A general observation of decisions taken by the CCC in this category shows that while some of these complaints were upheld, others in very similar settings were not upheld.
- The second dominant theme pertained to seven ads which condone sexual offences and voyeuristic behaviour with 11 complaints against 7 ads, of which complaints against 3 have been upheld. Of the 4 ads against which complaints were not upheld, 3 of them, namely the Kitply ad, DLF ad and the Zomato ad present a rationale which is disputable overall. This is due to the fact that gender sensitivity is largely concerned with gender equality, and ads which discriminate against men ought to be addressed with the same measure of strictness as they would be in the case of women.
- The third category relates to obscenity and nudity, with 11 complaints. The general observation in this category has been that 7 offending ads have been upheld. These advertisements are covered under Section II of the ASCI code.
- The fourth category covers a range of 5 ads which are discriminatory to women. With complaints against one ad upheld and complaints against 4 not upheld, the general verdict on these offending ads appears sound overall.

- The fifth category pertains to those ads which are offensive particularly because the product itself is a discriminatory product. For instance, ads for fairness creams fall under this category since the product itself establishes a value bias towards fair skin. In such cases, banning the ad is a troublesome proposition as such ads often merely reflect an existing demand among consumers for fairness, and thus these products through their ads cater to a pre-existing demand. Having said this however, there are two points to be noted:
  1. Advertisements for fairness products can wholly avoid claims which are blatantly discriminatory and factually unproven. The case of Vivel Soap discussed earlier on is a case in point, where the ad equates fairness to high IQ of a woman.
  2. Second, the question of regulation of the product itself arises – should products which tend to discriminate against women on the basis of their looks be regulated? Should they fall under the category of products like cigarettes and alcohol; that is, products which can be sold but cannot be advertised? These questions, though up for debate, help to differentiate between the responsibility of the advertiser and that of the company producing such a product, to questions regarding the desirability of government regulation of such products in general.
- The final category pertains to the I-pill advertisement which allegedly ‘promoted premarital sex’ which does not fall in the above four categories and has been complained against due to the ad being ‘not in keeping with general standards of decency and propriety’ in consonance with Chapter II of the ASCI code.

## 2.11 An analysis of the decisions made by the CCC

Often the rationale provided by the CCC is imprecise and inadequately detailed. While this may not pose problems when the decision taken by the CCC is non-controversial, it is necessary for any guidelines, be it a code, a law etc. to have a precise rationale that is not general or vague. While analysing the above cases, it was sometimes unclear why the complaints against the ad in question was upheld in certain cases and not upheld in others having very similar content. A detailed rationale is thus important to provide satisfactory justification for the final decision.

However, the decisions made by the CCC did vary from case to case, and could be categorised as follows:

1. **Specified rationale, sound decision:** ‘Violation of privacy and promotion of voyeurism’ in the verdict on the Aircel ad is a clear and precise rationale followed by a sound decision to uphold the complaint. The rationale for upholding the complaint against ING Vysya Bank, on the basis of ‘avoidable gender-insensitivity’ and ‘discrimination against the girl-child’ is another such



example. Other instances include the advertisements of Times of India Best Bottom-Pincher Award, and Clinic Plus Shampoo. The rationales here were justified and decisions sound.

2. **Unspecified rationale, sound decision:** In some cases, the rationale provided by the CCC was vague. Broadly stating that a particular ad 'will or will not create widespread offence' doesn't convincingly establish the rationale to acknowledge nuances related to gender issues. Obscenity, indecency or discrimination are just broad categories of gender related issues. The present code is thus not detailed or the CCC is not cognizant of these issues. Since the deciding authority on gender sensitivity is the CCC, it is important to have a more adequate code.

In case of the Amul Body Warmer ad which depicts Draupadi's molestation in a frivolous manner, there is some inconsistency in the rationale provided by the CCC. In its annual report, the rationale for upholding the complaint against the ad is gender-sensitive, stating that it offends the sentiments of women, whereas in the short summary provided by ASCI, the rationale presented only states a religion-centric justification. Consistency needs to be maintained by the CCC so as not to mislead the reader.

**Guidelines are therefore required to produce more specific rationales which can capture the finer nuances of gender issues to provide the CCC with tools to identify subtle and inherent gender biases in advertisements.**

3. **Specified rationale, unsound decision:** In the Kitply Wood Board ad, where a bride slaps her timid groom, for not buying Kitply to prevent their bed from creaking on their wedding night, is considered humorous. Perhaps the advertisement is genuinely meant in that manner. However, if, the husband were to be slapping the wife in the advertisement; it would not come across as funny. The Zomato ad showing a man being slapped by a woman could also be questioned on the same lines. Gender sensitivity also means equality between men and women and therefore physical violence towards either gender should not be promoted.

**Gender equality therefore needs to be part of the gender sensitivity code in the CCC.**

4. **Unspecified rationale, unsound decision:** Despite having 102 complaints against the JK Cement ad, the sexual objectification of a woman depicted in a bikini, wholly irrelevant to the product was not upheld claiming that 'it was not likely to cause grave and widespread offence'. The ad for Virgin mobile is another example where the rationale is questionable. The depiction of the nurse as buxom and clueless appears considerably sexist. Moreover, the decision was *ex parte*, indicating that the CCC did not deem it offensive. The decisions of the CCC in these instances are not only undermined by a vague rationale but a seemingly unsound decision, especially in the case of JK Cement, given the relatively high number of complaints against the concerned advertisement. That such complaints are not upheld is clearly problematic.

Thus, there is a need for a code which explicitly prohibits the sexual objectification of women, especially in cases wholly irrelevant to the product.

## 2.12 How can ads be more gender-sensitive?

Aside from the above discussed negative aspects of ads, there is a more positive role that ads can play. Here are three ways in which ads have been highly gender-sensitive in recent times:

1. **Repositioning the product as a clutter-breaker:** From the above cases, we know that there are a large number of ads that portray women as sexual objects. Some may argue that relevance is subjective; it is yet possible to bring about a brand recall for your product by being gender sensitive in advertisements. For example, the complaint against Zatak Deodorant in 2011 was upheld for portraying 'the woman as lustily hankering after the man under the influence of the deodorant.' However, following the complaint, the advertisers withdrew the ad and assured that such an offence would not recur. In 2013, Zatak Deodorant ads have resurfaced, however this time, with a completely different approach. The campaign with the tagline '*Har attack ka jawab - Zatak*' depicts young men and their aspirations to get ahead of the competition. The ad moved away from objectifying women sexually and has differentiated itself from other deo ads which are gender insensitive.

**Case A:** Zatak Deo Advertisement in 2011

[https://www.youtube.com/watch?v=GQ2NBs9Z\\_sE](https://www.youtube.com/watch?v=GQ2NBs9Z_sE)

**Case B:** Zatak Deo Advertisement in 2013

[https://www.youtube.com/watch?v=Dcj1qo-s\\_3Y](https://www.youtube.com/watch?v=Dcj1qo-s_3Y)

2. **Portraying sexuality, but avoiding sexual objectification:** The XXX Stamina Climax Control Condoms ad gets its point across succinctly and clearly while avoiding capitalising on nudity and indecent representation of women.  
[https://www.youtube.com/watch?v=-QWDXwsEc\\_Y](https://www.youtube.com/watch?v=-QWDXwsEc_Y)
3. **Portraying social problems, playing a positive role:** The Scooty Pep Ad is a good example of an advertisement where young women are depicted as assertive and able to retaliate to eve-teasing, an issue rampant in India.

<https://www.youtube.com/watch?v=yg70CgGuXAg>

However, there seems to be a gap regarding the impact of gender sensitive ads on sales of products. Findings from this study will be crucial for advocating gender sensitivity amongst clients as well as advertisers.

# 3. Looking at the Bigger Picture: The Changing Tide? The Impact of Self-regulation

## 3.1 The state of self-regulation (total complaints)

A general indicator of a successful self-regulatory mechanism is a rise in the number of complaints and fall in the number of advertisements complained against. The number of complaints registered in 2007-08 was 147. Looking at the trend over the last five years, there has been a steady increase in the number of complaints, with numbers crossing the 500 mark in 2010-11 with 777 complaints. This has been followed by a sharp rise in the total number of complaints in 2011-12 with 2986 complaints. Simultaneously, however there has been an increase in the number of advertisements complained against, with the number of ads in being 122 and 176 in 2007-08 and 2011-12 respectively (Fig. 3.1). Nevertheless, this has been a much smaller increase as compared to the increase in the number of complaints registered. Overall, this presents a picture that the self-regulatory mechanism has been continuously growing in strength and robustness.

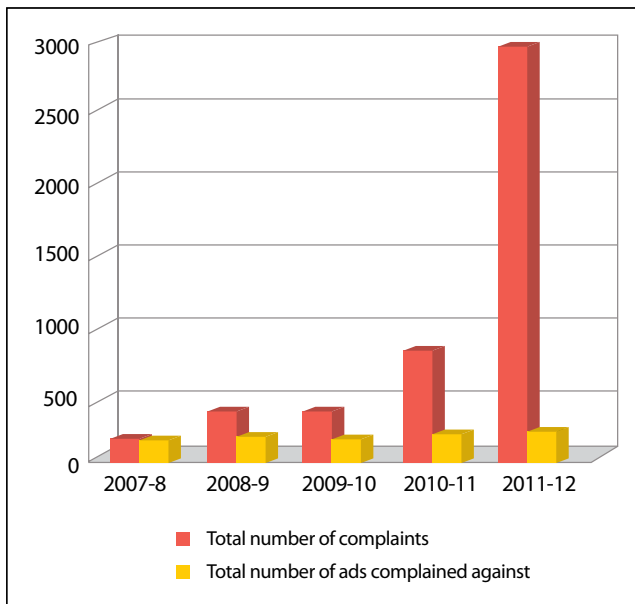


Fig. 3.1: Self-Regulation in ASCI (Total Complaints)

### 3.2 Who complains?

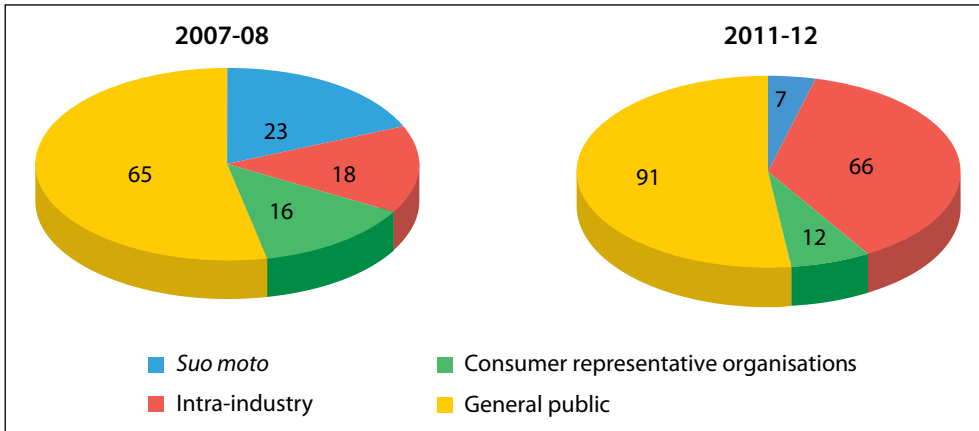


Fig. 3.2: Who Complains

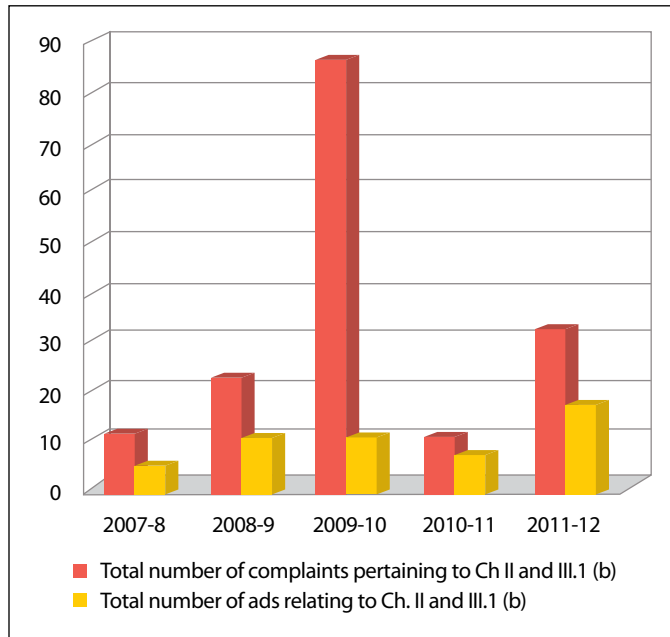
As compared to 2007-08, there has been a large increase in the number of complaints received from the general public. While *suo moto* complaints have decreased from 23 to 7, intra-industry complaints have risen from 18 to 66. Complaints from consumer representative organisations numbered 16 and 12 in 2007-08 and 2011-12 respectively (Fig. 3.2). The steep increase in complaints made by the general public and intra-industry could be due to a number of factors:

- Ease of lodging complaint through online forms and the Fast Track Complaints Service.
- Increased awareness of ASCI due to TV campaigns and workshops held at Goa Fest in recent years.
- Improved outcomes/speedy and satisfactory grievance redressal.
- Increased vigilance towards advertising claims.
- Increased competition within the industry.

### 3.3 Has increased self-regulation led to increased gender sensitivity?

In gender specific data, the number of complaints and number of ads complained against from 2007 to 2012 is shown in Fig. 3.3. The number of complaints pertaining to violation of Ch. II and III.1(b) witnessed a steady increase between 2007 and 2010, from 11 complaints in 2007-08 to 89 complaints in 2009-10. Subsequently this upward trend slacks off, with the number of complaints registered falling to 9 in 2010-11. However, there was a marginal increase to 32 in 2011-12. The fall in number of complaints is met with an increase in the number of ads complained against over the years with 17 in 2011-12, the highest number of ads complained against in five years. It is a positive

sign when ads against gender issues complained against are on the increase. Gender issues are subtle and often overlooked. An increase in the number of ads complained against could be a sign of an increased consciousness to gender nuances and biases against women in advertisements among the general public.



**Fig. 3.3: Self-regulation in ASCI (Gender-specific Complaints)**

On the other hand, the major gender issues complained against in 2007-11 pertained to portraying women as sex objects, condoning sexual offences and gender discrimination. Issues complained against in 2011-12 remained the same. This indicates that while the issues did not change, the number of offending ads under each of these themes just increased.

Further, the low numbers of complaints highlight that these are issues that concern only a few. In contrast to the strong performance of self-regulation overall, it can thus be said that the increase in self-regulation has not led to an increase in gender sensitivity. The lack of gender sensitivity thus poses the question: who needs to be sensitised?

Due to ASCI's anti-disclosure policy, it was not possible to acquire information on the break-up of gender specific complaints. The maximum participation is from the general public, followed by complaints received from ASCI itself as well as from consumer representative organisations. However, according to Mr. Alan Collaco, Secretary General of ASCI, though the initial complaints provide a picture of the composition of complainants, it does not depict accurately the possibility

that other parties as well as *suo moto* complaints may have been filed against the same offending advertisement post the initial complaint. Once again, the anti-disclosure policy did not allow further analysis.

### 3.4 Comparing general outcomes with gender-specific outcomes

1. **People’s participation:** Not only has participation from the general public increased greatly, the number of complaints coming from the general public regarding gender issues has also increased.

However, public participation in general is low and this is a matter of concern. A comparison between the number of complaints received annually by ASCI and the European Advertising Standards Alliance (EASA) illustrates this point (Table 3.1).

**Table 3.1: Complaints received by ASCI versus Complaints received by EASA (2007-12)**

Year	ASCI	EASA
2007-8	147	49921
2008-9	196	56864
2009-10	324	56821
2010-11	777	53442
2011-12	2986	60234

With regard to gender as well, ASCI does not fare very well when compared to developed countries (Table 3.2).

**Table 3.2: Number of gender-specific complaints made to ASCI in comparison with EASA**

Year	ASCI	EASA
2007-8	11 (7.5%)	1469 (3.63%)
2008-9	24 (12.3%)	875 (2.33%)
2009-10	89 (27.5%)	3274 (24%)
2010-11	39 (1.16%)	3959 (18%)
2011-12	32 (1.07%)	3088 (24%)

According to ASCI, the lack of awareness about ASCI among consumers is due to high population dispersion in India as compared to other smaller populations and compact geographies. However, even when compared to developing countries, the number of complaints registered at ASCI is still relatively low. A review of advertising complaints received across other developing countries in 2009 and 2010 highlights this (Table 3.3).

**Table 3.3: Complaints received in India compared to other developing countries**

Year	India	Brazil	South Africa	Peru	Chile
2009	236	1688	2095	N/A	15
2010	376	1951	2062	5	30

The numbers of gender-related complaints is in the range of 200 complaints in the year 2010. However, the numbers still leave a lot to be desired (Table 3.4).

**Table 3.4: Number of gender-specific complaints made to ASCI in comparison with other developing countries**

Year	India	Brazil	South Africa	Peru	Chile
2010	200	400	300-400	None	None

Perhaps the most important issue in this context is the low levels of awareness of ASCI, as people often do not know where to complain and by what mechanisms to do so. Therefore, apart from sensitisation and motivating the general public to complain, there is a dire need to create awareness of how to complain. ASCI has started a campaign to generate greater public awareness of ASCI and the complaints mechanism as shown in the video [https://www.youtube.com/watch?v=s5CIZN\\_cwng/](https://www.youtube.com/watch?v=s5CIZN_cwng/) More efforts are needed to create widespread awareness.

Another matter of concern according to Mr. Ramesh Narayan is the low motivation of people to complain. However, despite a lack of data to this effect, common knowledge points to the inability of women to voice their opinion in India, as well as discussion on sexuality being taboo, as reasons for low participation.

It is important to sensitise not only agencies but also advertisers towards gender sensitivity to bring about a sustainable change. Effective means of understanding gender attitudes in the industry is the need of the hour. At present ASCI doesn't have the required mechanism to gather or provide such information.

2. ***Suo moto* complaints:** While the number of *suo moto* complaints has decreased significantly in the case of other advertisements, an overwhelming number of complaints pertaining to gender have been filed by the general public and not by members of ASCI. This suggests an urgent need for gender sensitisation even among the members of ASCI. Unreported ads call for increased vigilance which could be covered by the NAMS initiative – creating a database of related ads to understand patterns and attitudes towards gender issues over time.
3. **Intra-industry:** There have been no intra-industry complaints on gender issues.
4. **Consumer organisations:** The low participation from consumer representative organisations, especially the women’s rights groups, is surprising. Bodies such as the NCW and NGOs must play a leading role in advocacy for spreading and legitimising discourse for gender equality and public mobilisation.



# 4. Measuring Compliance

## 4.1 Rate of compliance (total complaints)

Year-wise figures for the complaints upheld, with the advertisement either being withdrawn or modified is depicted in Fig. 4.1. The compliance rate of total complaints upheld has increased from 75.4 per cent in 2007-8 to 86.4 per cent in 2011-12.

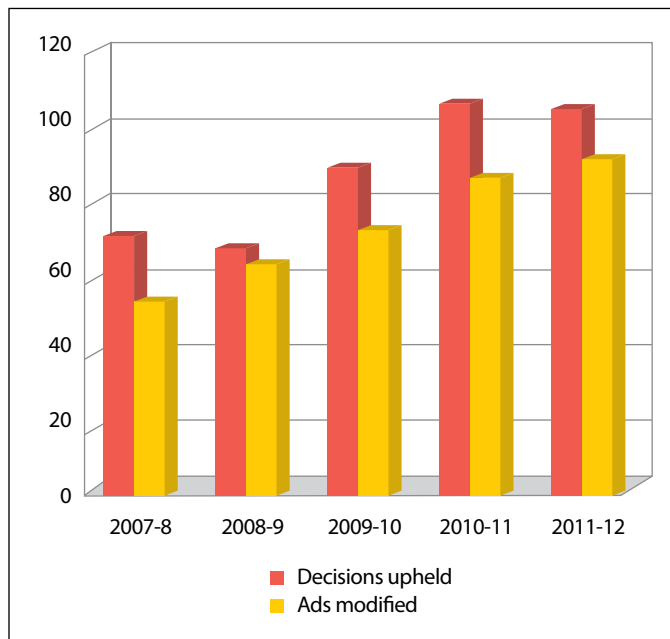


Fig. 4.1: Rate of Compliance with Complaints Upheld between 2007-12

## 4.2 Rate of compliance (gender-specific)

The compliance rate of advertisers in response to gender based complaints is 100 per cent. Though commendable, the extremely low numbers of ads being complained against in the first place is a cause for concern.

1. Certain offensive ads complained against (e.g. JK Cement and Kitply Wood Boards) have not been upheld as being offensive by the CCC, reiterating a need for gender specific code which

includes a more nuanced understanding of gender issues. Non-compliance with the ASCI code is a punishable offence as per the Cable Network TV Rules Act Amendment, 2006. Therefore, a more specific code instead of a general guideline that eludes accountability will provide the necessary tools to empower women to speak up against gender issues.

2. Gauging simply from our everyday experiences of watching television, it is clear that the number of potentially offensive ads definitely exceeds the actual number of ads complained against and therefore the number of complaints upheld. There needs to be an increase in the reporting of these ads to bring them under the purview of the CCC which is where NAMS will come into play.
3. The damage is done by the time CCC takes a decision. Also objectionable ads are released for short durations – aiming at a high recall rate in a short time. So by the time CCC takes a decision the ad is already off the air and the damage has been done. Fast tracking of complaint review mechanism by the CCC from once a month to twice a month is necessary to speed up response.

## 5. Key Findings

1. **Total (General) break-up of complaints:** The total number of complaints received during 2007-12 was 4430. The total number of ads was 784. Of these, 54.7 per cent of complaints were upheld, 43.6 per cent were not upheld and 1.7 per cent were non-issues.
2. **Gender-specific break-up of complaints:** Of the complaints relating to gender, the total number of complaints received during 2007-12 was 136. The total number of ads complained against was 45. Of these, 48.8 per cent of complaints were upheld and 51.1 per cent of complaints were not upheld.
3. **Gender-specific complaints in comparison to total complaints:**
  - (a) The total number of gender-specific complaints during 2007-12 was 136, accounting for 3.06 per cent of the total number of complaints for the period.
  - (b) The total number of ads complained against relating to gender was 45, accounting for 5.7 per cent of the total ads complained against in five years.
  - (c) On a yearly basis, the percentage of ads complained against relating to gender is on average 10 per cent of the total ads complained against. While gender issues counted for only 3.2 per cent of total ads complained against in 2007-08, this increased to 9.7 per cent of total ads complained against in 2011-12.
  - (d) However, the number of gender-related complaints constituted 7.5 per cent of total complaints in 2007-08, which reduced to 0.1 per cent of total complaints in 2011-12. This drop in percentage has been due to the simultaneous rise in number of total complaints as well as a decrease in the number of gender-specific complaints.
4. **Trends in the rise and fall of total complaints:** Effective self-regulation requires that the number of ads decreases while the number of complaints increases. The total number of complaints has increased steadily over the years from 147 in 2007-08 to 2986 in 2011-12. Simultaneously, however there has been an increase in the number of advertisements complained against. Nevertheless, this has been a much smaller increase as compared to the increase in the number of complaints registered. Overall, this shows that the self-regulatory mechanism has been developing over the years.

- 5. Trends in the rise and fall of gender-specific complaints:** The number of complaints relating to gender has been on an upward trend from 2007-8 to 2009-10, reaching an all-time high in five years at 89 and falling sharply to a mere 3 complaints in 2011-12. Simultaneously, the number of ads complained against has increased from 4 in 2007-8 to 17 in 2011-12. This points to a strong need for an increase in the number of complaints as these low numbers highlight that gender issues concern only a few.

On the other hand, the increase in number of ads complained against may actually be an indication of an understanding of gender issues among general public and a change in attitudes regarding the role of women in society. The issues complained against from 2007-11 and those in 2011-12 remain the same and the number of offending ads with these themes have in fact increased. This calls for a stronger self regulation especial in the area of gender sensitivity.

**6. Composition of total complaints in general:**

- (a) The composition of total complaints received during 2007-12 in general shows that as compared to 2007-08, there has been a large increase in the number of complaints received from the general public.
- (b) Intra-industry complaints have risen from 18 to 66. The steep increase in complaints made by the general public and intra-industry could be because of improved outcomes and satisfactory grievance redressal systems as well as increased industry competition.
- (c) *Suo moto* complaints have decreased from 23 to 7.
- (d) Complaints from consumer representative organisations were 16 and 12 in 2007-08 and 2011-12 respectively.

**7. Composition of gender-specific complaints:**

- (a) Regarding the gender-specific composition of complaints, although ASCI was able to provide data on the composition of complaints received in general, ASCI's anti-disclosure policy did not allow any analysis of post-initial complainants relating to gender issues. According to Mr. Alan Collaco, Secretary General of ASCI, though the initial complaints provide a picture of the composition of complainants, it does not depict accurately complaints filed by other parties about the same offending ad.
- (b)
  - i. The composition of initial or first complaints received relating to gender during 2007-12 shows that the maximum participation is from the general public.
  - ii. In general and relating to gender, the overwhelming majority of initial complaints are made by the general public. However, the figures for public participation turn out to be relatively low compared to those under other self-regulatory bodies such as EASA.

- iii. When compared with the number of complaints received from other developing countries, ASCI stands in a middle position. In addition, the small proportion of gender-based complaints filed by the general public in comparison to the total number of complaints highlights a need for greater attention to gender issues.
- (c) Complaints received from ASCI itself account for a small percentage of total complaints, showing that the participation of ASCI members in filing *suo moto* complaints is very low.
- (d) The low participation from consumer representative organisations is surprising, given that one would expect high participation from women's rights groups.

## 6. Recommendations: The Way Forward

1. **Towards greater participation:** Three major means to motivate greater participation to strengthen ASCI's complaints mechanism include a need for increased awareness of ASCI, increased gender sensitivity and strengthening compliance.

(a) **Greater awareness of the ASCI:** With regard to awareness initiatives, despite starting a TVC campaign there still remains a low awareness of ASCI, according to Mr. Collaco and Mr. Narayan. There is a strong need to inform people of the existence of the complaints mechanism and the easy accessibility on the ASCI website. This could be done through strengthening the ASCI National ad campaign in print and TV to motivate consumers to complain to ASCI in case they find an ad misleading, offending or harmful. In order to further promote this, ASCI conducted a contest at Goa Fest to promote responsible creativity under the theme *Creativity with a conscience*, open to advertising, marketing and media professionals, which revolved around creating short films using a mobile phone, in which more than 120 teams participated.

(b) **Motivating the public and ASCI members to participate:** Create widespread public demand for gender-sensitive advertising through the propagation of gender equality. Improve the participation from CSOs, NGOs and women's groups in this initiative to advocate the correct depiction of women in advertising.

Sensitise ASCI members to gender equality to increase *suo moto* complaints by conducting training workshops. The NAMS initiative of the ASCI when complete will also empower ASCI members with a database of gender-sensitive advertising.

(c) **Strengthening the compliance code:** A major factor influencing the desire to complain is the rate of compliance of offending clients and advertisers with complaints upheld by the CCC. The compliance rate of total complaints upheld has increased from 75.4 per cent in 2007-08 to 86.4 per cent in 2011-12. For gender issues, the compliance levels to complaints upheld by the CCC are 100 per cent. However, the number of complaints upheld is very low to begin with. The compliance code needs to be more specific in case of gender-sensitive advertising. NAMS is a welcome initiative by the ASCI. Also decisions by the CCC need to be taken fast so action against offensive ads are taken as soon as they are aired and not after they are off air.

The power of ASCI has considerably increased due to compliance with the ASCI Code being mandated in the Cable TV Network Act Amendment, 2006. However, outdoor and print ads are excluded from its purview. UNFPA and Population First with ASCI can take up the issue with the GOI to make ASCI a more comprehensive regulatory body.

2. **Create safe spaces for discussion:** A major number of offensive ads come from product categories such as deodorants and cosmetics, including fairness creams. In the case of the former, there is a need for campaigns which reposition their product in a gender-sensitive manner. In case of the latter, a discussion and open debate should be started on whether advertising for fairness creams is problematic, or whether the product itself is a problem. If so, then a similar regulation as in the case of ads for alcohol and cigarettes should be applicable. UNFPA and Population First need to advocate discussions in various fora about these issues with a long-term view in mind.
3. **Highlight positives:** There are examples of ads being made today which can serve as good examples of gender sensitivity and which deal with sex in a gender-neutral tone.
  - (a) **Build more evidence:** There are still gaps in knowledge regarding the impact of the depiction of greater gender sensitivity in advertisements on sales. There is a strong need for further research in this field, as the findings of such a study will provide evidence-based advocacy with clients as well as advertisers.
  - (b) **Make it interactive:** There is no formal mechanism to measure the impact of self-regulation in changing attitudes towards gender issues within the advertising industry. There needs to be a feedback mechanism to gauge the level of gender sensitivity in the industry as a whole. Reliable information can lead to a formulation of a good strategy towards gender sensitisation efforts.
4. **Specify and strengthen the ASCI Code:** The rationales provided by the CCC are broad-based and at times underspecified. A detailed guideline on representation of women and gender sensitivity in advertising is needed to provide a uniform rationale which reduces subjectivity in decision making. In addition, a more specific code and quick implementation of NAMS will serve as an incentive to the general public to complain.

Following this, it is suggested that the following clauses be included in the ASCI Code (See Table 6.1).

**Table 6.1: Recommended changes to the ASCI Code on gender**

Original Code	With New Clause
<p><b>Chapter II</b></p> <p>To ensure that advertisements are not offensive to generally accepted standards of public decency.</p> <p>Original code With new clause</p> <p><b>Chapter II</b></p> <p>Advertisements should contain nothing indecent, vulgar or repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave or widespread offence.</p>	<p><b>Chapter II</b></p> <p>Advertisements should contain nothing indecent, vulgar or repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave or widespread offence.</p> <p><b>I) Advertisements should not portray women or men as sexual objects in general and/or specifically in contexts wholly irrelevant to the product.</b></p>
<p><b>Chapter III</b></p> <p>To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly minors, to a degree or of a type which is unacceptable to society at large.</p> <p>1. No advertisement shall be permitted which:</p> <p>...(a) tends to incite people to crime or to promote disorder and violence and intolerance</p> <p>...(b) tends to deride any race, caste, colour, gender, creed or nationality.</p> <p>...(c) presents criminality as desirable or directly or indirectly encourages people, particularly minors- to emulate it or conveys the modus operandi of any crime.</p>	<p><b>Chapter III</b></p> <p>To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly minors, to a degree or of a type which is unacceptable to society at large.</p> <p>1. No advertisement shall be permitted which:</p> <p>...(a) tends to incite people to crime or to promote disorder and violence and intolerance</p> <p>...(b) tends to deride any race, caste, colour, gender, creed or nationality.</p> <p>...(c) <b>incites gender-based violence or condones voyeurism, sexual harassment or any other physical or mental sexual offences.</b></p> <p>(d) presents criminality as desirable or directly or indirectly encourages people, particularly minors- to emulate it or conveys the modus operandi of any crime</p>

Alternatively, a specific guideline on gender and the representation of women could be formulated



## 7. Conclusion

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Between 2007 and 2012, ASCI has significantly strengthened its ability to self-regulate and has on average achieved a high level of compliance, which is now also mandated in law. To further build on this, we hope that the above findings provide concrete direction for future engagements between Population First, UNFPA and ASCI. Finally, we hope that better organisation, improved record keeping and a less restrictive anti-disclosure policy in the management of ASCI would help researchers in the future.



# Appendices

## Appendix I

### List of Brands/Companies/Advertising agencies complained against, 2007-10

#### 2007-08

1. Roopamrit cream/www.skyshop pvt ltd/Agency unknown
2. Sisley/ Trent Ltd./Agency unknown
3. ING Vysya Life Insurance/ING Vysya Life Insurance Company Ltd./Rediffusion DYR
4. Radisson Hotel/Radisson Hotels/ J. Water Thompson

#### 2008-09

1. Strata Wall Tiles/Somany Ceramics/ Agency unknown
2. Crabtree Taps/Havells India Ltd./ Lowe
3. DLF IPL Cricket/DLF IPL/Agency unknown
4. Hitachi ACE Air conditioner/Hitachi Home and Life Solutions India Ltd./ Bates India
5. Kitply Woodboards/Kitply/Agency unknown
6. Virgin MobileYoYo Offer/Virgin Mobile India Limited/Bates India
7. I-pill/ Cipla Ltd./ Agency unknown
8. Gen X Premium Briefs/Lux Hosiery Industries Ltd./Agency unknown
9. Voice of India- 24 hr Hindi News channel/Triveni Media Ltd./Agency unknown

#### 2009-10

1. Maruti Suzuki India
2. Fast Track Sunglasses/Titan Industries Ltd/
3. JK White Cement Works
4. Set Wet Zatak Deodorant/Paras Pharmaceuticals/
5. Fuel Deodorant
6. The Times of India (Best Bottom Pincher Award)
7. Levis Strauss Ltd
8. Manforce Condoms/Mankind Pharma Limited/Prachar Communications

## Appendix II

Members of the Consumer Complaints Council of ASCI (2012-13)	
1. Mr. Partha Rakshit Vice Chairman (ASCI) Proprietor Partha Rakshit Associates	2. Ms. Sangeeta Kapila General Manager Communication Child Rights and You (CRY) Mumbai
3. Dr. A.R. Shenoy Former Chairman Consumer Guidance Society of India Mumbai	4. Mr. Shambhu V. Sista Founder & Trustee of Population First (Laadli) Mumbai
5. Mr. Nagesh Ganesh Executive Director Interface Comms. P. Ltd. Mumbai	6. Ms. Aazmeen Kasad Advocate - High Court, Mumbai and Professor of Law
7. Ms. Hephzibah Pathak President Ogilvy & Mather Mumbai	8. Mr. Umesh Shrikhande CEO Contract Advtg (I) Ltd. Mumbai
9. Mr. Pramesh Arya Director – Active Cosmetics Div. L'OREAL India P. Ltd. Mumbai	10. Dr. Vaibhav Kulkarni Abbott Healthcare P. Ltd. Mumbai
11. Dr. R.D. Potdar Consultant Public Health Strategies & Programmes Mumbai	12. Ms. P. N. Vasanti Director CMS New Delhi
13. Ms. Sucheta Dalal Consulting Editor Money Life Magazine Mumbai	14. Mr. Arvind Mahajan Executive Director-Business Advisory Services KPMG Advisory Services P. Ltd. Mumbai
15. Mr. R. Ramakrishnan Vice Chairman & Jt. Managing Director Polycab Wires P. Ltd. Mumbai	16. Mr. Paritosh Joshi Director Provacateur Mumbai

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Members of the Consumer Complaints Council of ASCI (2012-13)			
17.	Prof. Anurag Mehra Professor & Head Dept. of Chemical Engineering, IIT	18.	Ms. Nandini Sardesai Maharashtra State Commission for Women Central Board of Film Censorship
19.	Mr. Prem Kamath Consultant Leadership & Organizational Transformation Mumbai	20.	Mr. Bejon Misra Managing Trustee Healthy You Foundation New Delhi
21.	Bittu Sehgal Founding Editor Sanctuary Asia	22.	Monica Tata Managing Director HBO India
23.	Sameer Satpathy EVP Marketing Marico	24.	Narendra Ambwani Director Agro Tech Foods Ltd
25.	Sharda Agarwal Director Marketgate	26.	Dr. Narendra Bhatt Ayurvedic Consultant and Researcher
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