Sex-Discrimination in Advertising: Extent, Regulation and Experiences

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Sex-Discrimination in Advertising: Extent, Regulation and Experiences


This article discusses how sex-discrimination in advertising is regulated, pointing at the general lack of regulation of the field internationally. It also draws attention to the sex-role stereotyping that still persists in advertising today. The article discusses Norwegian experiences with regulation of sex-discriminative advertisements. According to Norwegian laws this kind of portrayal has been prohibited since 1979, and the Consumer Ombud is dealing with such advertising complaints, among others. The Norwegian experiences are discussed on the basis of a law-internal evaluation. The conclusions are that the regulation to a large degree has been successful. Today sex-discrimination advertising is a minor problem in Norway. It is, however, a challenge to place this topic on the agenda and to draw attention to it in an international context.

PROBLEMS AND PURPOSE

On a world basis, the growth and expansion of advertising has been considerable over the last years (Clark 1989). It seems evident that advertising plays a central role in consumers' lives, and more so nowadays than it used to only a decade ago. There also seems to be a tendency among advertisers to use more subtle and more aggressive means to catch consumer's attention, and that these means constantly develop and change. Even though techniques are subject to change, questions have been raised several times whether this also applies to the general ideological, long-term expressions, the sex-role stereotyping and sex-role portrayals in the advertisements.

Norway is often considered to be a country with a high level of equality between the sexes. Efforts to promote equality between the sexes have, since 1979, been integrated into the laws regulating advertising as one of the several results of the efforts of the women's liberation movement during the 1970's. A law, the intention of which was to prohibit gender discrimination, was thus passed in Norway. This gives reason to question the role of the laws that have been passed in this respect, and it also contributes to the assessment of the success of regulation of the field. This article discusses whether advertising gives a correct picture of today's women, and how sex-discrimination in advertising is dealt with and regulated internationally. It also discusses the Norwegian experiences with regulating advertising considered to be sex-discriminatory, questioning the kinds of conclusions that can be drawn from the Norwegian regulation.

WOMEN IN ADVERTISING

There is comprehensive research on how women are portrayed in advertising. It seems that the main results and trends from the last years of research are very similar. Wyndham (1983) has studied the subject in Australia, and found that women in advertisements are portrayed either as housewives or as sex-symbols. Nevertheless Gilly, who conducted a comparative study, found that Australian commercials are superior to U.S. ads in terms of overall equality of the sexes (Gilly 1988, 1984). Lysonski (1983) conducted a content analysis of female and male portrayals in magazine advertisements which showed changes in the role portrayals over the past years. There was a tendency for women to appear less frequently dependent on men than they used to, while men were less likely to be depicted as authority figures. Even so, stereotypical images of women and men persist in advertisements, says Lysonski (1983, 1949). Knill et al. (1981) have studied sex role portrayals in television advertising, and conclude that there have been some changes in the portrayal of females in TV during the last decade, as they are more visible today, and that women appear to be making gains as product representatives. Still, the overall picture is that they continue to be portrayed predominantly as housewives and mothers, and often in relation to personal care products. An Irish report states that
advertisements that portray females send two different messages to readers, the first being a sales-promoting message and the second an ideological message. It states that principles of sexual equality were not reflected in ideological messages in advertisements (Casey 1988). A study conducted in the UK by Michell and Taylor (1990) stresses that advertisers have become sensitive to the issue of sex-role stereotyping in advertising, resulting in less stereotyping of women as physical objects. They claim this with reference to two polarizing trends that seem to appear in the advertisements: one towards a more family-oriented, dependent image, and the other towards annon-traditional and independent image. Flick (1980) has demonstrated that men and women are presented differently through Norwegian advertisements. Men are portrayed in contexts related to work, especially with expensive items; whereas women mostly are portrayed in contexts related to home, often in activities connected with housework and personal activities, with make-up, clothes and food. Sepstrup (1982, 130-135) reports similar findings from Denmark. He shows that in the world of advertising, women's place is in the home, and that women are less competent and less active than men. In Sweden, Eriksson and Andren (1987) find that traditional sex roles still are reflected in advertisements. Authority and knowledge are male characteristics, whereas women mainly are decorative and pleasing. Women are often presented as young, beautiful, sexy and with a dreamy expression on their faces. They are also presented as strongly related to the private sphere on the home and as inactive and self-centered consumers. In the world of advertising they are rarely presented as members of the labor force. On the other hand, portrayals of women in advertising are not so completely foreign to the culture as not to be seen as appropriate by many, even though research has shown that women tend to be significantly more skeptical towards such portrayals than men (Glefjell 1989).

The research on portrayal of women in advertising has also paid attention to the increasing use of women as sex-objects during the last few years. Ten years ago, Wilson and Moore (1980) pointed out that the consumers were exposed to more sexual expressions in advertising than ever before. This tendency, which has also been pointed out by the Norwegian Consumer Ombud (1986), seems to have increased during the decade. This can also be traced in European advertisements, in relation to portrayals of male models in advertisements as well (Holmqvist 1989). Holmqvist also stresses that changes in advertisements primarily seem to be connected with masculinity, whereas femininity is not due to changes in the same degree.

Still, it is important to take cultural influence on advertising's sex role portrayals into consideration when advertisements are evaluated (Gilly 1988). For instance, gender difference is part of the cultural fabric in some countries, whereas other countries stress egalitarian values. Even so, two conclusions can be drawn on the basis of this research. The first is that the presentation of women in advertisements does not tend to promote equality between the sexes, even though changes can be traced in the direction of a less stereotyped female presentation. Efforts to promote equality between the sexes are usually not reflected in advertising. In fact the tendency seems to be the opposite, emphasizing portrayals of traditional and stereotyped images that give an incorrect presentation of today's women, without being in accordance with real life. The other conclusion is that questions concerning regulations of issues related to equality between the sexes and sex-discrimination in advertisements still are of high relevance today.

HANDLING OF SEX-Discriminative ADVERTISEMENTS

An important question is the extent to which the presentation of women in advertising is considered to be a problem on an international scale in relation to international legislation and the principles of self-regulation.

As a consumer-political strategy, legislation does not offer the consumers any influence, but it offers them protection. The main intentions of the consumer-laws are to take care of and protect the consumer-interests. Practice differs from one country to another as to which of the consumer-political means, which usually include legislation, information and representation, have a dominating position and how legislation is
handled. Generally, the content of various laws and the handling of them carries considerably from one country to another. The same applies to whether strict rules with a coherent sanction-system, or "soft-laws" and principles of self-regulation are stressed.³

The United Nations' guidelines for Consumer Protection express the basic consumer rights. These rights are directed to governments, business life and the consumers. In essence the individual actors are granted rights. The United Nations' guidelines can be described as "soft-laws," in the sense that certain ethical standards that are internationally recognized as a set of minimum objectives are pointed out. All consumers should be entitled to expect that these objectives will be applied (Harland 1987:247). They pay special attention to consumer education and information programmes without stressing consumer protection. The right to be heard and the right to be informed in particular deal with advertising questions. The subject of sex-discriminative advertising is not, however, separately dealt with in the United Nations' guidelines (Harland 1987). It seems that this question is outside the scope of the guidelines and the kind of consumer protection they deal with, even though it is stated:

"...that an important role of the United Nations is to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character" (Harland 1987, 247).

Harland also stresses that consumer political issues can no longer be seen as exclusively of interest to local concern, but must be seen in an international context. Concerning advertising, the priority in an international context so far seems to have been advertising that is unfair or misleading. Sex-discrimination is not specifically treated as a consumer problem, nor as a problem of sufficient social or cultural interest to be included in the guidelines.

The European Council has also given increased priority to media-questions over the last years, and in 1984 the Committee of Ministers formulated a recommendation concerning television advertising. In the general principles it is stated:

"advertisements should ... be given particular attention to the moral values which form the basis of every democratic society and are common to all member states such as individual liberty, tolerance and respect for the dignity and equality of all human beings."

The principles are of a very general nature in these statements as well. Considerations concerning sex-discrimination should probably be included in the interpretations of the expressions on moral values and equality of all human beings. Otherwise the issue is not treated.

The rules developed by the International Chamber of Commerce (ICC), are mainly supposed to function as instruments of self-regulation within economic and business life, intending to create a high ethical standard in all advertising. These rules were developed as early as 1937 (Clark 1989). The rules are general and pay more attention to principles than to details. They are directed towards business and economic life. It is claimed that the existence of the rules demonstrates that all actors that are engaged in advertising and advertising questions are aware of their responsibility towards consumers and society, as well as the need to keep a reasonable balance between the interests of business and of consumers. The ICC expects that the rules will contribute to harmonizing the norms that are relevant to advertising practice, and they should be considered by anyone dealing with advertising. The rules are valid for all kinds of advertising for any goods and services. They contain (at least) two important paragraphs that seem to be relevant concerning sex-discriminative advertising:

Article 1 states that advertisements must not contain expressions or portrayals that oppose the ruling considerations of decency.

Article 3.4 states that advertisements must not support discrimination of race, religion or sex.

Still, the interpretation of the above paragraphs is mainly left to the advertisers, advertising culture and practice in each single country. But
as a set of norms, it is of course an advantage that the principles concerning decency and discrimination are included.

In the European Community (EEC), six years of discussion finally lead to an agreement concerning misleading advertising (Clark 1989). Partly because of different marketing cultures in the different EEC-member countries, it often turns out that attempts to create regulations of international rules are problematic. In some countries comparative advertising is considered to be part of advertising culture, whereas this is thought of as unethical in other countries. Moreover, it has been easier to agree on, and to adopt the directive of misleading advertising, than to address questions concerning unfair advertising and comparative advertising. Apart from these rather modest regulations, however, the EEC recently adopted a directive on discrimination concerning trans-border advertising on television. The directive does not make statements about advertisements distributed through other channels. Among others, article no. 12, from October 1989, states that advertisements on television must not:

a) injure the human dignity;

b) be discriminative with respect to race, sex, religion or nationality.

Still, no interpretations or definitions of the concept of discrimination have been developed along with the directive. The question therefore is left unanswered as to where the limits in such considerations actually can be drawn, and on what criteria. As a consequence, this lack of criteria may imply that the similarities to the principle of self-regulation are close.

On the surface, the rules that have been developed by business life and economic life, or those that are primarily directed against these actors, seem to cover sex-discriminative advertising, at least to a certain extent. If advertisers paid attention to the guidelines stated in these rules, and if self-regulation were a sufficient means to regulate advertising, sex-discrimination in advertisements should not be a problem today. But, as we pointed out in the previous section, it still is a problem. The question then arises whether it is possible to establish rules and state norms without closer specification and definition of the content and forms of expression that the rules are supposed to cover. To a large degree such definitions seem to be neglected in the international rules and guidelines.

On a national level, the legislation regulating equality between the sexes and sex-discriminative advertising is not given much attention. Only a small number of countries have any regulations on this topic.

The Womens' Lib Movement in the United States has for several years pointed out that sex-discriminative advertising represents a problem, without much success, however, in obtaining results that satisfy their interests. Attempts at self-regulation based on ICC-standards, of this and other kinds of advertising, are the rule.

In Canada the situation is the same, but there is still strong and persistent pressure from various organizations, from feminists and others who are concerned with the question of sex-discrimination in advertising. They contribute to keeping the issue on the agenda even after several years of discussion. Still, however, governments support the business perspective in this matter. They want to avoid making laws regulations about sex-discriminative advertising, as self-regulation is thought to be sufficient. But a law prohibiting sex-discriminative advertising is being considered. Attempts are also being made to raise people's level of consciousness with regard to the issue.

In Latin-America sex-discriminative advertising has been discussed as a problem for some years, and there seems to be great interest in the subject, particularly among women. The participants of a conference initiated by people from Latin-America and the International Organization of Consumer Unions (IOCU) in Chile in 1989, suggested that a law-proposition should be worked out together with IOCU in order to prohibit sex-discriminative advertising. Self-regulation was not considered a sufficient means to get rid of this kind of advertising.

In Australia trust is placed in ethical codes and self-regulation. The authorities consider consumer-complaints on sex-discriminative
advertising to be a minor problem, but various women's organizations have been occupied with the subject for years. The Australian Consumers' Association has worked out a check-list defining sex-discriminative advertising. Sex-discriminative advertising is, for instance, defined as "advertisements that degrade women and that can harm the development of boys and girls through a repetition of old stereotypes, or advertisements that degrade or injure women or treat women as sex-objects."

On the European scene the subject has been treated differently from one country to another - in those countries where it has been treated. The majority of the European countries do not, however, consider sex-discriminative advertising to be a problem that deserves special juridical attention. Today, Norway and Iceland are two of the few countries in the world that have any experience with regulating the portrayal of women and men in advertising. Sweden will probably establish a prohibition against advertising that is sex-discriminative or derogatory in the near future. The question has been investigated for several years in Sweden, but businesses try to avoid law regulations. They still trust in self-regulation, through a special ethical council, but stronger regulations are considered. In Ireland, the issue has also been discussed for many years. Various studies have been conducted, and a number of reports have been written. Ireland has adopted an ethical code which contains a paragraph on equality between the sexes, which is similar in content of the Norwegian law. Also, the advertisers are urged to create advertisements that give more realistic portrayals.

Apart from this there are no legal regulations on sex-discriminative advertising in Europe. Therefore, one conclusion is that what constitutes a discriminatory stereotype has eluded most regulatory bodies in most Western democracies, - a fact that may have been caused both by its inherent subjective, cultural and political operational definition as well as by the general subordination of women in society. Still, the Norwegian regulatory bodies have made efforts to conceptualize and define the content of sex-discrimination in advertising. In this respect the Norwegian experiences concerning regulation in this area are quite unique. The next sections discuss these experiences, posing the question whether or not the regulation has succeeded according to its original intentions.

THE NORWEGIAN MODEL

The Norwegian Consumer Ombud was established in 1973. The Consumer Ombud has the daily responsibility of enforcing the Marketing Control Act which regulates the following types of advertising: unreasonable and sex-discriminatory advertising (which was included in the act in 1979), misleading advertising and advertising with insufficient guidance, as well as advertising that takes advantage of premiums and lotteries. The Marketing Control Act regulates marketing practice and advertising directed towards consumers, as well as rules primarily affecting business relations. The Market Council is an administrative institution, acting like a Market Court, and both advertisers and the Consumer Ombud can bring their cases to this court. The relationship between these two institutions and the consumers and other possible complainers on advertising matters can be seen in Table 1.

The section on sex-discriminative advertising was included in the Marketing Control Act in 1979, at the same time as, and as a result of, the establishing of the Equal Status Act. The Norwegian Equal Status Act is general in nature and addresses diverse issues. The objective of the Act is expressed in §1 which states:

"This Act shall promote equal status between the sexes and aims particularly at improving the position of women. The public authorities shall facilitate equality of status between the sexes in all sectors of society. Women and men shall be given equal opportunities for education, employment, and cultural and professional advancement."

There is a strong relationship between the Equal Status Act and the paragraph in the Marketing Control Act which bans sex-discriminative advertising. Section 1.2 in the Marketing Control Act states that:

"The advertiser and anyone who creates advertising shall ensure that the advertisement does not conflict with the inherent equality between the sexes and that it does not imply any
The section on sex-discriminative advertising in the Marketing Control Act has intentions of influencing the ideology or the norms in society. In Sepstrup's terminology (1982) one might say that it attempts to regulate the long-term, non-economic effects of advertising. The main principle is that advertisements must not conflict with equality between the sexes. The other criteria to be taken into consideration in interpretations of advertisements are those of derogatory judgment and offensive portrayals. The Equal Status Act and the Marketing Control Act § 1.2 are meant to ensure the legal aspects of equality between the sexes in Norway.

In the instructions following the Marketing Control Act, offensive advertising is defined as portrayals of either sex in more or less dressed situations and where they are portrayed as sex-objects or as eye-catchers without any relevance to the product and in a way that is offensive to "the feeling of human dignity." Portrayals of nudity are not, however, in themselves considered to be discriminatory in advertising. If nudity is presented in a 'natural relation' to the product, the advertisement will not necessarily be prohibited. If nudity is presented in a suggestive way, the advertisement can be within the scope of the Marketing Control Act. It is not prohibited to portray erotic situations as long as they are not sex-discriminatory. Prohibition of an advertisement therefore depends on how the models and the themes in the portrayals are presented.

Advertisements are evaluated to be derogatory in cases where either sex is being degraded, and when certain qualities or attitudes are attributed to one of the sexes. This can be illustrated by examples portraying women as stupid, awkward in situations which require technical insight, unable to drive cars, and so on. Similar examples are portraying men as rude, as unable to take care of children, to do housework, and so on.

Advertisements that are in conflict with the inherent equality between the sexes, include both the derogatory and the offensive advertisements, as well as advertisements that present sex-roles in an undesired way according to the intentions to promote equality between the sexes. The intention of this part of the paragraph is to strike at certain kinds of sex-role portrayals. Portrayals that present men and women 'as they really are,' are usually outside the scope of the Act. On the other hand this is a problematic consideration in terms of equality between the sexes, but it is illustrated in the law instructions with an explicit statement that there are no prohibitions against portrayals of women as housewives (Boe 1980).

The conclusion is that some of the criteria for evaluating whether an advertisement is sex-discriminatory or not, are explicitly expressed; whereas others are rather vague, and the problems concerning operational definitions and the establishment of independent measures and criteria are both of great relevance. This represents a challenge both to the advertisers and to their watch-dogs, and might represent a problem in certain cases. It is, however, important to keep in mind that the section on sex-discriminatory advertisements, first and foremost, is supposed to promote equality between the sexes. This principle gives the main direction to the interpretations.

The next section offers a more detailed presentation of the handling of the cases according to these criteria.

THE ENFORCEMENT OF THE MARKETING CONTROL ACT § 1.2 IN NORWAY

The office of the Consumer Ombud has the daily responsibility for the enforcement of the Marketing Control Act. The distribution of cases concerning sex-discriminative advertising shows a very stable pattern. The percentage of cases treated according to the section on sex-discriminative advertising in Norway also constitute a relatively small part of the total number of cases, around 10% of the cases with some variation. However, the proportion increased slightly at the beginning of the 1980's.

Over the 10-year period, between 35% and 75% of the cases concerning sex-discrimination have been evaluated as contradicting the law, whereas between 10% and 40% of the advertisements
have been found to be within the legal framework. The number of cases violating § 1.2 seems to be decreasing. Table 2 shows that advertisers have voluntarily withdrawn or stopped a varying proportion of cases.

Complaints concerning sex-discrimination in advertising, § 1.2, increased during the first years after that article was adopted in 1979. Since 1982 the share of these complaints has, however, been fairly stable. Our data show that complaints on sex-discriminative advertisements primarily are put forward from consumers and consumer-organizations. Businesses do not make complaints concerning such cases. Their main interests as far as advertisement complaints are concerned, are advertisements that more directly concern the competition related to the use of premiums and lotteries (Glefjell et al 1989).

With reference to Table 1, Table 3 shows the relevant pattern with regard to the controlling institutions.

Of the total number of advertisements the Consumer Ombud found to be sex-discriminatory for the whole period, only 20 were brought to the Market Council. The Consumer Ombud was supported in only half of them (Glefjell et al.1989). The Market Council seems unwilling to make fundamental decisions as to where the limits may be drawn in cases concerning sex-discrimination. As a consequence the opportunity to influence legal interpretations is not taken advantage of fully.

The way the cases have been distributed, handled and evaluated during the years according to the text of the law, and the division of labour between the Consumer Ombud and the Market Council, lead us to the next question; namely, what kinds of conclusions can be drawn from the Norwegian model of regulating sex-discriminative advertising?

SUCCESSFUL REGULATION OF SEX-DISCRIMINATORY ADVERTISEMENTS?

Several conditions in society imply that it is impossible to establish completely independent measures or indications of how advertising practices would have been like without the law in cases where the law actually is present (Glefjell 1990). Therefore, it is difficult to evaluate the effects of the regulations (Glefjell, Stø and Gjøen 1989). Another reason is that advertising frequently uses abstract forms of expression. Possible interpretations of advertisements may therefore often be a matter of opinion. This has become an increasingly serious problem, both as a result of increased advertising in the electronic media and of the use of so-called ‘life style’ advertisements. This problem may occur in spite of interpretative criteria that have been drawn up.

It seems reasonable to distinguish between three fundamentally different ways of making evaluations (Glefjell 1991). The first way may be called a ‘law-internal’ evaluation; the second, a ‘law-external’ evaluation; and the third, a ‘law-related’ evaluation. A law-internal evaluation studies the practising of the different paragraphs in a particular act over a period of time, developments in the evaluations made on the basis of the paragraphs, the composition of the cases, who brought the cases to trial, the various considerations made in the judgements of the cases over a period of time, and so on. A law-external evaluation, on the other hand, studies the relationship between the law and its surroundings, whereas a law-related evaluation studies the scope of a particular act in relation to the field it is supposed to regulate.

This paper is concerned with a law-internal evaluation and relies on two central variables on which the evaluation is based. These are the number or share of complaints, and the Consumer Ombud’s evaluation of the complaints as illegal or legal. The direction of the relationship between these variables indicates the effects of the efforts to regulate advertising complaints over the years.

In our study, we make several presumptions. In this paper attention will be drawn only to the main logic of the methodology, which is as follows: Regulatory success can be claimed when a decreasing share of complaints is combined with evaluations of the final results of the complaints stating them as legal. When these two tendencies coincide, they indicate that the market probably has adapted to the law. If, on the other hand, the tendency for the central variables point in the opposite directions,
meaning that an increasing share of complaints is combined with evaluations of the complaints stating them as illegal, a regulatory failure is likely to be indicated. In such cases the law has not had the intended effects. Between these two extremes, it is more difficult to indicate success or failure. In this respect, the judgments from the Market Council are essential, however. These judgments are supposed to function as guidelines for future advertising practice, and to draw the lines on a fundamental basis.

This model is based on some essential assumptions. One is that the interpretations of the Marketing Control Act that are made by the Consumer Ombud are fairly stable over time, so that the changes in the frequency of complaints or decisions made in the handling of cases must be due to external rather than internal factors. Another assumption is that the interpretation and handling of cases is constant over time, i.e. that changes in our two dimensions are not due to changes in the capacity to handle cases by the Consumer Ombud or to changing views with respect to, for instance, what it is that constitutes sex-discrimination. These assumptions may represent a possible weakness in the model.

Regulation and evaluations of the handling in regard to sex-discriminative advertisements are illustrated in Table 3. The amount of advertisements that contradict the law is decreasing, and the evaluation of advertisements that are legal is increasing. This development leads to the conclusion that is possible to claim that the provision in the Marketing Control Act that tends to regulate sex-discriminatory advertising has been a success. Data from the Market Council show, however, that it more difficult to regulate certain aspects of sex-discriminative advertising than others, but several kinds of sex-discriminative advertisements have disappeared from Norwegian advertisements, probably as a result of the regulation. The ones that, to a large degree, seem to have disappeared are those leaning towards pornography and those presenting women as pure sex-objects (Stø and Glefjell 1989). There also seems to be a tendency apparent from the cases which contradict the law, stating that the more aggressive the advertisements are in their sexual expression, for instance in portraying women as sex-objects, the more likely they are found to be illegal. And, the more sexual expressions and traditional sex roles are portrayed in a humorous way, the more likely it is that the portrayals are found to be legal. On the one hand, advertisements that are explicitly discussed in the instructions following the law, as discussed in a previous section in this article, rarely occur in Norway. On the other hand, advertisements that are more difficult to interpret according to these instructions, occur once in a while. The content of the paragraph attempting to regulate sex-discriminative advertising primarily is to adjust advertising practice to the 'official' ideology and public policy concerning equality between the sexes. The interpretations of the ideological content in advertisements are sometimes difficult to relate to the letter of the law. The Consumer Ombud keeps trying to find a way to handle sex-discriminative advertising even more successfully. In many cases, both public opinion and the Market Council have disagreed with the prohibitions made by the Consumer Ombud on article 1.2 (Glefjell et al. 1989). But sex-discriminative advertisements cannot be said to represent a problem in Norwegian advertisements today. One very important reason for this is the regulation of such cases.

The main conclusion after more than 10 years of regulatory experience, is that the Marketing Control Act has succeeded in regulating important parts of sex-discriminative advertising. Another indicator supporting this conclusion is that the total advertising volume has shown a dramatic increase during the last decade, whereas the number of advertisements concerning sex-discrimination has been fairly stable during the same period.

DISCUSSION AND CONCLUDING REMARKS

In Europe, only Norway and Iceland have regulations prohibiting sex-discriminative advertising. Canada, Ireland and Sweden have all addressed this question, but they still trust in self-regulation. Otherwise the issue has hardly been addressed. The Norwegian regulatory experiences can therefore be of importance for others who are occupied with this question, both as a research topic and as a topic of political concern.
One important conclusion from the experiences with the Norwegian Marketing Control Act and the regulation of sex-discriminative advertising, is that it has been a successful regulator, particularly of certain kinds of advertising that portray women as sex-objects and that lean on pornography. There are some difficulties, however, in regulating other kinds of portrayals.

Some other aspects are also worth stressing in relation to sex-role portrayal and stereotyping in advertisements. The first is that research on this field is both important and necessary. Research makes it possible to get an impression of the aggregated representation of women given by the totality of all the existing advertisements. In this way research offers a perspective on the effects of advertisements as a social institution and as an ideological influence. Research also helps illuminate advertising's 'hidden message,' pointing to a certain picture or a normative standard and stereotypes of what women should be like, for instance. This perspective is impossible to attain when advertisements are evaluated separately. The second perspective is the opposite of the aggregated representation. It is expressed through each single advertisement, separated and interpreted from the totality. This is the dominating perspective for those dealing with complaints on advertising matters. They have to evaluate each single advertisement as such, and to evaluate them separately according to the letter of the law. Researchers and regulators therefore can take advantage of each other's experiences.

But is regulation a sufficient means to get rid of sex-discriminative advertisements? Self-regulation does not seem to put the necessary restrictions on advertisers. Regulation that controls the advertisements, for example the way regulation has developed in the Norwegian model, is probably more efficient.

Dealing with sex-discrimination in trans-border advertising is difficult for various reasons. One obvious reason, is that the topic hardly is dealt with in international codes, principles of self-regulation and ethical codes. Also there are very few countries that actually pay attention to this as a specific problem in advertising and advertising culture in a national context. National regulations on sex-discrimination in advertising have so far not been considered to be an important issue in most countries, in spite of years of research that documents that sex-role portrayal and stereotypical images in advertising are persistent. The problem is, therefore, how to get the issue on the political agenda in the first place. This is a challenge in relation to the issue. The overall impression after examining the existing rules is that this question hardly can be said to attract much attention as compared to other issues concerning advertising, even though it has obvious relations both to consumer-protection and to promoting equality between the sexes.

*The author appreciates very useful comments from research director Tormod Lunde, National Institute for Consumer Research, Norway.

1The main focus of the present literature review will be on Europe.

2The prime intention of the kinds of "soft-laws" that trust in self-regulation is to offer some kind of ethical rules to the actors in the market, the advertisers, the sellers and the distributors. Therefore the soft-laws are usually not directed to the consumers, but to other actors in the market. Even though the intentions with self-regulation also are to take care of consumer-interests, it can be argued that this is of secondary importance. The reason is that principles of self-regulation do not rely on methods to sanction advertisements that break the rules or the ethical codes. This may weaken the effect of the means. Neither consumers nor consumer organizations have any real power in this system.


4The superior goals related to advertising problems in the Scandinavian model are very much the same as the goals set up by the International Chamber of Commerce (ICC), the EEC and the Council of Europe. The Norwegian model presupposes an ombudsman type intervention, which is a different model.
from most other countries. For instance England, the U.S. and Japan, as well as several other countries, have weak ombudsman traditions. The most important difference between the Norwegian model and other models is that the means to obtain the goals differ considerably. The governmental ombudsman-institutions are supposed to handle complaints on the behalf of the consumers, and to deal with regulation and control of advertising. The consequence of this is probably that Scandinavian consumers enjoy a higher level of protection against unfair and unreasonable advertising, as well as against other kinds of advertising, than consumers in many other countries.

5In answering the questions posed in this article, we have used different data-sources. The first consists of data on all cases handled by the Consumer Ombud during the period from 1973-1988, a total of more than 15,000 cases. Less than 1000 of these cases concern sex-discriminative advertising. We have information on how the cases were handled, who the complainers were and the results of the handling of the complaints. We also have access to a more detailed analysis of the 106 cases that were brought to the Market Council during the same period.

6A detailed presentation of the methodology for evaluating these effects is found in two articles from the National Institute for Consumer Research, Norway. One is written by Eivind Stø and Sidsel Glefjell, 1989, and is called 'Regulating advertising. The case of the Norwegian Consumer Ombud.' The other, written by Sidsel Glefjell, 1990, is called 'Success according to intentions? A methodology for evaluation of effects of the Consumer Ombud and the Marketing Control Act.'

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Table 1. The Norwegian complaint-pyramid. The relationship between dissatisfied actors, complainers and institutions dealing with complaints on advertising matters.

| Complainers: consumers, consumer-organizations, the Price Inspectorate, government and others |
| Dissatisfied actors: consumers, consumer-organizations, the Price Inspectorate, government and others |

The Market Council, a judging institution in cases of doubt

The Consumer Ombud, with the daily responsibility of the enforcement of the Marketing Control Act
Table 2. Evaluation of the cases on § 1.2 in the period 1979-1988. Percentages.
Table 3. The Norwegian complaint-pyramide. The distribution of cases between complainers and controlling-institutions 1979-1988.

- **Handled by the Market Council:**
  - 20 cases concerning sex-discrimination

- **Cases concerning sex-discrimination, handled by the Consumer Ombud:** 923 cases

- **Total number of cases handled by the Consumer Ombud:** 9408 cases

- **Total number on all complaints from all complainers, received by the Consumer Ombud:** 17347 cases

- **Dissatisfied actors:** unknown number