

national secular society

25 Red Lion Square

London WC1R 4RL

TEL: 020 7404 3126

FAX: 0870 762 8971

EMAIL: enquiries@secularism.org.uk

WEB: www.secularism.org.uk

A response to the Consultation on the proposed BCAP Broadcast Advertising Standards Code

http://www.cap.org.uk/cap/Consultations/open/BCAP_Code_Review_consultation/BCAP+Code+Review+Consultation.htm.

To
BCAP Code Review
Code Policy Team
Broadcast Committee of Advertising Practice
Mid City Place
71 High Holborn
London WC1V 6QT
BCAPcodereview@cap.org.uk

Deadline: 19 June 2009

Submission date: 18 June 2009

The NSS response focuses principally on two points in the consultation document, questions 62 and 147: adverts for family planning centres and for condoms. It also briefly responds to questions 90, 91, 92, 93 and 96.

Question 62

i) Given BCAP's policy consideration, do you agree that it is necessary to maintain a rule specific to post-conception advice services and to regulate advertisements for pre-conception advice services through the general rules only?

ii) Given BCAP's policy consideration, do you agree that rule 11.11 should be included in the proposed BCAP Code?

11.11

Advertisements for post-conception pregnancy advice services must make clear in the advertisement if the service does not refer women directly for abortion. See also rule 11.9 and Section 15 Faith and Section 16 Charities.

A. The importance of advertising

The NSS agrees that family planning advice should be regulated through general rules only with the stated proviso that *they should not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10, in line with advertisements for sanitary protection products.*

There are strong reasons for not restricting advertising of family planning centres. Although teenage pregnancy rates have fallen over the last ten years¹, they are beginning to rise again and the UK still has the highest rates in Western Europe². Abortion rates continue to rise and are also the highest in Western Europe.³

The adverts could provide valuable unbiased information to people of all ages living in communities where contraception and termination (and sexual health in general) are not discussed for cultural or religious reasons. Young people may not be getting the information they need from their schools and people of all ages may be getting it weighted with (religious) moral prejudice from their families and communities. The reluctance of Scottish religious schools to vaccinate girls against HPV because it would 'promote promiscuity' is just one example of how religious schools can place doctrine above health and even life.

While increased advertising could help reduce the number of unwanted pregnancies and abortions, the NSS supports advertising for services that

¹ <http://news.bbc.co.uk/1/hi/health/7911684.stm>

² <http://www.independent.co.uk/life-style/health-and-families/health-news/uk-has-highest-teenage-pregnancy-rate-in-europe-397153.html>.

³ In 2007, the total number of abortions was 198,500, compared with 193,700 in 2006, a rise of 2.5% http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsStatistics/DH_085508

enable women to make an informed choice as early as possible in pregnancy and not risk the complications, both physical and social, of delaying termination.⁴

Women (and couples) who are not able to consult their families, others in their communities or even their GPs for cultural or religious reasons are especially vulnerable and need full, unbiased and discreet information about pregnancy termination. Media adverts may well be their only contact with information if it is seen as morally or religiously unacceptable within their families or social groups.

B. Direct referrals for abortion

As proposed in section 11.11, the NSS agrees that adverts should make clear whether services can refer women directly for an abortion.

Some agencies that are pro-choice cannot refer as they are staffed by nurses and counsellors, not doctors. Other organisations are anti-abortion (so-called pro-life) and therefore will not refer for termination; this must be made clear in the advert.

Biased information from religiously funded or inspired organisations who will not refer and who value doctrine above a woman's health and rights over her own body must not be allowed to be presented as neutral. In some cases, women may be pressurized or misled with false claims⁵ about the procedure and the consequences, both physical and mental. This may lead to abortions being delayed or not performed at all when this is not in the best interest of the woman or her own free choice.

Section 15.9 states: *Broadcast advertisements for bodies concerned with faith, religion or equivalent systems of belief have the potential to harm inter-faith relations and exploit the vulnerable, including the under 18s*

Religiously funded or motivated family planning organisations should be included in this group if their adverts seek to *exploit the vulnerable, including the under 18s*, by giving them religiously biased information or pressurizing them into making certain decisions - which is another reason adverts must make clear if agencies have the power to refer for abortions.

⁴ Section 11.38 states: The Royal College of Obstetricians and Gynaecologists advises that the earlier in pregnancy an abortion is performed the lower the risk of complications.

⁵ Some examples of false claims made by anti-abortion agencies include: 'post-abortion syndrome' (PAS) modelled on the idea of post-traumatic stress disorder. But because the function of PAS is to support anti-abortion legislation, then abortion must be made to look *intrinsically* harmful to women, but the most prominent emotion reported by women after abortion is relief; distress may be associated with not feeling supported by others in the decision. http://www.prochoiceforum.org.uk/psy_ocr6.php. Some also claim an increased risk of breast, cervical, ovarian and liver cancer.

C. Potential offence

11.37 The nature of those centres has the potential to cause serious offence to viewers and listeners, especially those with intimate moral or religious convictions, no matter that the centres are mainly advisory; they do not carry out abortions.

The NSS does not believe that the potential for offence taken by religious or moral minorities, *however vocal they may be*, should be allowed to influence regulations made for the benefit of the population in general, or that religious groups should be allowed to expose vulnerable people to serious infections and pregnancy or to prevent abortions by denying access to information. We therefore support Section 11.39:

BCAP considers that members of the audience who might be seriously offended by the nature of the advertised services are afforded adequate protection under rules that guard against offence and ensure that advertisements are suitably and sensitively scheduled. BCAP therefore proposes not to include a rule on services for pre-conception advice services; those will continue to be regulated by the general provisions of the Code and other relevant rules.

Question 147

Do you agree that television advertisements for condoms should be relaxed from its present restriction and not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10?

A. Relaxing restrictions

The NSS agrees that current restrictions should be relaxed, with the stated proviso. Given that condoms are the most easily accessible form of protection against both unwanted pregnancy and STIs, particularly HIV/AIDS, the NSS supports the proposal of Question 147 of the consultation to extend advertising to before the 9pm watershed.

Our comments about pregnancy above are also relevant here. Rates of STIs are rising in all age groups, in young people⁶ but also in older people who are not using condoms.⁷ For cultural or religious reasons, older people who find themselves once more sexually active outside of a steady relationship may feel the need to conceal this and therefore not buy condoms; reminding them of the dangers of not doing so and the need for condoms is essential.

⁶ <http://www.medicalnewstoday.com/articles/115442.php>

⁷ <http://www.privatehealth.co.uk/news/november-2008/condom-sti-40066/>

just 38.1 per cent of 35 to 44-year-old men and 28.8 per cent of women in this older age group claimed to use a condom when sleeping with a new partner.

Advertising condoms more widely would help remove any taboo around them and make it easier for everyone, not just young people, to consider buying – and using – them. The adverts could provide valuable information to people of all ages living in communities where contraception (and sexual health in general) is not discussed or acceptable for cultural or religious reasons.

Young people may not be getting the information they need about the consequences of not using condoms from their schools and people of all ages may be getting it weighted with (religious) moral prejudice and misinformation⁸. Wider advertising would help counteract this. It has been proven that abstinence, as promoted by some religious groups, is not effective in preventing sexual activity⁹. A secondary effect is that when people are sexually active, the pressure of their social or religious group makes them feel unable to buy condoms, thus increasing the likelihood of contracting an infection or getting pregnant. Wider advertising for condoms could help remove the stigma.

B. Potential for offence

32.27 The presence of condom advertisements on television continues to be a subject of complaint to the ASA, but numbers are very low. Nevertheless, BCAP has to balance public sensitivities against a public health problem that is clearly urgent.

The NSS supports this assertion about the urgency of the problem. Without resorting to simplistic utilitarianism, the needs of the wider public must outweigh the demands of religious minorities that are based on faith rather than scientific evidence or realistic attitudes towards sexual behaviour. It should also be born in mind that many people do not share the beliefs and values of their families or communities that claim to speak for them in opposing advertising.

Responses to Questions 90, 91, 92, 93, 96ii

Question 90

Given BCAP's policy consideration, do you agree that 15.11, which presently applies to radio advertisements by or that refer to charitable faith-based bodies and that appeal for funds, should also cover those TV advertisements?

The NSS agrees.

⁸ Some groups are not just against condom use but actively misleading followers about their effectiveness. For example:

<http://www.secularism.org.uk/catholicchurchwontchangeitspolic.html>

⁹ <http://news.bbc.co.uk/1/hi/health/6927733.stm>

Question 91

Given BCAP's policy consideration, do you agree that 15.2.3 should apply to radio as it presently does to TV?

The NSS agrees.

Question 92

Given BCAP's policy consideration, do you agree that faith advertisements, which appeal for funds for charitable purposes that include or will be accompanied by recruitment or evangelism, are acceptable if that information is made clear in the advertisement?

The NSS agrees.

Question 93

Given BCAP's policy consideration, do you agree that present radio rules 3.10 and 3.11, of The BCAP Code Review 125 section 3, need not be included in the proposed Code?

The NSS agrees

Question 96

i) Given BCAP's policy consideration, do you agree that present TV rule 10.11 should not be included in the Code?

ii) Given BCAP's policy consideration, do you agree that 15.13 should be included in the Code?

Part ii): The NSS agrees.

About the NSS

The National Secular Society campaigns for a society in which everyone is free to practise their faith, change it or not have one, according to their conscience. Our beliefs or lack of them should not put us at an advantage or a disadvantage. Religion should be a matter of private conscience, for the home and place of worship; it must not have privileged input into politics, legislation, education or healthcare.

We fight to protect freedom of expression from attacks by religious groups, which often try to restrict debate or scrutiny of their activities.

We want to ensure that Human Rights always come before religious rights, and to fight the exemptions religious bodies are granted or try to demand from discrimination laws.