

HOW TO HANDLE SEX IN ADVERTISING?

IAA New York Chapter Round Table on “Sex and Decency in Advertising” June 2007

Esther Loubradou & Tom Reichert

“Sex sells,” right? Well, according to our panel of experts, only “if you use it smartly.”

To discover the risks and potential rewards of using sexual content in advertising, you should consider the advice provided by nine panelists in the advertising, media and legal fields with expertise on this topic. The following document provides highlights and guidelines from the Round Table discussion organized by the International Advertising Association New York Chapter.

[The Roundtable](#)

[Sex in Advertising: Facts and Trends](#)

[Sex in Advertising: Questions and Concerns](#)

[Sex in Advertising: Guidelines for Advertisers](#)

[References on Sex in Advertising](#)

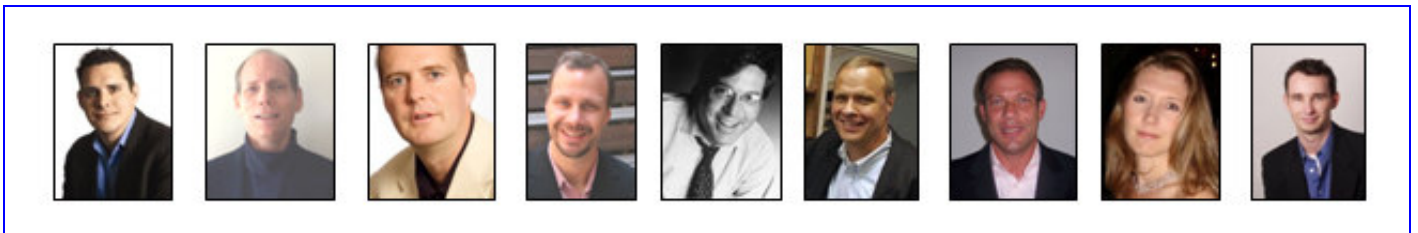
IAA NY Chapter Round Table on Sex & Decency in Advertising – June 26th 2007

Sex has existed in advertising since its earliest days. However, the simple physical attractiveness of a woman in an automotive advertisement only 25 years ago has been replaced by more audacious images for a wider array of products to reach more carefully defined audiences (e.g., teens and young adults), making the use of sexual content more complex and more challenging for marketing executives as well as those who control advertising.

That is why the New York Chapter of the International Advertising Association organized a panel discussion on “**Sex & Decency in Advertising**” hosted by *Mediaedge:cia*, on June 26th 2007.

The event’s objectives were to bring together diverse opinions and expertise in a “think tank” atmosphere to provide new direction with regard to sex in advertising, to explore issues surrounding its use, to provide ideas for future research, and to provide practical guidelines for advertisers so they can approach the topic in a responsible and intelligent manner.

Participating in the panel were:



- **Tom Brookbanks** - Managing Partner Global solution, *Mediaedge:cia*
- **Stephen Gould** - Professor of Marketing, *Baruch College*

- **Andrew McLean** - President: Global Client + Business Development, *Mediaedge:cia*
- **Matthew Morse** - U.S. Editor in Chief, *Revolution*
- **Robert Passikoff** - President & Founder, *BrandKeys Inc*
- **Robert Peters** - President, *Morality in Media Inc*
- **Joe Priolo** – International Advertising Director, *International Herald Tribune*
- **Neile Thiry** - Founder, *Luxury Consulting Group*
- **Michael Wilke** - Founder & Executive Director, *Commercial Closet Association*

The nine panelists were selected because of their extensive and broad expertise in various areas of advertising. The Round Table consisted of a two-hour discussion moderated by Professor Tom Reichert of the University of Georgia and Esther Loubradou Ph.D. in Advertising Law & Communication, and Vice President of IAA NY chapter Young Professionals.



The format was an interactive workshop designed to enable the group to explore and strategically discuss the assets, issues, risks, opportunities and stakes of sex in advertising, through a series of targeted questions such as: Does sex really sell? Does sex in ads attract attention? Are people shocked? Is it good in terms of corporate/brand/product image? What are the issues of sex in advertising as they relate to society, consumers and the profession? What are legal and policy considerations? Do people need to be protected? How do these issues differ from a global perspective? The Round Table attempted to provide some useful answers to these questions.

Sex in Advertising: Facts & Trends

Unlike its use in the early 1900s, sex in advertising is readily visible in a variety of media including outdoor, television, Internet pages, and in magazines. Estimates are that sexual images and innuendos are present in up to 10% of prime-time commercials (and up to 30% of network promos) and up to 25% of ads in some magazines. More important, sexual content is more public, is more explicit, and is used for a wider variety of products than ever before.

“Sex in advertising” can be defined as persuasive messages (advertising) that contain sexual content (i.e., sexual images and words; nudity, behavior, physical attractiveness, innuendo). Sexual content can be integrated into the message to greater or lesser degrees. For example, some ads promise the user greater sexual enhancement whereas other ads only contain images of half-clothed models with no link to the product.

Although there are many topics related to sex in advertising, such as “sexism,” the Round Table discussion was limited to uses of sexual content to sell products; ads containing the concepts of love, sexuality, and sexual desire. As mentioned, in those ads, sex can be explicit or not, it can contain nudity, attractive models, arousing or suggestive symbolism, as well as just allusions, innuendos, double entendre or sexual connotations.

What follows are three insights from the panel that relate to types of sex in advertising and their prevalence.

1. Innuendos are more complex than explicit use of sex

Several panelists were concerned by subtle uses of sex in advertising. These ads are less audacious (e.g., innuendos versus graphic nudity) so they are more complex to handle because they come in “under the radar screen” but still have social effects: “...having an ad where the use of sexual connotation is far less blatant can be more potentially troubling,” remarked Andrew McLean, President of *Mediaedge:cia*. In his opinion, the trend is increasing in Europe and is more insidious because people are exposed to these images without being aware of it. In addition, subtle appeals are complex from a practitioner perspective because it is more difficult to assess the boundaries between what is acceptable and what is not.

2. Is there more sex in advertising?

According to the panel, sex in advertising definitely did not decrease over the past two decades, but they were equivocal regarding its increase. Indeed, it is difficult to determine specifically if sex in advertising has increased in the last 20 years or stayed about the same. Several researchers have analyzed the presence of sexual content in advertising but the method, the country of reference, or the media chosen, make comparisons difficult.

Nevertheless, if we listen to consumers, they are likely to believe that advertising is more sexualized than before. According to our panel, points of view diverged. While some thought that it has not changed since the 1980s commercial with Brooke Shields—“Nothing comes between me and my Calvins”, others believe there is more sex in advertising with significant increases in the 1980s and 1990s. Again, the answer depends on the media and markets considered.

During the discussion, two interesting points emerged:

- Mike Wilke, President of *Commercial Closet Association*, noticed an increase in the use of “same sex” ads (ads portraying gays and lesbians). In his opinion, the primary reasons for this trend were that these portrayals were fresh and used as a punch line. Recently, however, there has been a decrease in these representations probably because they are not as stunning as they were initially.
- Robert Peters, President of *Morality in Media*, remarked that his organization has not noted an increase in complaints. In Peters’ opinion, the lack of complaints could be because there has been no increase in sex in advertising or that people are less shocked by what they see today. On the other hand, if there is an increase in sex in advertising, it may be limited to specific media with a more targeted and focused audience than media with broad exposure. In particular, Mr. Peters is concerned about advertising targeting teens and young adults.

Finally, some panelists raised an interesting point. Perhaps the concern is not: “Did sex increase?” but, “Did the nature of sexual content change?” In other words, instead of an overall increase in prevalence, the level of explicitness and sexual intensity of sexual ads may have increased. Either way, the panel thought that ads were pushing the boundary of acceptability further than before.

3. Sex in advertising is not an isolated phenomenon: Sex is a general trend within society

Another idea mentioned by the panel pertained to the connection between advertising and society.

- First, most of the panelists believe that there is a link between the use of sex in advertising and an overall “eroticization” with the culture. According to Professor Gould, sex in advertising “is part of a social trend and therefore of the culture.” The panelists noted that sex is a more common theme in general media (e.g., news, programming, film, etc.), and that advertising is a reflection of those themes. But, however, advertising is often the scapegoat because of its commercial purpose and its visibility.

- For Andrew McLean, as well as other members of the panel, advertising is a mirror of society. He noticed that “advertisers do not dictate messages; they hold a mirror to what is going on into society.” In other words, everything in advertising comes from society and that if we postulate that advertising reflects reality—reflects the lives of consumers, then those people (living in the sex culture) should not be offended and maybe some of them actually want to see the sex. Robert Peters thinks culture both reflects and shapes society. According to the panelists, the question becomes: Do sexy ads influence people by enhancing the sexualization of society?
- In a related sense, several panelists suggested that sexual themes in advertising are reflecting pornography. Of course most sexual ads are far from pornographic but several ads have incorporated pornographic themes such as lesbian chic imagery, bondage and sadomasochism. Professor Gould added that the reflection of pornographic themes “may be bad or unacceptable to some... but there is a clear connection between advertising and those areas”.

Sexuality is becoming more visible in several countries and cultures, as well in the lives of consumers and viewers. Whether it is good or bad is a different issue and it depends on one’s viewpoint. But people will respond to sex advertising, suggested Neile Thiry, President of *Luxury Consulting Group*. After all, “aren’t we by essence sexual beings?”

Overview of questions and concerns

Active discussion among the panelists revealed several concerns about sex and decency in advertising. In addition, the discussion touched on several considerations for researchers and advertising professionals regarding the topic at hand.

1. What is the nature and level of the “sex in advertising” effect?

Most panelists agreed that sex in advertising has an intentional effect on consumers. Sex is able to grab attention and direct it to the ad. The effect on sales is much less clear. Obviously, much academic research has attempted to determine the influence of sexual content on the advertising process. The panel pointed out that advertisers want an effect; they want the target to buy the product.

One discussion point was that sex in advertising does more than grab attention. For instance, sex can be used to sell a lifestyle. Consumers can desire brands that allow them to have more sexualized lives. Some advertising says that the product will make a person feel sexier. There was debate regarding this point as some panelists argued that this is “false advertising” because products “don’t make the consumer sexier.” On the other hand, some panels argued that advertising can do just that.

Regarding indirect effects, Robert Peters reminded the panel that the U.S. is a very sexualized society and that since we all respond to sexual stimuli in one form or another, it has to affect us. Other panelists, however, thought that whether that effect is positive or negative, remains to be determined.

2. Is sex in advertising a bad thing?

During the discussion, Professor Gould questioned the implied assumption that sex in advertising was a negative tactic. He asked, is it always harmful to be exposed to sexual content in advertising? Might it have some unintended positive effects? Joe Priolo of the *International Herald Tribune* asked, isn’t it better in some instances for our children to see two people making love than killing each other? Priolo and other panelists referred to the staggering amount of violence in the media. Another panelist noted that teenagers have grown up with cable television “and they didn’t necessarily become sluts or gigolos.” The panel agreed

that media culture isn't the only factor that contributes to a person's sexuality; many other factors must be taken into account as well. Perhaps the presence of sexuality is a positive force that can help people to express themselves. Or, perhaps, it could be a "negative force that contributes to attitudinal and behavioral problems," remarked Robert Peters.

3. When does sex in advertising cross the line?

Good question. When does one know they are about to cross the line of acceptability? Where is the boundary between grabbing attention and turning off the target audience? These questions and others were discussed by the panelists. It was determined that the answers are complex but consideration should be given to the following points: (1) the values you want your brand to represent, (2) the age, attitudes and values of your target audience, (3) the current regulations in your country, and 4) the decency standards where the ad is going to be broadcast or published.

4. How to avoid vulnerable audiences?

Each panelist agreed that unintended exposure of sexual content to children is a problem. Panelist Neile Thiry argued that self-censorship is a "good solution for an adult audience who has tools to analyze what they see and can choose to not to look at it if they don't want to if it doesn't suit their standards." But what about children and young adults who are exposed to sexual stimuli in television commercials, billboards or Internet ads? Judging from the reactions of the panelists, this issue is one of the main concerns about sex in advertising; even if no one really knows how it can affect young individuals. Advertisers should be very careful to ensure that any sexual ad they are associated with is carefully placed in media that minimize exposure to children. As Andrew McLean noted, all of us are responsible for keeping children from growing up too fast.

5. Are regulations needed?

The answer to this question presents a challenge because it involves protecting audiences from indecency on one hand but protecting the rights of commercial speech on the other. Overall, the panel considered self-regulation by the industry itself as a preferable solution. On the other hand, they did note that those in the industry may not always be the best to determine what is right or not in this context. There are several additional perspectives noted by the panelists.

- During the discussion on regulation, Robert Peters observed that even if some people find the use of sexual ad content to be offensive, none of the ads he had seen were "obscene." So in regard to American Law, the vast majority of sexual ads are protected by the First Amendment as interpreted by the Supreme Court.
- Even if an ad is not obscene, however, it can be "indecent." To clarify the concept of indecency in the media we can refer to the definition provided by the *Federal Communications Commission*:

"Material is indecent if, in context, it depicts or describes sexual or excretory organs or activities in terms patently offensive as measured by contemporary community standards for the broadcast medium. In each case, the FCC must determine whether the material describes or depicts sexual or excretory organs or activities and, if so, whether the material is "patently offensive."
Indecent material contains sexual or excretory material that does not rise to the level of obscenity. For this reason, the courts have held that indecent material is protected by the First Amendment and cannot be banned entirely. It may, however, be restricted to avoid its broadcast during times of the day when there is a reasonable risk that children may be in the audience. The FCC has determined, with the approval of the courts, that there is a reasonable risk that children will be in the audience from 6 a.m. to 10 p.m., local time. Therefore, the FCC prohibits station licensees from broadcasting indecent material during that period."

- At a global level, an additional problem is that standards of decency can vary from country to country and can be, in some instances, vague. Therefore, an offensive ad in one nation can be viewed as neutral in another country. In France, for example, it is completely normal to see a woman's naked breast in an ad (i.e. body wash) whereas Americans would find the same image as shocking. And even within the same country, differences in decency standards can vary by region, state and municipality.
- Furthermore, FCC regulations only apply for broadcast networks, not cable. One of the panelists noticed that "in Europe they have something more racy but you certainly do not see it in the middle of the afternoon. The [sexual] things you can put on cable at anytime are the 'what' in Europe you won't see before 9 pm." This point is true about general programming but also true to a certain extent concerning advertising. In this respect, European advertising is still more sexually daring than in the US.

Guidelines for Advertisers:

Nine things advertisers need to know before using sex in advertising

As evident in the previous sections, the use of sex in advertising evokes a variety of opinions regarding its effectiveness, its worth, and its need to be regulated. In many respects, opinions about sex in advertising are not black or white. To quote several members of the panel, issues related to sex in advertising are like "playing in a grey area." To help guide those who are considering using sex in advertising for a campaign, the following guidelines are provided by the panel to help others make good decisions.

1. Do not use sex as a punch line or for shock value. Be smart and relevant.

Some panelists concluded that sex should only be used in an ad if it is the smartest and most relevant way to connect with the consumer. Otherwise, sex is used as a cheap attention getter, or as a punch line, and today's savvy audiences will see through it and be turned off. This doesn't mean you can't use humor with a sexual execution, but use it wisely.

The panel also made the point that sexual stereotypes, homophobia, and objectification—of both women and men—are outdated and will turn people off. In addition, with increased attention of these issues by advocacy groups, the need for a true message is even greater. Recently, the *Council of Europe* concluded that too often advertising depicts women in situations which are humiliating and degrading, or even violent and offensive to human dignity. Parliamentarians called for the preparation of a European code of good conduct, and passed several resolutions that included the introduction of a European prize for advertising that eschews sexist stereotypes. As such, respect of human dignity is also a growing concern, so advertisers should portray sexuality in a healthy way and remember to take diversity into account.

2. Be different without being offensive

Distinguishing one's brand from the competition is important, but doing so with the intention of being offensive is not a sound, long-term approach. There was a time when using sex was an effective way to stand out, but today the use of sex in advertising is not that original. That is why some marketers have continued to push the envelope further to be noticed. As a result, their ads are increasingly crossing the line into "offensive" territory.

3. Know your audience and your target

This point is one of the most important: delivering the right message to the right person.

- The last thing you want to do is to turn off your audience, or worse, offend your target. Even if a relatively small proportion of ads are actually offensive in proportion to all advertisements, you absolutely don't want yours to be in that group!

The right use of sex in advertising depends on who you want talk to. You must also identify the values you want to give to your brand. This context is very important and should be explored even before a brief is constructed: Who is my current customer, who is my potential customer, who do I need to talk to, what is the lifestyle which those consumers are living and therefore how do I track their attention? You need to communicate with them using the best way to reach them: Hold a mirror to their lives, integrate the brand into their lives.

When you consider these points, sex may become relevant or not, and the level/intensity of sex may also vary. Sex will always attract attention but not necessarily in a positive way. Do not forget that consumers always have the right not to buy the product. Therefore, before using sex in your advertising, consider all factors including the age, sex and cultural background of the target, the media where you place the ad, and the best approach to resonate with people's lives.

The permission that your audience gives you is very important and defines the right thing to do. That is why you need to target your message and focus on the right audience. This is a better approach than general targeting in order to avoid offending unintended audiences.

4. Test and conduct research when possible

The panel expressed general consensus regarding the importance placed on copy testing. Beware conventional wisdom that says "sex sells and that is all we need to know." People's responses to sexual ad content can be very complex and sometimes reactions are unexpected. As a result, it is especially important to conduct quantitative and qualitative research whenever possible. Be aware, however, that although your target audience might react very positively to a sexual approach, other people may be offended by the sexual ads.

5. Be aware of cultural differences if your ad is International

As previously mentioned, the notion of decency differs from one country to the next, especially with regard to nudity and sexuality in advertising. Be aware of local customs and values regarding sex and sexual displays to ensure that your message will be received as expected. If in doubt, ask!

6. Be true and transparent

The panelists concurred that consumers are both more brand and visually literate than ever before, especially with the adoption of social media. "We have educated them, trained them about how the media work..." remarked one panelist. As a result, customers are more clever and better able to see through approaches that are irrelevant and manipulative. For example, just because a near-naked woman is shown standing next to a car doesn't mean a man will buy the car. It may attract his attention, but he is usually savvy enough to know the reason that model was placed in the ad. He may react negatively, but for sure he will engage in research before making a buying decision.

7. Respect regulations.

Obviously, you must respect existing laws and regulations that relate to general advertising and rules on obscenity, indecency and profanity. Be especially careful as these regulations can vary from country to country. Be aware that self-regulation organizations and other associations exist globally and they can assist with issues related to sex in advertising (e.g., International Advertising Association). They also sometimes provide guidelines on several concerns (i.e. sexism, respect of human dignity...). These groups can assist with compliance. In France, for instance, there is an obligation of copy clearance. Occasionally, and with certain media, ad content clearance is handled by a third party (not the publisher; i.e. France:

Bureau de Vérification de la Publicité, United Kingdom: *Advertising Standards Authority*). In such cases, these independent authorities must approve all ads before broadcast/publication.

Panelist Neile Thiry suggested the need for more independent groups. She added that having only one authority for this topic is risky. First, they won't be able to handle all the issues (the volume is really big and is getting bigger with the Internet), but also there is a risk of "having a guard over the guard and to end up with a uniform vision of what is acceptable and what is not" which would be undesirable and contrary to the freedom of expression.

8. Be prepared!

Tom Brookbanks, also of *Mediaedge:cia*, mentioned that 9 times out of 10 consumer complaints about advertising are sent directly to the CEO of the brand. Be prepared so that if you are going to use a sexually themed execution, you should inform higher management. Be prepared to explain why a sexual approach was used. According to Brookbanks and other panelists, it only takes a few letters to get an entire campaign canned.

9. Seek advice: Who can help you?

If you are in doubt, seek advice from professionals with expertise in the area. Here are some places to start.

- Look for professional associations that have developed best practices in the area of advertising content. For example *Commercial Closet Association* (www.commercialcloset.org) positions itself as a "friend of the business, helping maintain good practices" concerning advertising that uses gay, lesbian, bisexual and transgender representations. The organization provides useful examples and guidelines (Best practices guidelines at <http://www.commercialcloset.org/cgi-bin/iowa/index.html?page=best>).
- Look to advocacy groups for helpful guidelines. For example, consider *Morality in the Media*, *Parent Television Council*, *La Meute* (France), and the *American Decency Association*.
- Some lawyers specialize in indecency matters. Seek their advice for guidance.
- Do not hesitate to look to prior research on sex in advertising. Bridge the disconnect that often separates academic research and professional practice. You may find some facts and/or principles to inform your work.
- Look at previous advertisements and consider how consumers received them.
- Check with publishers and/or standards boards beforehand. In France, for instance, you can ask the self-regulatory organization (BVP) to review your work and to provide advice, even if that particular network doesn't require the ad to be pre-approved.

This list is not exhaustive but it should provide you with some ideas regarding questions you may encounter related to sex in advertising.

Conclusions and topic areas for future research and discussions

Does "sex sell?" The answer to that question was only one of the goals of our recent Round Table discussion concerning sex and decency in advertising. More important, it was determined that if advertisers are going to employ a sexual approach, they must do so smartly, professionally and responsibly.

The discussion among a panel of experts provided an excellent opportunity to explore the complexities surrounding the use of sexual content in advertising, but it also revealed the need for more events like it. Additional Round Tables would move the field forward and provide useful information and solutions to advertising and media professionals. This particular session consisted of individuals with diverse resumes: scholars, media planners, publishers, brand consultants, and advocates. The diversity of opinion contributed to rich discussion surrounding each facet of the topic. Future sessions could include panels with a very specific focus, such as that of advertising creatives (copywriters and art directors).

In addition, this Round Table was one of the first working sessions, composed of researchers and professionals from the advertising industry, to discuss “Sex and Decency in Advertising.” No doubt more sessions will be planned because of the controversial nature of the topic and the reactions it evokes in consumers. For example, we recently discovered a similar panel session being planned in France.

In addition to professional experience and working beliefs, research is needed to enhance our understanding of sex in advertising. Obviously, emotions play a significant role in both the direction and intensity of reactions to sexual ad content. Investigations should seek to determine the factors that influence visceral responses such as gender, culture, values, and religiosity as well as message factors such as explicitness. Future research should also focus on:

- Developing studies on both audacious and subtle uses of sexual content in advertising.
- Developing frames to analyze sex in advertising as well as to build measurement tools in order to provide more accurate scientific findings.

In conclusion, we extend our appreciation to the panelists for their time and expertise. Their ideas and opinions form the body of this report. It is our hope that the information contained herein can lead to both better understanding and more responsible practice concerning this fascinating topic.

Other References for more information about sex in advertising

Sex in Advertising

- <http://sexinadvertising.com/>

Associations

- www.commercialcloset.org
- www.moralityinmedia.org/

Examples of Self-regulatory bodies

- USA: National Advertising Review Council www.narcpartners.org (Note: This independent self-regulatory body provides guidance and sets standards for truth and accuracy but does not deal with appropriateness matters in advertisements)
- Europe: European Advertising Standards Alliance www.easa-alliance.org
- United Kingdom: Advertising Standards Authority www.asa.org.uk
- France : Bureau de Vérification de la Publicité www.bvp.org

Legal aspects

- FCC Regulations on Obscenity, Indecency and Profanity: www.cc.gov/eb/oip

Other useful links

- International Chamber of Commerce: www.iccwbo.org



NOTE

*This event was conducted on the initiative of **Esther Loubradou**, finishing a thesis on Sex and Decency in the Media (and IAA NY Chapter Young Professionals Vice President) and was organized by the Young Professional Committee of the International Advertising Association New York Chapter. The event was not possible without the esteemed panelists as well as **Andrew McLean**, President of Mediaedge:cia and New York Chapter President, **Jill Henry**, Executive Director, IAA New York Chapter, **Joe Priolo**, International Advertising Director, International Herald Tribune, and Chair of the Young Professionals, **Lorien Reckmeyer** from Huson International and IAA NY Chapter Young Professionals President, and our moderator **Tom Reichert**, from the University of Georgia.*

For more information, please contact:

Esther Loubradou

Coordinator of the Round Table & Vice President of IAA NY Young Professionals

Email: eloubradou@yahoo.fr – Phone : (1) 201-238-7815 (Cell)

Jill Henry

IAA NY Chapter Executive Director

Email: director@iaany.org – Phone: (1) 212-338-0222