

Women and Equalities Committee

Oral evidence: Changing the perfect picture: an inquiry into body image, HC 274

Wednesday 2 December 2020

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Members present: Caroline Nokes (Chair); Sara Britcliffe; Elliot Colburn; Angela Crawley; Alex Davies-Jones; Peter Gibson; Kim Johnson; Kate Osborne; Bell Ribeiro-Addy; Nicolas Richards.

Questions 86 - 112

Witnesses

I: Sophie van Ettinger, Global Vice President, Dove; Caroline O'Neill, General Manager, L'Oréal Paris (UK); Kelly Byrne, Commercial Director, Nasty Gal, Boohoo; Kate Dale, Strategic Lead, Campaigns, Sport England.

II: Malcolm Phillips, Regulatory Policy Manager, Advertising Standards Authority; Chris Macleod, Customer and Revenue Director, Transport for London.



Examination of witnesses

Witnesses: Sophie van Ettinger, Caroline O'Neill, Kelly Byrne and Kate Dale.

Q86 **Chair:** Welcome to this afternoon's evidence session into our inquiry, "Changing the perfect picture: an inquiry into body image". Can I thank our witnesses for being with us this afternoon? Your contributions are very much appreciated. I am going to start with a question that is to all of the panel, but I will come to each of you in turn. We know that media and advertising can have a significant impact on the way different groups of people feel about their body image. Could I ask the panel what responsibility you feel your company or organisation has towards helping people feel positive about their body image?

Sophie van Ettinger: Dove is one of the biggest beauty brands in the world and, as such, we are part of society and culture. We believe as a brand that we have a massive responsibility to create the societal change that we want to see in the world. Indeed, we have been around now for over 60 years. We have a long-running campaign, the Campaign for Real Beauty, that has been running now for 16 of those years, where we have been promoting diversity in advertising and encouraging other organisations, brands and companies to come along with us to create the change.

Kelly Byrne: I am here representing the Boohoo Group. We are a group of nine brands. Similarly, we feel as though we have a great deal of responsibility. For us, it is about providing content that makes our global audience feel good and, importantly, represented on our site. We stock size 4 to 28. We are nine brands, each one with a different customer. Body positivity is part of our everyday life here. It is part of our natural conversation, internally and externally. For us, it is about presenting images on our website and social media feeds that our customers connect with and feel resonate with them. It is about a wide range of body shapes, sizes and ethnicities, and that is what we are all about: promoting diversity across all of our brands and our social media campaigns.

Caroline O'Neill: Thank you for inviting me here today. It is great to be part of this important conversation. L'Oréal Paris is the number one beauty brand in the UK and we are one of the largest advertisers, so with this comes a great deal of responsibility that we take very seriously. I hope some of you have heard of the iconic phrase, "Because you're worth it". For us, it is not just a tagline. It really has a deeper meaning. It is the brand purpose. We strive to deliver a positive and inclusive narrative in society today that we are all, in fact, worth it.

Kate Dale: I am representing Sport England and This Girl Can here today. Thank you for inviting us to take part. When we set up This Girl Can, over six years ago now, it was because we knew that a lot of women were not feeling included back then in traditional sports marketing, and it was actually stopping them feeling that they could take part, because



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they did not look like the women who they saw represented. For us, there was a very specific business need to do things differently, be more inclusive and represent more everyday women within that.

We have learned along the way that by doing that we have been able to demonstrate how that has an impact beyond achieving your business objectives and feel that advertising is really skilled in shaping how we all think and feel. That is what it is set up to do and, therefore, the role it can play in helping people feel better or worse about themselves and their body image is huge. It is a power that needs to be used really carefully.

Q87 Peter Gibson: Thank you for attending today. Can you tell me how your organisation ensures that your advertising campaigns are diverse and do not contribute to a single and potentially exclusionary version of beauty and success?

Sophie van Ettinger: We have been working for over seven years now with one of the leading academic research centres in this field, the Centre for Appearance Research, which is at the University of the West of England. We work hand in hand with them to ensure that we are at the cutting edge of the latest research into beauty diversity and how we incorporate that into all of our communication. It is not only communications on Dove, because we believe it is not just about talking about this. It is about actually taking action and doing things.

That can be through our advertising, but more importantly it is about how we educate the next generation in self-esteem and body confidence and how we have created even resources for other brands and companies, such as one of the world's largest image banks for diverse images that not only Dove can use, but also other brands within Unilever and other companies and brands outside Unilever. We have partnered with Getty Images and with Girlgaze across 40 countries around the world to create this image bank to ensure that there are these resources, of stock images at least, that people can use. We have broken all of the stereotypes that we found across different markets around the world.

Caroline O'Neill: At L'Oréal we really believe in celebrating all women, whoever they are or wherever they come from. We believe it is our differences that make us beautiful. These differences include hair type and skin type, and ageing is one of those as well. One of the campaigns that we have worked on that we are most proud of is when we signed Dame Helen Mirren to the brand at the age of 69, really in a campaign to help change the attitudes towards older women, who really felt invisible in society and also in the beauty industry. It was quite a bold campaign that really sought to celebrate ageing.

Kelly Byrne: Thinking about our two biggest brands, Boohoo and PrettyLittleThing, anyone who is familiar with our advertising will see that as part of that we promote a really wide range of body shapes, sizes and ethnicities within that. For us, it is not about promoting one body type.



We are really proud of some of the achievements and how we have progressed in this space. One example that springs to mind is PrettyLittleThing, which last year was part of New York Fashion Week and did a world first where they sent two models down the catwalk, one plus and one main range, wearing the same outfit. For us, it is all about inspiration and empowering women to wear clothes in their own way and not be afraid to show their natural body type.

Kate Dale: With This Girl We Can we have been very careful when it comes to casting who we feature in the campaign and we street cast, so we are not using models or actresses in the campaign. It is women who are doing what they genuinely do to get active. It is about finding a real diverse range of women and being very conscious about that. We are also thinking about who we are working with behind the screen as well, to make sure that we have diversity there too, because that can really inform, change and make sure you are not making the wrong assumptions about who you are including in the stories that you are telling as well.

Q88 **Peter Gibson:** Could I ask you to each comment in respect of the use of male body image? You have all concentrated on female body image and I know that is probably because the majority of what you are doing is concentrating on a female audience.

Sophie van Ettinger: We have Dove Men+Care as part of our family. Absolutely, we look at female-identifying and non-binary individuals. We have always used real people in our advertising, whether that is men or women, on Dove Men or Dove female. For over 60 years we have been using real women and, in fact, the campaign for real beauty that we started in 2004 was exactly about that. We never cast models in our commercials or celebrities. We are always using real people and, in fact, just hearing there about street casting, we do that; we cast friends, whether that is in the male or female part of our brand.

Caroline O'Neill: We have a Men Expert range and we actually have worked with the charity Movember, which actually is much wider than just prostate cancer; they cover mental health as well. Just this year we developed a programme called Your Wing Men, because the insights were that young men in particular were feeling very isolated and they are not very good at sharing how they are feeling. This Your Wing Men campaign was really set out to support young men and get them to check in with each other. Yes, from a product perspective we take care of their face, skin and body, but also we are really encouraging positive mental health through our communications.

Kerry Byrne: It is a really important point that you raise there and boohooMAN is one of our bigger brands as well. BoohooMAN actually stock a big and tall range, which goes up to a 5XL. We have also recently done a collaboration with the mental health charity Mind, and it is a big part of our conversation here internally as well. We have also done gender-neutral clothing ranges as part of our Pride collections for the last



couple of years. Men's mental health and body image around men is as much an important factor for us in consideration as female is.

Q89 **Peter Gibson:** This Girl Can does not really apply to men, but in terms of Sport England and its campaigns, could you respond to that point, please?

Kate Dale: Yes, absolutely. We have a sister campaign, We Are Undefeatable, which we set up with the Richmond Group of Charities. It is targeted at men and women with long-term health conditions. We followed the same approach there in using men and women of all shapes and sizes and with health conditions as well and featured those in a very realistic and straightforward way.

Also, this year we have Join the Movement, which was our response encouraging people to stay active during the first lockdown. Again, it was targeted at men and women and again it was trying to use everyday people in a way that was very normal. It is something that we see as absolutely critical if we are not going to start to see all the baggage that has been applied to women over the years come in with boys as well.

Q90 **Chair:** You have all been very clear that you ensure that you use a diverse range of images in your advertising and when casting people to take part in your adverts. Can I just ask how you ensure that? Is there a rigorous testing or analysis of the adverts that you use?

Sophie van Ettinger: At Dove, yes, we actually have been into 40 countries around the world to understand what the stereotypes are in those countries, and we actively go out to then go and smash those stereotypes. In different countries around the world, whether it about is disability, size, shape, race, age or gender, we have a whole bank of evidence now on what those stereotypes are around the world and we actively go out and cast against those stereotypes to then go and break them.

Kelly Byrne: For us, social media is very much at the heart of our entire group of businesses. We have over 40 million followers on our channels. We use our social media followers to give us real-time feedback on our campaigns, what people want to see, what they do not want to see and anyone who feels that they need more representation. We will listen to that and take the feedback on board to ensure that we then add that into our campaigns moving forward.

Caroline O'Neill: Consumers in general are looking for more authenticity. They are looking to see themselves reflected in the advertising that they can see, and the influencers and social media really have helped on this topic, because through our influencers we can really work with a wide variety of consumers to accurately reflect our products and our product benefits.



Kate Dale: I would echo all those comments. Again, it is the insight, the research and talking to as diverse a range of women, in our case, as possible to make sure that it is actually resonating with them.

Q91 **Bell Ribeiro-Addy:** Welcome to all witnesses today. During the inquiry we have had written and verbal evidence about the pressure many people face to change their appearance to suit the images they see online. They told us that being bombarded with images of Photoshopped, edited and sexualised women, as well as issues with the ageing process and the lack of visual representation of older women, causes them to suffer poor body image. What are your policies on editing photos and videos used to advertise your products and services, and in what way have you seen editing affecting your customers' body image?

Caroline O'Neill: As I just referenced, consumers themselves are looking for more authenticity in this space. What is really important to us is that our advertising accurately represents the product benefits. Just to give you an example, during lockdown Eva Longoria, an actress who is one of our spokesmodels, dyed her hair at home, shot on her iPhone. It was a completely homemade film that we put on TV and there was an amazing public response to it, because they could not believe Eva Longoria was showing her grey roots on national television.

We are moving towards that space anyway, but just to answer your question, we absolutely do not alter or retouch body image, skin tone, et cetera. We are allowed to retouch certain flyaway hairs or something like that, but we follow the ASA guidelines in this space, which I believe are very comprehensive and actually quite market-leading versus the other markets outside of the UK that I am familiar with.

Kelly Byrne: Similar to Caroline, we have a no-retouching policy here at the group across all of our businesses. We do not retouch body shape or size. We will retouch things like flyaway hairs and bruises, but we really aim to encourage and keep natural beauty in there and make people not afraid to show natural beauty. Things like scars, freckles and stretch marks will always stay in. For us, similarly, we want our models to be reflective of our customers at home. We are a customer-led business and it would not make any business sense for us to show only size 6 models. It just does not work for us as a business and our consumers will very happily tell us anything that they are not in agreement with.

Kate Dale: Similarly, we have a no-retouching policy as well and always have had. In addition to that, when we are filming, our women turn and it is hard work for them, because we make them work out before we start filming, so that all the red faces and sweat are genuine and real and there is nothing fake about that. That is really important. Also, without trying to be sensationalist about it, we have made sure that we are featuring cellulite, scars, stretch marks or whatever it is within the campaign, so that we are really celebrating the realness and not just promoting it, if you see what I mean.



Sophie van Ettinger: We have been doing this now on Dove for years; we call it no digital distortion. We have not been distorting our images for years and years on Dove, and that includes everything: spots, bruises, marks, flyaway hairs and lighting. We do not retouch anything. In fact, we have actually now got our own “no digital distortion” mark that we ask to be put on all of our communications in any country in the world, so we do this globally. It is a global policy for Dove.

Bell Ribeiro-Addy: Thank you very much. I was surprised to hear that there is no editing done at all. That takes away my other questions.

Q92 **Kim Johnson:** Good afternoon, panel. It is lovely that you can join us this afternoon. My question is to Kate. The This Girl Can campaign, Kate, has been met with widespread recognition as a great example of an inclusive campaign to tackle both stigma and the gender gap in sport and exercise. Can you tell us how you are working to ensure that working-class women, a third of whom do less than 30 minutes’ exercise a week, which is twice as many as women in managerial roles, are more likely to identify with your messaging to get active?

Kate Dale: We have developed the campaign over the years to exactly do that. We recognise that women on lower incomes were less likely to be active and they were less likely to identify with some of our messaging. With the Fit Got Real version of the campaign, which was two years ago now, we did more focus groups and we talked to more women from lower-income groups to understand what was going on in their heads, how they felt about it and how they thought particularly about physical activity and gyms and exercise, but also about how media and marketing traditionally talk to them. They felt very excluded by it, very talked down to and quite patronised, not just by us but everybody.

We really tried to look at it from their perspective rather than, as we have always tried to avoid, telling people what to do. We have always tried to look at it from their point of view and we had some success with that. There is more that we need to do and there is more that we need to keep on doing. It is one of those areas where the moment you think you have cracked it, you probably have not. You need to keep going back and doing it, but, as with all these things, it is going out and talking to more people, in our case women, from diverse backgrounds and from low-income backgrounds to make sure that we are reflecting their realities too, and including them into the creative and into the campaign rather than just targeting it at them.

Q93 **Kim Johnson:** Do you know whether there has been a greater take-up, as a result of your campaign, from working-class women? Is that something that you are still working on?

Kate Dale: It is something that we are still working on. We did see a greater response, but we have to be realistic. There are more practical barriers that we need to be working on, and that is part of Sport England’s other work around the actual practical opportunities to get



active. There is more that we will be doing there. Sport England's next strategy that we are launching in January will be looking more at those inequalities. You need the two there. We need to be looking at the emotional barriers, which is what This Girl Can does, and then creating the practical solutions or working with organisations that can help the practical solutions too, so the two can come together.

Q94 **Kim Johnson:** Can you tell us how you think your campaign has affected Sport England's work in other areas?

Kate Dale: Yes. I have mentioned already the other two campaigns that we have done since the launch of This Girl Can, which share a very similar DNA and ethos in the way that we have tried to represent people's reality and authenticity and talked to them in a fairly practical and down-to-earth way about getting active, as opposed to it being something that is really difficult and really hard to do. It has also affected the way we understand people who maybe are not naturally sporty—I am definitely one of them—and do not naturally feel that this is a space they can be in. We need to approach this from their perspective, not our perspective. I can see that going through a lot of the things that we are doing, not just advertising and marketing but in the way we approach a lot of our National Lottery investment as well, which is to understand their reality and not ours.

Q95 **Kim Johnson:** Have you researched the different impact in the messaging of positive body images versus the messaging relating to social benefits of stress reduction, building friendships and improving physical and emotional strength? If so, were there differences in impact and success rate and what, if any, were the negative impacts of the messaging?

Kate Dale: Looking at social and the responses that we get, as well as in the research and the insight that we do, where we focus on how getting active and exercise can make you feel, in terms of confidence, stress relief and emotional benefits, it is much more motivating and much more sustainable as well than traditional sports marketing, which would focus on losing weight, beach body and all that stuff. Actually focusing on how people felt in the here and now made it much more sustainable, so there was a much stronger response and much more engaging to a wide range of women.

Q96 **Kim Johnson:** This year the Government released their strategy to tackle obesity. How do you think that this can be advertised without perpetuating body image issues and stigmas around obesity?

Kate Dale: It is a real challenge for anybody to talk about the health issues related to obesity without it becoming body shaming. It is an incredibly difficult thing to do. Providing people with the information in a very neutral way, rather than pointing fingers and saying, "You need to lose weight", or, "You need to do this", is really important. The vast majority of us who are overweight know. We do not need to be told. It is



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more about making us feel that we can do things. I keep repeating myself, but showing everyday people doing things and making little changes that can make a difference becomes much more doable and much more achievable. It is providing information in a very neutral way, but then showing small steps you can take along the way to do it.

Q97 Alex Davies-Jones: Kate, I have just a couple of follow-up questions for you. We all know that the This Girl Can campaign has done a wonderful job of engaging and encouraging women and girls to participate in sport and get healthy, but, unfortunately, we have still seen women's sport being treated as something lesser than the men's in terms of the coronavirus pandemic. We have had the cancellation of the Women's Six Nations and the Women's Super League, unfortunately, just to name a few of the examples. What impact has this had on girls' desire to exercise and to play sport?

Kate Dale: It has been disappointing that we have seen that disparity and it is probably too soon to be able to follow through the impact of that longer term, but, as everyone always says, it is true that you cannot be what you cannot see, so it is very important that we have those role models up there. One of the many things that I love about seeing all sport on TV, and women's sport in particular, is that you see women achieving; you see powerful women; you see women of all different body shapes and sizes out there doing what they do and doing it really well. For girls, particularly, growing up, it opens up their opportunities in all sorts of ways, in sport and out of sport. It is really important that women's sport comes back and that we build on the success that we had made over the last few years and that that that comes back as soon as possible.

Q98 Alex Davies-Jones: Yes, I completely agree. On another point, we have had written evidence to this Committee from the Mental Health Foundation, which has shown that 26% of boys and 54% of girls have said that the images that they see on social media have caused them to worry in relation to their body image. Do you think that there are lessons from the This Girl Can campaign in terms of addressing body image problems for boys as well as girls?

Kate Dale: Yes, absolutely. Particularly with social media, but even before that, the way that we started to market to boys and to portray men and boys has all the potential to have the same impact, so it is absolutely critical that we normalise all body types, all appearances and everything inclusively to boys and men as well.

Q99 Chair: This might be an unfair question to Kate. However, we have seen a shocking year for sport, with so many not able to participate, and that has impacted female sport more than male sport. I just wondered whether you had any thoughts, given that you said you cannot be what you cannot see, about the lack of female representation in the BBC Sports Personality of the Year. It is the longest stretch that we have ever seen since there has been a female winner and the odds are that we will



not see a female winner this year either.

Kate Dale: This is going to be a very challenging year for Sports Personality of the Year regardless of this, just because there has been so little elite sport being able to be played. I would always like to see more women and girls included on any shortlist that targets men and women, and we need to collectively work harder to make sure that they are represented.

Q100 **Sara Britcliffe:** Good afternoon, witnesses. Kelly, Boohoo offers clothing in a wide range of sizing and to a broad audience. How do ensure that your adverts reflect the diversity of your customers, whether that is of various shapes, sizes or ethnicities?

Kelly Byrne: Thanks for the question there. It is very much part of the normal day-to-day conversation here that diversity is represented in our ads. For us, inclusivity sells. That is why we stock tall, petite, maternity and men's. Recently PrettyLittleThing has just put out a campaign called EveryBODYinPLT. If anybody has seen that, there is lots of content out there at the minute and that showed a really wide spectrum of women of all body shapes and sizes, ethnicities and disabilities. For us, it is just what we do. It is just part of everyday life here. We ensure that we always have that representation there, because that is what our customer expects of us and we want to reflect something that our customer engages with and sees within themselves.

Q101 **Sara Britcliffe:** Just to follow up on that, the Committee received evidence that some of Boohoo's advertising campaigns featuring black women were seen by customers as contributing to racist stereotypes. How can you ensure that your future campaigns reflect positively on black women and encourage diversity?

Kelly Byrne: Like I said earlier, we use social media as a real-time listening tool for us. We have a massive audience globally and we listen to each market in terms of what they want to see, what they do not want to see, what they like and what they do not like. We will always take that learning away and make sure that we incorporate into our next campaign and learn from it. That is the most important thing for us.

Q102 **Sara Britcliffe:** Boohoo has also been criticised for advertising products for women in an over-sexualised way. Do you think that Boohoo negatively contributes to the pressure faced by women to look a certain way?

Kelly Byrne: I guess when you say sexualisation that can sometimes suggest exploitation, but for us we feel very differently about that. For us, it is about empowering women and making them feel confident in the clothing that they are wearing. That is very different to sexualisation.

Q103 **Sara Britcliffe:** Is it equally important that schools with predominantly white students also learn about black students?



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Kelly Byrne: What we are doing is representing a wide range of people. We represent all different ethnicities and races in our campaigns, so we treat everything as equal here.

Q104 **Nicola Richards:** Sophie, Dove has been praised for the work it does to promote body image diversity. What is your approach and how does this affect your commercial success?

Sophie van Ettinger: We base our strategy on what we call the social-ecological model of health. This is a model that is used by external organisations, such as the World Health Organization and the NHS, to enact deep systemic social and public health change. That is how we build our strategy on Dove. We need to work at multiple levels to enact that change, whether that is at the level of the individual or all the way up to the level of the society.

We have a very clear strategy that we call “arm and disarm”. We wish to arm the individual, and by that we meant the next generation, so young people, to be resilient in the face of what they are going to face in the outside world. Equally, we wish to disarm those threats that they are going to encounter as they enter the outside world.

On the arming part of the strategy, we actually run the world’s biggest self-esteem programme, educating now 2 million young people in the UK and over 60 million young people worldwide. We are really proud of that. We take it very seriously and we see it as a big responsibility. We work with UNICEF, the United Nations and the World Association of Girl Guides and Girl Scouts to enable us to have programmes that are highly credible, that are proven to be positive to young people, because it is very easy to be detrimental to young people, and to make sure that we deliver those programmes in a way in which we engage those young people. That is a really important part of what we do. We call it the Dove self-esteem project and it has been running now for 16 years. It is something that is really at the heart of the brand and something that everybody who works on the brand gets very deeply involved with.

As well as arming the next generation, as I have said, we also want to disarm and enable those young people to enter a world in which they are not feeling those pressures. We are working very hard on projects, like Project #ShowUs that I talked about earlier, that are building resources out there for other companies and brands as well as Dove to use, which then break those stereotypes. We have been working alongside partners to do that, because we do not believe in Dove that we can do this alone. We partner with a lot of organisations; I have mentioned some of them. We also partner with organisations like Getty to enable those images to be out there and to be distributed. We partner with Girlgaze, which is a big organisation of female and female-identifying photographers, so that behind the camera as well as in front of the camera we are making that change. We are really about making deep, systemic change in Dove and, as I said, it is something that now is really in the heart of our DNA and people who work on this brand are highly proud of.



Q105 **Nicola Richards:** How do you think this impacts your commercial success?

Sophie van Ettinger: Unilever is our holding company. We know that purpose and business go hand in hand. We know that it is what people want and particularly the future generation as well. We have a big responsibility as an organisation and as one of the biggest beauty brands on Dove to enact that change. Absolutely, it goes hand in hand and not only for Dove; Unilever, our holding company, also has purpose at the heart.

Q106 **Chair:** Can I just follow up on that a bit, Sophie? How would you say it has changed? If we were to use the last 10 years as the prism we were looking at it through, has using diverse models and have your programmes on self-esteem evolved over the course of the last decade? I can remember 10 years ago being told that the Dove advert that we all remember that was so iconic with different ethnicities and body shapes of women in their underwear had not been a commercial success. Has that changed in the last decade and how do you test that from a commercial perspective?

Sophie van Ettinger: There has absolutely been change, and one of the biggest elements of change has been the advent of social media, the way that media has changed and the way that women and girls are absorbing that media. Whereas 16 years ago, when we launched the Campaign for Real Beauty, that was about posters and TV ads, nowadays we have a whole lot of different media coming at our girls, and so there has been a big evolution of how that kind of media is being assimilated by women and girls. That has been the biggest change.

In terms of diversity, certainly 16 years ago we were talking about body shape and size, and of course we were talking about race. Now, moving forwards, we are embracing a much broader sense of diversity. We now talk about disability. We showcase disability. We are showcasing gender issues, which have come up as a very new thing as well. We are broadening the diversity that we are actually showcasing as well as a brand.

Q107 **Chair:** I have a similar question to Kelly. You said in a response to an earlier question diversity sells. How do you test that?

Kelly Byrne: We have faced similar changes over the years. As Sophie has mentioned, social media has become such a big part of everything we do. Alongside that, the influencers that we work with are a huge part of our business strategy moving forward and we actually work with a lot of them to promote positivity. A lot of them are very vocal in that space.

Another thing for us is our people and employees here internally are very representative of our customer base. Like our customers on social media, they equally will tell us what they like and what they do not like. People might be surprised to hear as a business that it is quite a flat structure. I have a very direct relationship with people in my team, as do all the



other brands as part of the group. We work very closely with them to understand what our campaigns should look like and what they tell us is they should be inclusive. That is what we will always aim to incorporate into our campaigns moving forward.

Q108 **Chair:** You have all, at one point or another, identified influencers and the impact that they have on your campaign. This is specifically to Kelly, but if anyone else wants to come in, please do. How do you go about identifying the influencers with whom you wish to work?

Kelly Byrne: Each brand here has a slightly different customer base, and we will work with influencers who we feel align with the look and feel of our individual brands here, so that is how we go about it. That is how we select them. We would never work with an influencer who did not align with the brand and who presented themselves potentially in an unhealthy way or did not represent the brand values that we have here. That is how we select them.

Q109 **Chair:** Did anybody else want to come in on that, if they wanted to share with us specifically how you target an influencer with whom you would like to work?

Sophie van Ettinger: We can talk about it on Dove. Our belief is very much built around relationships. When we work with influencers we want to work with people on a long-term basis, so people who truly embody and believe in what we are doing and who want to see the change that Dove wishes to see as well. We want to build really long-term, lasting and deep relationships with our influencers.

Kate Dale: It is similar with us. Where we have worked with influencers, which is not that often, it has been a particularly important channel for targeting teenagers and young women, because that is where they get so much of their information from these days. It is just finding young women and girls who can talk about getting active authentically because it is something they genuinely believe in and not just something that they are doing because we have asked them to. Getting that authenticity there as well is really important.

Caroline O'Neill: Definitely working with a large roster of influencers really helps to drive that message of inclusivity and diversity and reach a wider audience, which again has its commerciality. We had True Match foundation because we recognised that there was a lack of diversity in foundation shades, particularly in the mass market, and consumers were having to spend double the price of a foundation to go to luxury.

That is where we really came in and developed new shades. Those shades were then tested against 98% of the population and, back to the point, through our above-the-line advertising we matched each shade to an influencer. Therefore, we really pioneered this diversity of skin tones within the industry, showing a mosaic of different influencers all



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representing a different skin tone. It has been one of our most successful campaigns.

Q110 **Kate Osborne:** Welcome, panel. Caroline, L'Oréal sells lots of skincare, including anti-ageing treatments, that are targeted at women. How do you balance the need to advertise your products with not contributing to appearance pressures for women as they age?

Caroline O'Neill: First and foremost, as a mass market brand we want to cater to all consumer needs and, ultimately, it comes to two things. One is choice. We want to offer the best choice in the market, but we also have to reinforce the narrative that you are worth it with or without. If you want to wear a full glam of makeup that is okay, but if you want to go out without a scrap on that is also okay. We really recognise that it is not just about looking good; it is about feeling good.

Secondly, it is about the importance of self-expression and the freedom of self-expression. Who knew that 2020 would be the year that pink hair dye would be one of our best-selling products? Really, we are seeing a huge rise in the need for consumers to express themselves and express their personalities, especially in this shoulders upwards online environment.

Q111 **Kate Osborne:** In written evidence that you provided to the Committee, you gave examples of how L'Oréal promotes self-confidence and positive body image and has a diverse range of beauty ambassadors, including older women, which you touched on earlier, BAME women, pregnant women and women with visible difference and with disabilities. How, as one of the world's largest beauty companies, do you plan to further promote diversity across your brand or your brands?

Caroline O'Neill: Somebody mentioned it earlier. We absolutely cannot do this alone and in actual fact four years ago we talked to the Prince's Trust. They really gave us the insight that 61% of young people really had a lack of self-confidence that was holding them back in life. We really wanted to work together and add our voice.

We embarked on a mission to transform self-doubt into self-worth, and we do this in two ways: through our advertising and communications that you will see and you refer to in the written evidence, we really portray a diverse range of celebrities and influencers, and even feature some of the young people that we have been able to help; and on the ground, with the Prince's Trust, we have something called the All Worth It programme, which seeks to empower over 10,000 young people with the tools to enable them to help to build their self-confidence over time. The Prince's Trust and transforming self-doubt into self-worth is really at the heart of the brand and what we seek to achieve.

Chair: Can I just thank you for your participation this afternoon? That has been hugely enlightening and helpful. Thank you very much.



Examination of witnesses

Witnesses: Malcolm Phillips and Chris Macleod.

Chair: Can I welcome our witnesses for the second panel? You may have seen some of the evidence from the earlier panel. I will ask members of the Committee to ask you questions in turn and they will make it clear which witness it is they are addressing their question to.

Q112 **Angela Crawley:** My first question is to Malcolm with regard to the Advertising Standards Authority and how it regulates advertising within the industry.

Malcolm Phillips: The ASA is the UK's independent advertising regulator. We have been operating since 1962. We have adapted over time and taken on new responsibilities, including regulation of TV and radio advertising under contract from Ofcom in 2004 and regulation of marketing communications on advertisers' own websites and space under their control online in 2011. Online display advertising has been in the ASA's remit since it was developed.

Last year we resolved 34,717 complaints about 24,886 ads. We secured the amendment or withdrawal of 8,881 ads and delivered 550,242 pieces of advice and training to ensure that businesses get ads right. We are independent, but we work in partnership with a number of statutory bodies, most notably Ofcom, not only on TV and radio but also increasingly in digital, for example on video-on-demand programme advertising and potentially, within the next quarter or so, advertising on video-sharing platforms regulated under some European legal provisions.

We also have close working relationships with the Competition and Markets Authority, notably on influencer marketing, which we have already heard about this afternoon, the Gambling Commission, the Information Commissioner's Office and the MHRA, the name of which is on everyone's lips today.

Two years ago we launched our More Impact Online strategy to further strengthen online ad regulation. As part of this, we are using technology to tackle ads that could have harmful implications, including using machine learning. Online advertising represents around 65% of our work now, but it is a diverse environment that requires equally diverse solutions. We are exploring what more we can do to address issues at the platform level. Over the summer we launched, for example, a scam ad alert system that facilitates consumer reporting of online scams, so that we can alert social media platforms and act as an early warning mechanism to get them removed.

We have a lot of experience of regulating influencer marketing now, having made our first ruling on our vlogging ad campaign back in 2015. We have recently been doing some tech-assisted monitoring work to try to proactively identify situations where online influencers are not being



clear about the fact that they are doing marketing activity on behalf of a brand.

It is important to stress that we do not just do enforcement work. We try to think more broadly in terms of behaviour change through training, the provision of guidance and targeting awareness campaigns, like our "Love Island" cheat sheet, which we ran in collaboration with ITV, to make "Love Island" contestants aware of the rules for influencer marketing, so when contestants left the programme and took up any marketing opportunities that were made available to them, they were already aware of what they needed to do to comply with the rules.

Q113 Angela Crawley: There is still, unfortunately, a perception that online advertising is largely unregulated. You touched on some examples there of where an approach to advertising has potentially a negative effect on people's body image. Could you perhaps say a bit more about exactly what the ASA can do and what it has done to tackle some of these issues?

Malcolm Phillips: Yes, absolutely. We have done quite a few rulings this year on complaints related to body image, and some of them have been particularly as a result of lockdown. A good example is a ruling that we published in October on four Instagram posts by a weight loss injection provider called Skinny Revolution Ltd. I can make a link to the ruling available to the Committee following the session. One of the posts featured a "before" image of a slim Barbie doll and an "after" image of an overweight Barbie doll alongside the caption, "Me in quarantine". The caption stated, "Do not let lockdown knock you back. Use this time to keep working toward your weight loss goal and come out the other side looking amazing". Hashtags included "funny", "meme", "weight loss" "motivation" and "lockdown".

In ruling on the ad, we stated that people, particularly young women who were already body conscious because of pre-existing societal pressures regardless of their weight or size and including those who were of a healthy weight, were likely to have had their concerns about putting on weight heightened by changes to their lifestyle during lockdown, such as prolonged periods of staying at home and experiencing disruption to ordinary diet or exercise routines. We considered that the "before" image of a slim Barbie doll and the "after" image of an overweight Barbie doll, together with the claims, "Me in quarantine", and, "Don't let lockdown knock you back", poked fun at women's physicality and played on those anxieties. That is a key recent example of how we are tackling body image concerns in online advertising.

Q114 Angela Crawley: That is a helpful example. I would like to see more of that happen, in fact. The ASA review adverts on a case-by-case basis, but we have had evidence that the body image harms that might be caused might be caused by a cumulative effect of seeing adverts that perpetuate these appearance ideals and stigma. Perhaps you could say a bit more about how the ASA can work with advertisers to prevent this.



Malcolm Phillips: We are aware that there is a concern about potentially subtle or insidious effects of advertising, and also a concern about the volume of advertising that people see. These concerns are, of course, interrelated. We are keen to understand more about the role that advertising plays in negative body image and we are planning our own call for evidence on body image and advertising in the new year, building on the work we have done on gender stereotyping.

We recently did a public consultation on scheduling and ad placement restrictions on cosmetic interventions advertising to help limit children's and young people's exposure to that kind of advertising. We will be announcing the outcome of that work in the new year.

The example that I gave maybe helps illustrate that, while it is important to understand those subtle effects that advertising can have, we need not to lose sight of the fact that advertising frequently strives to be quite bold in its effects and makes opportunities out of real-life conditions that we experience. In terms of those more subtle effects, it is something that we will be keen to hear about when we do our call for evidence on body image.

Q115 **Angela Crawley:** It is maybe worth highlighting for your attention that a number of the young people who came forward for this inquiry outlined that the adverts that they are exposed to online have had a detrimental effect on their mental health. That is something we would like the Advertising Standards Agency to be taking far more seriously. There have been calls for the adverts to be more representative of their consumers and to show a diverse range of abilities, body sizes and ethnicities. What role does the ASA have in encouraging companies to do this? Do you have any powers to compel companies to adhere to a certain standard?

Malcolm Phillips: It is probably important to state that the system is mainly set up to tell people what not to do. Rather than requiring a particular understanding of diversity in advertising, especially bearing in mind that we do not have access to the richness of research that each brand holds that you have heard about in the last session, so far we have tended to concentrate on things like, through our gender stereotyping guidance, warning against suggesting that an individual's happiness or wellbeing should depend on conforming to an idealised gender stereotypical body shape or physical features, as well as warning against using body types that do not match stereotyped ideals in association with lack of success in one's personal life.

There is undoubtedly more for us to explore here. In particular, I would draw attention to our plans for forthcoming work on racial stereotyping. I have already heard some comments this afternoon about maybe the interplay between gender and racial stereotypes and body image. I was also interested to note the body image survey carried out by the Committee, which pointed to a higher risk of negative emotion about body image among women, people with a disability and transgender people.



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One thing I would really like us to build into our work on body image next year is some targeted engagement with specific communities to better understand whether there is a role for us in helping mitigate those higher risks through our work. We are an evidence-based regulator and we are always open to submissions from anyone who wants to tell us how advertising affects perceptions about these issues.

In terms of what we can do to compel advertisers, we have a number of compliance options available to us to help enforce our rulings, including refusal of media space and the ability to take paid ad search links down if they link to non-compliant material. We are working increasingly closely with social media platforms to get their collaboration on helping tackle issues with organic posts, for example.

Fundamentally, I would say over time our experience has been that the adverse publicity caused by rulings is in itself an extremely effective weapon against non-compliant advertising and online actually tends to increase that effect, because of the way that rulings get reported, linked to and amplified as they spread through media attention.

Q116 Angela Crawley: I am sure the Committee will be able to make available to you that volume of evidence that perhaps will assist in your work there. Specifically, you mentioned at the beginning some of the statistics. I wondered how many adverts specifically the ASA has identified in the last year that have caused harm in how people feel about their appearance and how many of those adverts, if there are any, have been banned.

Malcolm Phillips: We tend to receive a fairly small number of complaints about body image, but some of the work that we have done on tech-assisted monitoring, for example, is probably relevant here. In January we issued an enforcement notice to 130,000 wide-ranging businesses across the beauty and cosmetic services industry about ads for Botox, which is a prescription-only medicine, so advertising is against our rules and indeed the law. We identified a trend of these ads appearing in social media, particularly in organic Instagram posts, and we took action to ensure advertisers reviewed their advertising and, if necessary, made immediate changes. We used monitoring technology to identify where these ads were appearing on Instagram and flagged them with the platform to have them quickly removed, making it clear to advertisers that continued to break the rules that they risked being referred to the MHRA or their professional regulatory body.

Angela Crawley: Just as a final point from me, there are grave concerns about certain social media companies. I know my colleague will come on to that, but I hope the ASA will do more in this field, because it is absolutely required.

Q117 Alex Davies-Jones: My colleague just mentioned I would like to press you a bit more on your work with the social media companies. How does the ASA currently regulate advertising on social media and how are you



expecting this to change when the Online Harms Bill is finally produced?

Malcolm Phillips: In terms of how we currently regulate ads on social media, it is a combination of consumer complaint work, which continues to be very important, but also the tech-assisted monitoring that I mentioned, where we increasingly try to use machine learning to identify where there are mentions of terms that are likely to be problematic, for example, or we use avatar work to mimic the behaviour of certain types of users in order to check what kinds of ads are being targeted at them, most obviously to check that advertising for age-restricted products is not being targeted at children inappropriately.

There are various compliance projects that we have been doing, including monitoring of influencer marketing. There is quite a big concerted project on that in the last few months to check and find undisclosed marketing among influencers across social media. We will be reporting on that in the new year.

In terms of the Online Harms Bill, we understand that the Government are going to assign Ofcom responsibility for enforcing a duty of care on companies that facilitate the online sharing of user-generated content and that online media in scope of the legislation will be required to have appropriate systems and processes in place to tackle harmful content carried on their services.

At the time of writing it seems that is unlikely to apply to any significant extent to the creative content audience targeting of ads carried by companies falling in scope of the regulation, because it seems to be limited to user-generated content and to specific types of harm typically unrelated to advertising, like terrorist content or incitement of violence. The extent to which harms associated with underage exposure to legal content, so children accessing inappropriate material, relates to advertising remains to be seen.

At the moment we do not expect massive changes from the Online Harms Bill, but we are not relying on that either. We want to do more and more work ourselves to explore how we can hold platforms to account and work with platforms to improve the systems that they have in place to deal with specific advertising matters.

Q118 **Alex Davies-Jones:** That is really good to hear that you are not waiting for it, because we are all going to be waiting a long time at the moment for this Bill to be brought forward. It is good to know that you are just getting on with the work at hand.

I wonder if you could talk to us a bit more about exactly what work you are doing with the social media companies. You have touched on it quite a lot in your recent answers, with the work with Instagram, TikTok and Snapchat to tackle body image concerns. You have mentioned that there are going to be new strategies developed in the new year. I wonder if you could tell the Committee a bit more about that. That would be really



good.

Malcolm Phillips: I am a little limited in what I can say about some of that right now. I can say that we are exploring a quite unusual potential model of holding platforms to account. That would be unusual in the way of our ordinary work to the extent that in non-broadcast media we tend, first and foremost, to be dealing with the brands; ASA decisions tend to be enforced against brands, because the brands ultimately have responsibility for the content of the advertising and for all of the arrangements that result in the advertising that appears in social media, including influencer marketing. We are doing this extra piece of work to try to explore whether there is potential for us to work directly with platforms rather than brands.

I touched on it at the very start, but there is this incoming piece of law, the Audiovisual Media Services Regulations, which were passed at the end of September, which include some requirements on video-sharing platforms to put various systems in place, including age verification systems and systems that require users to state when they are uploading something that constitutes marketing. That would include influencer marketing. VSPs—video sharing platforms—then have to make sure that is adequately disclosed to users of their sites, as well as having to ensure that advertising under their control conforms to certain basic standards. Ofcom has publicly announced its intention to designate the ASA as the enforcer of those advertising rules for video-sharing platforms, so again that would involve us in a much more direct way in regulating platforms.

Q119 **Alex Davies-Jones:** That is good to know. You mentioned that the good case example that you had that you recently brought forward was against the so-called skinny injections. We have seen that misinformation is a common feature on these posts about extreme dieting and so-called thinspiration, which are some of the other social media trends that have a huge negative impact on body image, as we all know.

We are also seeing the same problem with misinformation in relation to the coronavirus pandemic with all the anti-vax information that has been pushed out there towards us at the moment. Again, we know the Online Harms Bill is unacceptably delayed, but what would you like to see from the Government and social media companies in the short term? You have mentioned some of the work that you are doing in the short term, just getting on with the work, but what would you like to see from them to try to counteract this happening?

Malcolm Phillips: We have done a lot of work this year to deal with advertising that we thought was unreasonably seeking to exploit the coronavirus pandemic, including various bogus health treatments. Again, I can follow up with details of the enforcement work that the ASA has done during the year on that. I imagine that the very important remainder of what needs to be addressed there is more on the editorial side and we just do not really get involved in talking about that. It is beyond my competence to really touch on that issue.



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Q120 **Alex Davies-Jones:** Whose competence is that? Where does that responsibility lie, in your opinion?

Malcolm Phillips: As I understand it, Ofcom is going to get that responsibility for regulating this material.

Q121 **Alex Davies-Jones:** Until that comes into force, it just falls through the gaps.

Malcolm Phillips: I mentioned this incoming law. Ofcom is going to be designating us to perform advertising-related regulatory activity. Ofcom already is going to be doing regulation on the editorial side on video-sharing platforms in connection with editorial material, so it is not just a question of waiting for the Online Harms Bill.

Q122 **Kate Osborne:** In your written evidence you say that you work to tackle misleading, harmful or offensive advertisements. Can I ask you to define “harm” in this respect?

Malcolm Phillips: That is a really key question. The thing that I would say is that we need to get specific about this. There are specific harms that can arise from specific advertising treatments. When we think about this, we tend to think of vulnerabilities. A very important part of our work and the work of the Competition and Markets Authority over the last few years has been trying to understand that concept of vulnerability a bit more as it relates to consumers, and to try to get away from a static view of some consumers always being vulnerable and others not. It would be fairer to say that people go through perhaps transitory stages of vulnerability and it is important for us to understand those in order to target advertising interventions where they are really necessary.

One of the things that we explored when we were doing our work on gender stereotyping, for example, was that mothers in the very early stage of motherhood were particularly vulnerable in terms of their self-perception and whether there was a specific need to warn against advertising treatments that might exploit that vulnerability by, for example, promoting or projecting an ideal view of what a young mother should be like. That is an example, hopefully, that illustrates the need for us to think, as I say, in quite specific ways about what harms arise.

The survey that the Committee published, as I say, shows us some directions for our inquiry to go in in the new year, in terms of looking at specific impacts, because there we start to get away from a generalised notion of the audience and we start to get towards specific audience groups that might require specific forms of thinking, to really think about what their vulnerabilities might be and how we can mitigate that.

Q123 **Kate Osborne:** Can I ask you what industries are considered high risk for body image advertising? What do you do to ensure ads from these industries are not creating body confidence issues?



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Malcolm Phillips: We do not tend to conceive of particular sectors of advertising as high risk. There are sectors of advertising that require a particular level of protection, so for example gambling or alcohol advertising, where there are important legal restrictions and important vulnerabilities for us to bear in mind. We do not regard sectors as high risk in quite that way. One of the interesting and complex things about body image is the extent to which it extends beyond any one sector of advertising.

We have certainly, as I say, done some rulings recently that have concentrated in the area of weight loss injections, for example, and I mentioned an example of one of those earlier, but depictions of bodies are everywhere in advertising. We need to be adaptive and we need to understand that problems can arise anywhere where somebody depicts a body in an ad and somebody seems to be suggesting something about a potential ideal connected with body image.

Q124 **Chair:** Just as a follow-up question to Malcolm, would you not consider adverts where prescription-only products are injected into the face to be high risk?

Malcolm Phillips: Yes, that is fair point, given that, as I say, Botox should not be advertised. It is a prescription-only medicine. That would certainly be high risk, yes, and that is reflected in the work that we have done to proactively identify those ads and take them down.

Q125 **Elliot Colburn:** Malcolm, you can take a breather. I am going to move on to Chris for a few questions, but I will come back to you, Malcolm, so we are not quite done. Chris, you may have heard some of the evidence from the first panel about the financial and commercial effect of changes to advertising policies. We have heard anecdotally as part of this inquiry that it may well be the perception of loss of revenue that might lead some companies to change their advertising policies in the way that TfL has done to be mindful of perpetuating body image concerns. My starter for 10 for you, Chris, would be about what impact this change in policy has had on the advertising revenue for TfL.

Chris Macleod: Good afternoon, everybody. We introduced the body image clause within our existing overarching policy in 2016 and until the recent pandemic impact we had seen a rising level of advertising revenue for our estate. That is not to say, however, that the restrictions on body image might not have affected that. It is very hard to break out a particular policy element, given that the total revenue picture is made up of thousands of advertising decisions made by hundreds of companies, but you would have to say that it would be pretty hard for us to say there has been any reduction in revenue as a result of introducing that particular clause that we did.

Q126 **Elliot Colburn:** I only because you say it is difficult to put a number on it, but in 2018 TfL's finance and performance committee estimated that £13 million of revenue was lost in the junk food ban. Is there not a way



to extrapolate the figures that the body image policy change might have had on revenue?

Chris Macleod: No, not really. There are two things. This is not a discussion about the junk food restrictions, but, again, even in the year that they were introduced, our revenue actually increased and we did not see those estimates come through, probably because they were done on a theoretical basis. The difference between the body image restriction and the ad ban on HFSS is one is a subjective ruling around a type of advertising. The body image clause did not stop any advertising. It just said, "Change or look at the style in which you are doing the advertising for these products", whereas in the HFSS area arguably there were some categories of advertising that did not meet the food regulations so therefore could not be advertised. Even in that situation, people could substitute products, whereas in the body image one they could simply present their product in a more acceptable way. Again, there is much less likely to be a revenue impact there.

Q127 **Elliot Colburn:** I want to come back on to this difference between these two policies and the impact that they might have in terms of their implementation, but again, just focusing on the cost, the Mayor was quite heavily criticised at the time of the introduction of the junk food ban because of the impact that it was having on revenue, not least of which because TfL's own business plan was not just calling for a replacement of the lost revenue, but for a 51% increase in advertising costs. Notwithstanding the difficulties that there have been with the coronavirus pandemic and the impact on TfL's finances, how does TfL plan to replace that lost revenue and fulfil its obligations in the business plan to increase it?

Chris Macleod: I can only say what I have said before. Apart from the pandemic impact, there was no evident substantial impact of the HFSS restrictions. In the year in question the revenue went up. It is very hard to really know about particular decisions and why a particular company may or may not have advertised. We are talking quite a lot about HFSS here, but there is quite a bit of evidence of companies that were able to substitute. Without naming names, they had a lower-fat, lower-salt or lower-sugar alternative, and that product was simply substituted and the advertising continued.

Clearly, what we will be doing as we emerge from the pandemic, as we are now and we are seeing our revenues build back, is continuing to promote the network. In terms of things like body image, the competition that we run to promote the network is one that is open, diverse and the sort of place that people would want to advertise. We are creating an environment where brands would want to present themselves. These sorts of changes are attractive to many advertisers. They are not necessarily putting them off but are making them say, "That is the sort of place or the sort of London I want to advertise in".

Q128 **Elliot Colburn:** I will move on to that focus and ask a bit more about



how this change in policy has been received by Londoners and what work TfL has done to understand a bit more about the impact of these. Again, I do not want to keep harping back to HFSS, but it is an interesting comparison, because, again, there were problems with the implementation of that change in advertising policy that were not necessarily intended, where the Mayor was compared to Scrooge because things like mince pies and even Macmillan's coffee morning were not allowed to be advertised, the latter because it featured cakes. Again, how can we ensure that policy changes like this achieve their intended effects?

Chris Macleod: Can I just clarify: are you asking me about body image now or are you asking me about HFSS?

Elliot Colburn: I am asking how the body image change in policy has been received by Londoners and how it has been implemented without unintended consequences.

Chris Macleod: I understand that. As I say, the change was made in 2016. It would be fair to say that, apart from the concerns at the time, it has been pretty successful. If you judge it partly on the revenue, it would appear to have had little or no impact on revenue. We have had literally no complaints about advertising. We have completely rejected outright about four ads as a result of the policy.

We have learned the importance of communicating, collaborating and working in partnership with the advertisers. We are not a censor and the way we work is not binary. People do not submit stuff and we say yes or no and that is it. We will work with people. We work with the Advertising Standards Authority and the Committee of Advertising Practice and seek guidance from them as well.

At the same time the policy was introduced we established an Advertising Steering Group. That was an independent body that the Mayor asked us to establish, which did not have decision-making powers, but we would report to them and work with them. They would give us feedback and we are a very transparent organisation. We would say, "These are the ads that we have run. These are the complaints we have had. How do you think we are doing?" As I say, when you look at the low level of complaints, the low level of rejections and the generally positive way in which the policy has been accepted, it would suggest that it has been a success.

Q129 **Elliot Colburn:** Apart from the measurement by level of complaints, could I ask a bit more about the kinds of tests TfL has been using to see how successful the policies have been? Do you do things like market research and have feedback? What kind of feedback was there in the press, for example, in London about the policy? What sorts of things have you managed to do?



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Chris Macleod: Again, it is a very interesting question. It is something that we have discussed at the Advertising Steering Group, because in a sense its success is like that expression about the dog that does not bark. The success is in what you do not see. You do not see the complaints. You do not see the controversy of it. You see generally more and more ads that are diverse and representative.

We do not do market research directly about that particular policy. It would be quite difficult and costly to do that, but there has been a lack of controversy, complaints and concerns about it. Having said that, I am sure there is still progress to be made and things that can be done going forward.

Q130 **Elliot Colburn:** Malcolm, if I can bring you back in now having had a break, having seen the example from Transport for London, what is stopping the ASA from adopting a similar policy to reduce body image concerns and pressures on adverts across the UK in every sector?

Malcolm Phillips: It is always open to a media owner to establish their own standards and views on what they want to carry in advertising in their channels. It is a very different matter for a regulator to impose controls that will then be enforced on a mandatory basis, and that is what the ASA does. The ASA treats the contents of the CAP and BCAP codes as mandatory and enforces them against any advertising that we consider to be in the remit of the codes. That involves us necessarily in important legal and regulatory considerations.

The ASA system is subject to judicial review. Not only its individual decisions on investigations but also our decisions to impose rules can be reviewed in a court of law, because we are treated as a public body for the purposes of the regulation that we do. It is important for us to follow processes like public consultation and the evidence-based policymaking approach that has been adopted in the UK through successive Administrations over the last 20 years. It is important for us to demonstrate that our restrictions are necessary, proportionate and prescribed by law.

It is to that end that we are doing the work that we are doing in planning a call for evidence on body image, and it is to that end that we did a public consultation exercise, for example, on rules on scheduling and ad placement on cosmetic interventions advertising, which has now concluded. We are evaluating the responses to that at the moment. We have that kind of accountability for the controls that we impose.

Q131 **Chair:** Chris, you spoke about the Advertising Steering Group. Can I ask how somebody gets appointed to that? How large is this group? They may not have decision-making powers, but they can certainly give advice and I would just be interested to understand a little better how that works.



Chris Macleod: The Mayor appointed a chair and then the chair invited members from a wide range of organisations, such as from Stonewall, other charitable groups and the advertising industry, but the view was that they were there as informed individuals, not necessarily stakeholders for their own particular sectors. There are about half a dozen members. I am not a member. I serve the group, along with our media contractors. We employ sales agents to sell the advertising space on our behalf and we act as a secretariat to the group and prepare reports.

We have always produced an advertising report for the last few years; before the steering group was established but also since the steering group was established we produce a report. We are a transparent and accountable organisation. That report will say how many ads we have run; we run something in the order of 24,000 ads every year. It will say how many complaints we have. It will say what will happen to those complaints and what they were about. It is not just about complaints. We will also say how we are investing in the network and so forth.

We meet three or four times a year. The chair will establish an agenda. We started with body image as a topic we particularly looked at, so we always return to body image. We say, "These are the sorts of ads that we have had. These are the issues we have had. These are any of the complaints we have had". Body image became quite an uncontroversial topic and we moved on to look at other things, not trying to find things to ban and reduce, but just saying how we could make the network more representative and accountable.

For example, we look at the advertising competition that we run. We started two or three years ago an advertising competition to promote diversity in London, the idea being that brands and agencies could come forward, submit ads in the competition on a particular theme and the winner would receive free advertising space on the TfL estate, which is actually quite a high value of advertising, to promote that issue.

The first competition was themed around women and how women were represented in advertising. It was underpinned by some research that we commissioned. That was very successful. We then looked at the BAME audience last year, again using the research and again trying to promote the question of diversity. There is quite a lot of evidence that women, BAME and other groups are not necessarily well shown in advertising and we wanted to champion that. This year the competition has been around ageing and how the ageing population is presented in advertising.

The steering group would comment on that. It has guided us on the HFSS and junk food policy, and we have looked at other topics. The TfL estate is very large and very visible. From time to time we get questions about issues such as human rights and property rental; different topics come up and we discuss those at the steering group.

Q132 **Chair:** Thank you for that. That is really helpful and there are some interesting topics for the competition. They certainly show a breadth of



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diversity. The steering group is all appointed then. Is there gender balance on that? Are BAME communities represented on it?

Chris Macleod: They certainly are. We are in a process of probably refreshing the membership of that, but that is a decision for the chair, not for me. My sense is that it is representative as it can be in a relatively small group. It is not a big group but it is representative, and that was the intention of establishing a steering group.

Chair: Thank you very much for that. That is very helpful. Can I thank both witnesses for your contributions this afternoon? They have been most helpful and interesting.