

# Proposed advertising rules may fuel religious censorship, NSS warns

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The National Secular Society has alerted the bodies which write advertising regulation guidelines that new proposals may result in greater religious censorship.

The NSS warned the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) that proposed rules may "inadvertently have a detrimental effect on the public – including on the basis of their protected characteristics".

CAP and BCAP have launched a [consultation](#) over proposed rules designed to increase protection to "those sharing protected characteristics" as defined by the Equality Act 2010.

The proposed rules say marketers and broadcasters "must have particular regard to the likelihood of causing harm" to vulnerable people and to characteristics including "religion or belief".

The consultation document did not define "harm", saying it "is a commonly understood term".

In [response](#) to the consultation, the NSS said a religious person could argue they were 'harmed' by an advert that offended their beliefs. This could lead to censorship of depictions of people representing other protected characteristics.

The NSS cited past examples of such censorship:

- In 2010 the Advertising Standards Agency, the regulator which enforces the CAP code, [banned](#) a Antonio Federici ice cream advert (*pictured, cropped to fit*) showing two priests who appeared to be on the verge of kissing because it was potentially "offensive to Catholics". The NSS warned such censorship fuels "homophobic social narratives that there is something inherently offensive, shameful and immoral about being gay".
- The ASA banned a second advert by Antonio Federici featuring a pregnant nun. The NSS said the ban "reinforces social stigmas about pregnancy outside of marriage."
- CAP's guidance on "religious offence" [says](#) marketers "should be mindful of how they portray sex, nudity and women in marketing communications, especially posters, are likely to be seen by people with strong religious belief." Singling out of women in connection to "sex and nudity", and suggesting that pictures of women should be censored, "helps to enable religious subjugation of women", the NSS said.

The NSS recommended that CAP and BCAP "re-consider the necessity of these additional rules" and "provide greater clarity" as to what is meant by 'harm'. It said CAP and BCAP should make explicit reference in the guidance to the need to protect free speech and to avoid the harm that over-censorship of marketing and advertising materials can cause to people on the basis of their protected characteristics.

NSS head of policy and research Megan Manson said: "Equality law exists to protect individuals from harassment, discrimination and victimisation, not to protect ideas or the interests of religious institutions.

"Censoring adverts to appease religious interest can harm people on the basis of other protected characteristics, including sex and sexual orientation, by reinforcing regressive social stigmas. It is also corrosive to free speech, and in effect partly brings back the 'blasphemy laws' which were abolished in 2008.

"CAP and BCAP's proposed rules are well-intended. But without a clearer definition of 'harm', it is difficult to see how these rules will not inevitably lead to greater censorship of material that may offend religious beliefs – and, in turn, harm the very people that CAP and BCAP seek to protect."

The consultation closes on August 24.

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