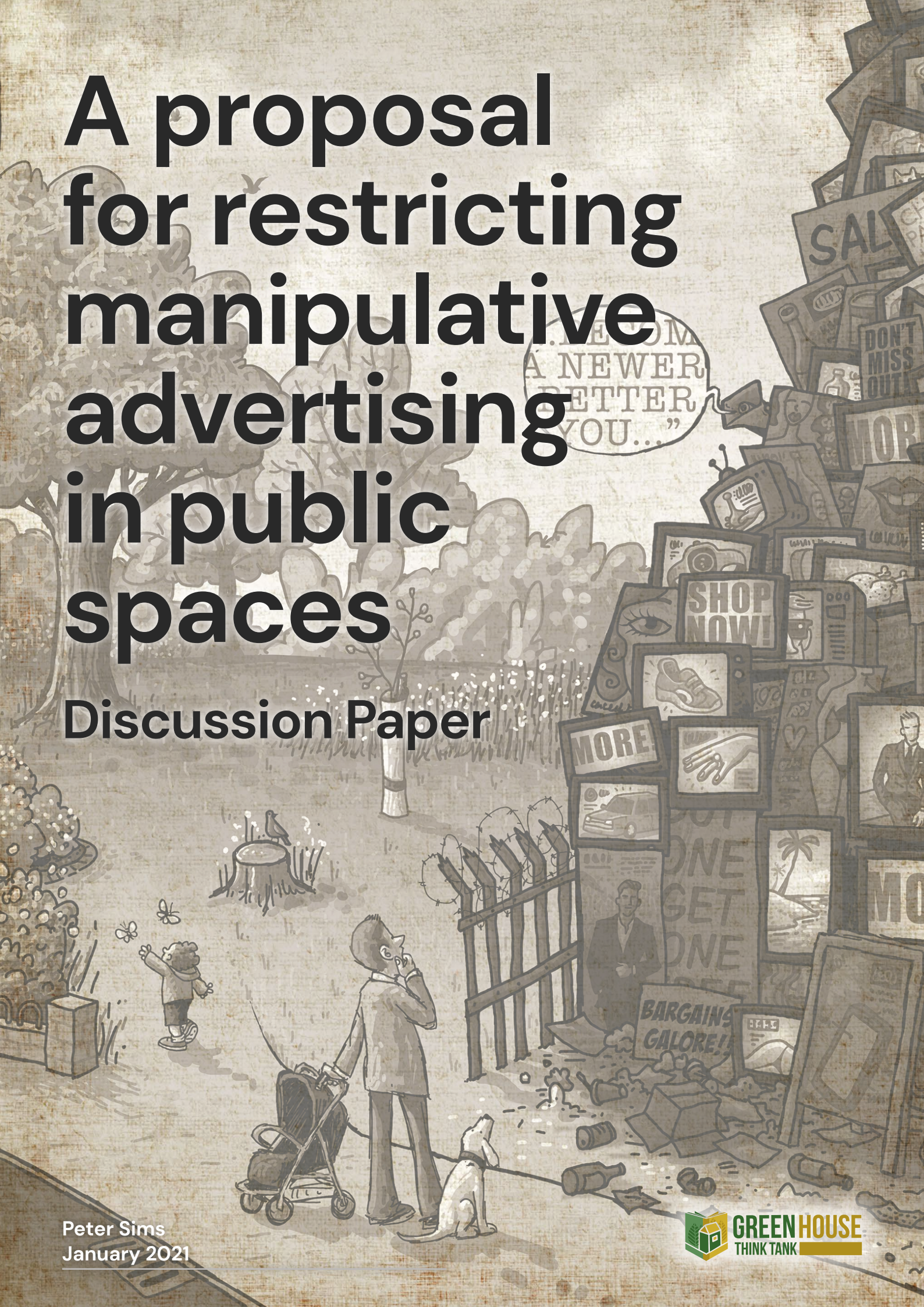


A proposal for restricting manipulative advertising in public spaces

Discussion Paper



Acknowledgements

Green House think tank would like to thank Zoe Wide, Patrick Heaton-Armstrong, Kim Moodley and Eddie May for their input into this report as well as Ben Dare for helping with copyediting. Gratitude is owed to Simon Emery, Simon Smith and Cartoon Ralph for the cartoons and illustrations.

Published by Green House think tank.

Copyright Green House 2020. Some rights reserved.

12A Derwent Road, Lancaster, LA1 3ES. United Kingdom.

Cartoon Illustration Simon Smith pages 6,9,12,14,17–26,29–35

Image & Cartoon Illustration Simon Emery pages 8,16,33&37

Cartoon Illustration Cartoon Ralph page 13&27
see @cartoonralph

Images courtesy of the World Health Organization (page 21)
and Cancer Research UK (page 22)

ISBN 978-1-913908-02-7

Open Access. Some rights reserved.

Anyone can download, save, perform or distribute this work in any format, including translation, without written permission. This is subject to the conditions:

- 1 The work is not resold
- 2 The text is not altered and is used in full
- 3 Green House, our web address (greenhousethinktank.org) and the authors are credited
- 4 A copy of the work or link to its use online is sent to Green House.

Green House acknowledges the work of Creative Commons in our approach to copyright – see creativecommons.org

Green House is a think tank founded in 2011. It aims to lead the development of green thinking in the UK. Green House produces reports and briefings on different subjects. We do not have a party line, but rather aim to stimulate debate and discussion. Politics, they say, is the art of the possible. But the possible is not fixed. What we believe is possible depends on our knowledge and beliefs about the world. Ideas can change the world, and Green House is about challenging the ideas that have created the world we live in now, and offering positive alternatives.

Green House think tank is a company limited by guarantee, company number 9657878.

Email: info@greenhousethinktank.org

You can download this publication from:
greenhousethinktank.org/report/jan-2021

The Polden-Puckham Charitable Foundation have contributed to report design costs.

Summary

By building on existing work which has highlighted the need for a change to advertising regulation, this report questions where the balance of advertising regulation should fall and asks how such a change could be approached. After outlining the current state of UK advertising, this report presents a proposal to restrict the extent to which advertising to which the public are subjected is manipulative, thus shifting to an opt-in rather than opt-out basis when it comes to subliminal commercial messaging.

The effect of this proposal is then analysed in terms of the main ways in which the public are exposed to advertising via television, radio, newspapers, billboards, web pages, etc. The question of whether the proposed restriction is justified on grounds such as public health and wellbeing is then addressed. The report concludes that the proposal is justified on the grounds of public health and wellbeing if society chooses to value the long-term benefits over the short term, or the quality of life of its citizens over its economic output.

Following this, the report considers whether the climate and biodiversity emergencies justify such proposals. It is acknowledged that the levels of demand reduction which are likely to be required could be possible without any changes to the current advertising landscape. Doing so, however, may lead to negative side effects that undermine efforts to change public behaviour, and to degrading the cohesion of local communities and fostering resentment across wider society.

The report then considers some of the current issues around political advertising and what impact the proposals would have in this area. It is acknowledged that the proposal largely ignores issues around how political advertising is delineated and regulated, and that change is needed in this area as well. However, the report does suggest that the impact the proposed restriction will have on political advertising is likely to be positive, if inadequate, and that the restriction of manipulative commercial advertising could create space for political discussions.

Finally, by outlining a comprehensive proposal for change this report aims to move the debate on from the questioning of whether a change is needed, to discussion about what that change should be. Given the unprecedented situation that society faces with respect to the combination of rising non-communicable disease, increasing prevalence of mental health issues (particularly among children), and its overrunning of planetary boundaries, the report calls on the government, political parties and other think tanks to consider and make proposals outlining:

- The need for the management of consumption demand in the face of biodiversity and climate crises.
- The role of restricting manipulative and subliminal advertising, as well as public information campaigns, in achieving this without fostering resentment in society.
- How the restricting of manipulative and subliminal advertising could also address public health and wellbeing issues created or exacerbated by advertising.
- In this context, and given the need for a step change, what new advertising regulation they will support or champion.
- How in practice the distinction between 'primarily informative' and 'manipulative and subliminal' might be applied, such that it is clear and legally viable.
- How any new advertising regulation, such as the proposal outlined in this report, could best be enforced, and what the right balance of proactive and reactive enforcement is. This must include reviewing whether self-regulation via the current Advertising Standards Authority is still appropriate.

Summary	3
Definitions	5
Introduction	6
Advertising in the UK today	8
A proposal for restricting manipulative advertising.....	10
What would be the consequences of such a restriction?	12
An act of restriction or liberation?.....	18
Could it protect citizens from harm?.....	22
Public health and wellbeing	22
Climate and biodiversity emergencies	28
What about political advertising?	33
Is a manipulative advertising restriction justified?	38
Conclusion	41

Definitions

Persuasive adjective

good at persuading someone to do or believe something through reasoning or the use of temptation: “an informative and persuasive speech”.

Informative adjective

providing useful or interesting information: “a thought-provoking, informative article”.

Manipulative adjective

exercising unscrupulous control or influence over a person or situation: “she was sly, selfish, and manipulative”.

Advertise verb [with object]

describe or draw attention to (a product, service, or event) in a public medium in order to promote sales or attendance: “a billboard advertising beer”.

Advertising noun [mass noun]

the activity or profession of producing advertisements for commercial products or services: her father was in advertising | [as modifier] : “an advertising agency”.

Oxford Dictionary of English

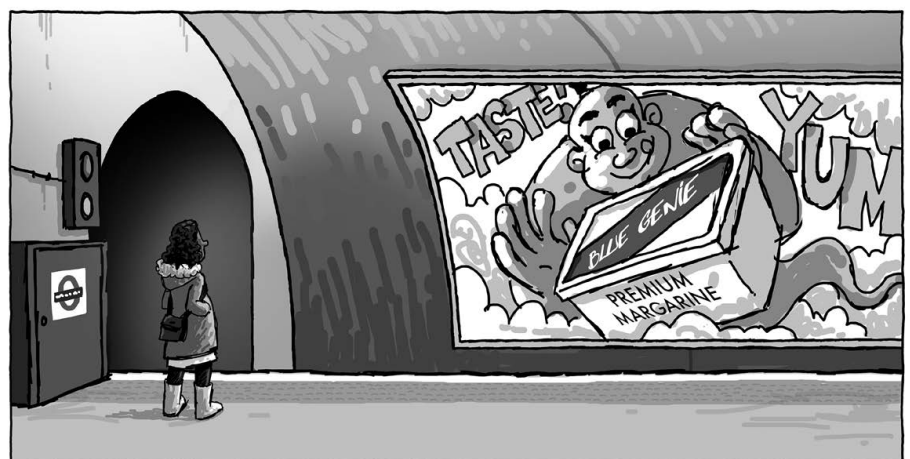
Introduction

The current extent, nature and consequences of advertising in the UK have been explored by a number of reports and a range of authors over recent years. Notable examples include work by WWF and recent publications under the ‘Badvertising’ banner.^{1,2} Such work has drawn together a significant amount of evidence regarding problems created or exacerbated by advertising, which raises the question of whether societies should change how advertising is managed and regulated. Clearly advertising serves a purpose, or it wouldn’t represent a significant proportion of our society’s economic activity.³ The regulation of advertising is therefore a question of how to balance competing considerations, and what level of harm is acceptable to achieve what benefit for whom in society.

This report questions how this balance should be struck for advertising as a whole and, significantly, asks what change to advertising regulation might realise this. To do this it explores a proposal to restrict manipulative advertising that would shift exposure to an opt-in rather than opt-out basis. This follows the belief that if we live in a free society, we should be free both to view any advertising, providing doing so doesn’t do significant harm to wider society, and to choose not to expose ourselves to certain forms of advertising – the forms in question being those which are manipulative rather than informative or persuasive, because they attempt to influence people subconsciously.

The idea that there might be a need for consent in order to be unconsciously manipulated by adverts is not well established. The recently introduced GDPR regulations solidified the idea that companies require explicit consent to collect or hold our personal data. Consenting to being manipulated by advertising is somewhat an oxymoron, as ‘to be manipulated’ implies you’re not in complete control, and therefore not making a free choice.

This report seeks to explore whether consent could, and should be required to show someone an advert that aims to manipulate them, not just in



Simon Smith

1 Alexander, J., Crompton, T. and Shrubsole, G. (2011) [THINK OF ME AS EVIL? OPENING THE ETHICAL DEBATES IN ADVERTISING](#): Public Interest Research Centre and WWF-UK. (Accessed: November 2020)

2 New Weather Institute and Possible (2020) "Reports and publications" badverts.org/reports-and-publications (Accessed: Dec 2020)

3 (2016), ["Advertising expenditure as a % share of GDP, 2016"](#), WARC, International Ad Forecast (Accessed: Dec 2020)

terms of how it could be done, but whether such a change could be justified. There is a clear precedent for restricting advertising where there is evidence of harm in specific areas, such as tobacco.⁴ There are precedents for restricting certain types of advertising, such as inner-city or state-wide bans on billboards.⁵ However, redefining the terms under which advertising can happen at all would represent a new level of regulation, and therefore could only be justified by a different level of evidence to that which highlights the damage caused to society by, for example, tobacco. That said, these are challenging and unprecedented times. Green House's *Facing up to Climate Reality* has laid bare the depth of the challenge which climate change presents.⁶ Although greenhouse gas emissions budgets and their associated climate change risk factors may be what primarily quantify the time period over which we must change, there is overwhelming evidence that this is just one of the planetary boundaries our society has crossed or is at risk of crossing. Combine this with the evidence on health and wellbeing issues (detailed below) which can no longer be ignored, or appeased through better medical provision, and it is clear we can't 'carry on as usual'. Yet that is what will happen for as long as the fundamental rules and modes of operation within our society remain unchanged. Our society's recent pandemic experience has, for many, highlighted the importance of swift, decisive and precautionary action, even if that action intervenes in people's lives. If the harmful consequences that we are currently facing, or that evidence suggests we or future generations will face, are more serious than the implications of precautionary action, we must take that action. Government must not wait for either scientists or events to prove our worst fears true before it takes action to protect its citizens from avoidable harm.

In that context, this report reviews the current advertising situation in the UK, the evidence around public health and wellbeing, and the climate and biodiversity emergencies. It considers the moral justification for having to opt in to exposure to manipulative advertising alongside related issues such as political advertising. Perhaps most importantly, it challenges the 'it is all too complicated' cop-out by laying out a possible change to the law, and exploring the consequences of implementing it. No doubt the proposal in this report is imperfect, but what better incentive is there for others to suggest a way of reconciling the issues that converge in this report than to sketch a definition of what better advertising could be like and propose some rules for when it should apply.

4 Best, A. (2017). [This is the end of tobacco advertising](#). (Accessed: November 2020.)

5 Rapid Transition Alliance. (2019) [Adblocking – the global cities clearing streets of advertising to promote human and environmental health](#). (Accessed November 2020.)

6 J, Foster and Green House think tank (2019) [Facing up to climate reality : Honesty, Disaster and hope](#), London: Green House think tank.

Advertising in the UK today

The consumption of media, whether in the form of television, radio, or scrolling through Facebook, has become a full-time job. In 2017, the average adult spent 7 hours and 56 minutes a day consuming media, with up to 26% of people using three different forms of media within a 30-minute period.⁷ With such a captivated audience, it is of little surprise that multimedia advertising is big business, with an estimated £25.4 billion spent within this industry in 2019 in the UK alone.⁸ Advertising is so extensive that a report by the IE School of Human Sciences and Technology estimated that on average a person consciously and unconsciously views over 10,000 forms of ‘brand messaging’ each day.⁹

In the last 25 years expenditure on advertising has approximately doubled.¹⁰ This dramatic increase is attributed to growing competition for the consumer’s attention.¹¹ We are so used to outlandish, dramatic adverts, that people are getting much harder to ‘wow’. Desensitisation is not the only factor responsible for the increase in competition for the consumer’s attention. Consumers themselves seem to be signalling for an advertising respite. In one study, 55% of polled consumers stated they had little or no interest in advertising, due to its obtrusive and repetitive nature.¹² This apathy can be seen in increased avoidance of advertising; reports have found that 22.6% of UK internet users utilise ad blockers,¹³ 90% of online users skip online pre-rolled adverts¹⁴ and 86% of television watchers mute or skip adverts.¹⁵



Whilst we may enjoy watching the emotional John Lewis Christmas advert, and despise the extroverted GoCompare man, it is easy to forget the extent to which advertising today uses persuasion, emotional psychology and subliminal messaging to manipulate the viewer to the needs of the advertiser. Advertising can have far reaching, psychological, social and emotional ramifications. As this report explores, these effects can range from a reduction in personal privacy to a reduction of space in the media for public engagement with politics and governance; from an increase in environmentally harmful consumerism to a contribution to the growing prevalence of mental health problems in children and adolescents.

7 The Institute of Practitioners in Advertising.(2017)[Adults spend almost 8 hours each day consuming media.](#)(Accessed November 2020)

8 Statista. (2020) [Advertising expenditure in the United Kingdom from 2010 to 2021](#)(Assessed: November 2020)

9 Mateos, J and Saxon, J. (2017) [Why your customers' attention is the scarcest resource in 2017](#), Available at: [researchworld.com](#) (Accessed: November 2020).

10 £25.4bn in 2019 (see footnote 5) relative to £12.9bn in 1996 – ONS, 2000: [Sector Review of Service Trades](#).

11 Mateos, J and Saxon, J. (2017) [Why your customers' attention is the scarcest resource in 2017](#), Available at: [researchworld.com](#) (Accessed: November 2020).

12 Gurksy, R. (2019). DIMENSION 2019: The (in)credible communicators . Available: [kantarmedia.com/us/thinking-and-resources/blog/dimension-2019-the-incredible-communicators](#) (Accessed: 20/11/19.)

13 Fisher, B. (2018). [Ad Blocking in the UK 2018: Growth Slows as Behaviour Becomes Part of the Mainstream](#). (Accessed November 2019).

14 Elkin, T. (2016). [Survey Finds 90% Of People Skip Pre-Roll Video Ads](#). (Accessed: November 2019)

15 Plunkett , J. (2010). [Television advertising skipped by 86% of viewers](#). (Accessed: November 2010).

A reduction in personal privacy is not traditionally associated with advertising. However, as a recent literature review commissioned by OFCOM shows, a lot of online data collection, and therefore associated privacy concerns, happens for the purposes of targeting advertising.¹⁶ So whilst adverts themselves may not present any privacy concerns, they may be the motivation behind incursions on personal privacy.¹⁷ That is to say that the processes of trying to show the right people the right adverts leads companies to harvest and analyse any data relating to potential customers that they can obtain.¹⁸ In the digital domain this is often akin to someone following you round with a clipboard making notes of everything, from which shops you go into, to what videos you watch, and which songs you listen to. The use of social media, reviews and comment sections then allows this personal interaction recorder (which is in fact more like a network of paid robotic informants) to glean not just associations, but also the nature of them. Did you 'like' that movie? How do you rate that shop? Were you dissatisfied with that purchase? etc.

Advertising which may have various harmful implications has overtaken public spaces in both the physical and digital world. With consumers' attention divided and easily lost, research suggests that advertising's selling power is losing its potency. What's more, the competitive nature of the advertising industry is detrimental to those who work within it. Campaign, an international organisation that analyses media, marketing and business practices, discusses how burnout is prevalent in the marketing sector. They cite one organisation, Adland, which has a staff turnover of 30%, three times the national average.¹⁹ Furthermore, NABS, the support organisation for the advertising and media industry, reported that calls to their advice line rose by 26% in 2018. One third of these calls related to emotional support.^{20,21} With such impacts to the advertiser as well as to the consumer, it is surely time for us to reconsider the public's exposure to manipulative advertising. This report outlines a proposal to restrict advertising in public spaces, considers the likely effect this would have on advertising, and then evaluates whether it would be justified.



Simon Smith

16 Arnold, R. Hillebrand, A. Waldburger, M. (2015) [Personal Data and Privacy. WIK-Consult Report Study for OFCOM](#) (Accessed November 2020)

17 Carpenter, K (2013) [Ethical Issues of Online Advertising and Privacy](#), University of Tennessee Chattanooga. (Accessed November 2020)

18 Qiu, R. (2013) ['Beyond the cookie: digital advertising and privacy in the cross-screen age'](#), The Guardian. (Accessed November 2020)

19 D, Tickell (2018) [Why prioritising mental wellbeing is a matter of urgency for adland](#), (Accessed: November 2020).

20 NABS (2017) [Survey findings](#) (Accessed: November 2020)

21 D, Tickell (2018) [Why prioritising mental wellbeing is a matter of urgency for adland](#), (Accessed: November 2020).

A proposal for restricting manipulative advertising

This set of clauses provides a clear framework for how manipulative advertising could be restricted.

All advertising in public spaces must be primarily informative (i.e. not manipulative).

1. All advertising visible or audible from publicly accessible spaces, or distributed via publicly accessible mediums, must be primarily informative.

All advertising aimed at children or likely to be seen by children must be primarily informative.

2. All advertising visible or audible from spaces, or distributed via mediums, accessible to children must be primarily informative.

See point 6

In private spaces not accessible to children (e.g. bars) manipulative advertising is fine provided venue has a warning (see cartoon on previous page)

3. Within all other spaces that only the adult population can choose whether to enter, this restriction shall not apply. However, where non-primarily informative advertising is used, the public accessing the space must be informed that the advertising in use may attempt to subconsciously influence them.
4. Publicly accessible spaces are defined as domains accessible to the general public, without prior written agreement or purchase of a ticket, or any land and property under the control of the public sector.

5. Publicly accessible mediums include but are in no way limited to: print, radio, television and web pages, where the media is accessible by anyone without prior written agreement.

Limits the repetition in advertising

6. Primarily informative advertising must only convey information the target audience could not be reasonably expected to know and that relates to the purpose of the advert. Primarily informative advertising must only include content or alterations to content that are required to clearly convey the intended information.

Primarily informative adverts can only include content (e.g. photographs) or modification (e.g. photo editing) that serve an informative purpose. Content or modifications that only manipulate aren't allowed.

7. Regular producers of advertising would be expected to provide reliable and ongoing evidence that the adverts they create primarily reach their target audience, convey the intended information to said audience, and do not include surplus content or unnecessary modifications to content.

Advertisers have to prove that their adverts are effective in communicating information that advert claim to communicate

8. Advertising is distinct from labelling: the content is trying to communicate a message that does not specifically relate to the object or medium on which it is displayed or played.

These rules don't apply to product labels or venue signage.

9. Advertising within private property which is publicly accessible is exempt if it directly relates to the commercial activity of the property.

e.g. Adverts within shops for products that shop sells are excluded from these rules.

10. Adverts may only reference places, situations or circumstances that plausibly could relate to the target audience or the information that the advert intends to convey.

11. Political advertising, as per Chapter 21, section 321 of the 2003 Communications Act, that contains no reference to a financial transaction, and where the body commissioning it is a not-for-profit organisation, is exempt from this regulation.

Political advertising should be regulated separately.

12. Public information campaigns commissioned by public sector bodies are exempt from this regulation.

13. It is prohibited to published content that is not clearly labelled as an advertisement for a person or organisation where a reward has been accepted from that person or organisation explicitly for the placement of or reference to a specific product(s), service(s) or brand(s) in that content. For new content, where UK citizens are part of the primary audience for which such content was produced or initially distributed, this content will be classed as an advertisement.

Paid product placements should be clearly labelled as such within the content.

What would be the consequences of such a restriction?

The proposal laid out above would mean that the majority of advertising to which the public is exposed be primarily informative. This would limit the extent to which the public is subliminally manipulated by advertising (i.e. influenced without explicit consent). Manipulative advertising would still exist, but be restricted to physical spaces and digital mediums that adult citizens specifically choose to access. Exposure to subconscious marketing would become the exception people opt in to, rather than the norm that is difficult, if not impossible, to opt out of.

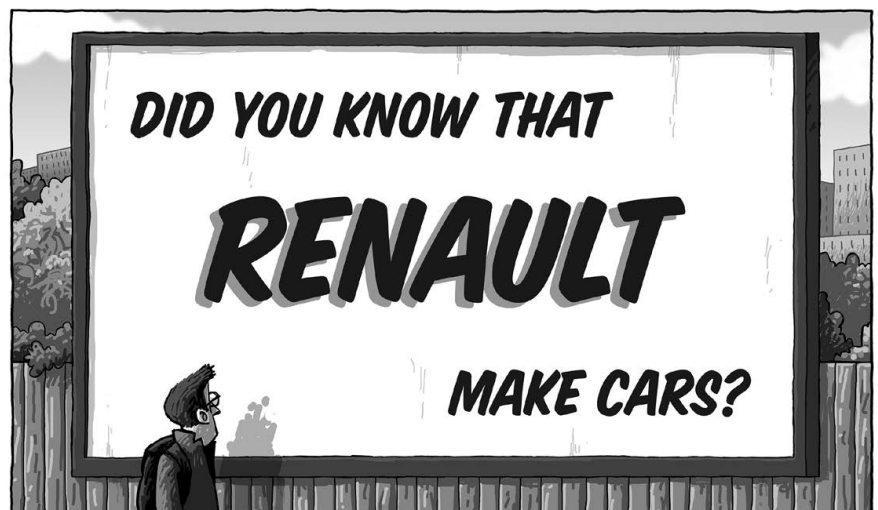
This section looks at how such a restriction would change different aspects of advertising and how that might affect different groups of people. First though, let us look at what advertising that is primarily informative might look like. The definition states that ‘advertising must only convey information the target audience could not be reasonably expected to know and that relates to purpose of the advert’. This means that advertisers would have to explicitly decide what information the advert is trying to convey, and ensure that this information is new. The

majority of the public know that Heinz sell baked beans, Coca-Cola sell Coke and Renault sell cars. Therefore, companies would have to be explicit about what new or different messages they want to communicate to their target audience. This could limit the amount of repetition permitted. Once a company has launched an advertising campaign, such as running an advert on a national television

channel for their new product, they couldn’t keep reusing or rerunning that advert over and over again. Advertisers would have to rerun the advert on different channels or at different times of the day in order to reach a different audience in order to reuse adverts.

The definition also relates to the communication of this new information. It states: ‘Primarily informative advertising must only include content or alterations to content that are required to clearly convey the intended information’. This would significantly change the way in which products and services are advertised. Many adverts for new products or services currently include animals, people and situations which have little relevance to the product or service, but are simply used as ways to get the audience’s attention. This would not be permitted in primarily informative advertising. For example, if the advertised product was a car, then the advert could show the car in question, but it could not include sexualised people, implausible or impossible situations, or unnecessary dramatisations, such as dance routines and soap-opera-like story lines, purely to get the consumer’s attention. Equally, showing someone driving the car to make a point about safety, handling or comfort would be acceptable, but they cannot happen to be driving across a massive bridge on the other side of the world just because it looks exciting.

The ‘or alterations to content’ part of the definition has a significant impact, as most adverts include some photographic content, whether video or stills, as well as recorded

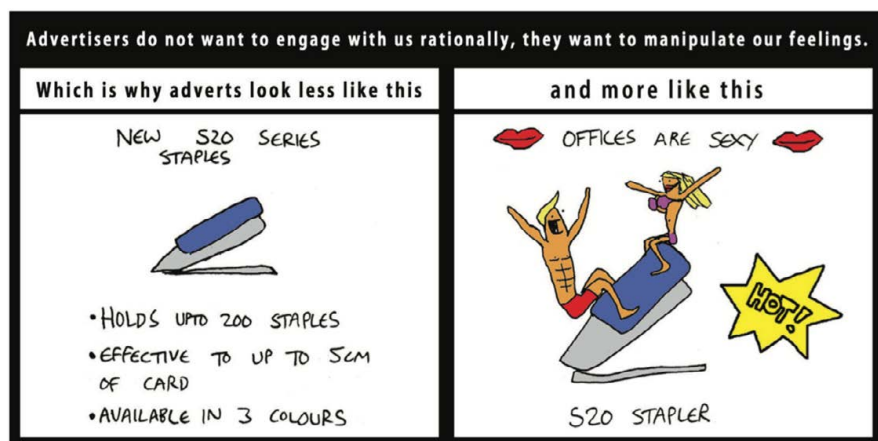


Simon Smith

audio. Alterations to this captured content would only be allowed in primarily informative advertising if they 'are required to clearly convey the intended information'.

This effectively bans all digital retouching of photos, whether that be removing skin imperfections from models/actors or enhancing the colours/contrast in photos of prod-

ucts. All photos printed in magazine adverts and video footage in television adverts would effectively be as captured, other than minimal grading needed to match different shots together. Audio recordings could be altered to make speech easier to understand, but could not be sped up to add drama, or distract the audience from terms and conditions.



Cartoon Ralph

Radio and television advertising

All free to air television and radio channels available in the UK could only air adverts that meet the 'primarily informative' definition. Subscription television channels would be able to show manipulative advertising in between content that is not aimed at children. This would change the nature of television advertising, but is unlikely to reduce the quantity of television advertising. This may be in part because, under the 'primarily informative' proposal, businesses and others may deem television and radio advertising to be more effective than other forms of advertising, so continue to commission television and radio adverts.

Billboards, bus stops and public transport

All adverts on buildings, vehicles and street furniture (such as bus stops), including on buses, trains, trams and at stations, would all have to comply with the 'primarily informative' definition. This is potentially the most visually striking aspect of the proposed change, as much of this advertising space is just used for brand recognition purposes, with almost no informative content. Although such adverts would continue to exist, they would probably become simpler in nature, and perhaps more text based. This could reduce their effectiveness, and therefore revenue potential, which could lead to less street-based advertising being commercially viable.

Pubs, shops and markets

Pubs, shops and markets would all be classed as publicly accessible spaces, as described within clause (9) of the proposal. However, within these premises manipulative advertising is permitted 'if it directly relates to the commercial activity of the property'. This exception would enable pubs, shops and markets to continue displaying manipulative adverts for the products they sell. Everyone entering a pub has in effect consented to buying something the pub sells. However, all adverts unrelated to the commercial activity of the premises would have to meet the criteria of primarily informative advertising. If you cannot purchase an advertised product or service on the premises, then any advertising must be primarily

informative. Since such adverts are generally provided by an advertising agency, this distinction is unlikely to create significant additional complexity for proprietors.

It is worth noting that, as a result of point (8), the outside signage advertising a shop (as opposed to adverts for specific products) would class as labelling rather than advertising, meaning the 'primarily informative' definition would not apply. Therefore, butchers, fish markets, clothes shops and so on would still be able to display signs to attract customers to their products without the 'primarily informative' definition applying.



Simon Smith

Theatres, clubs, cinemas

All venues which have restricted access to adults, requiring the purchase of a ticket (e.g. screenings of 18+ films, night clubs, private members clubs), would be able to show manipulative adverts if they so wished, providing they inform those entering the premises that 'advertising is in use that may attempt to subconsciously influence them'. This could be via signage on a wall or tickets, as is often used to notify people of the use of strobe lighting. Beyond this, most entertainment venues without restricted access would be treated like other public spaces with only informative advertising. One exception to this may be signage on the front of theatres or venues displaying shows taking place



Simon Smith

inside, as under the proposed clause (8) this could be classified as labelling rather than advertising.

It is also worth noting that the advertising of films, theatre shows, etc., will change far less under the ‘primarily informative’ definition than most other advertising. This is because most of their advertising uses actual content of the film/play. For example, if a musical contains a catchy tune, then including this in the advert is just an accurate depiction of the product. If a film contains shots of a car flying through space, then so can its adverts. This means that most ‘over the top’ content will remain to some degree in entertainment advertising. This may make this advertising stand out more and thus increase its relative effectiveness. So, under these proposals, a greater proportion of future advertising may be for entertainment products/events. Or at least a greater proportion of the adverts people remember.

Magazines, newspapers and catalogues

Some print media advertising may carry on unchanged by the proposed restriction – for instance, those based solely on a subscription model but not aimed at children. However, most advertising in print form exists in the public domain according to (5), so would have to comply with the ‘primarily informative’ definition. This may reduce competition for print advertising space, and therefore reduce its profitability to publishers. This would be consistent with a wider (existing) trend where the business models of print media are already moving away from advertising being the primary source of income.²²

Websites, social media and apps

In some ways, the changes to digital advertising as a result of the proposal are very similar to the changes in print media. Most websites would host ‘primarily informative advertising’ in line with magazines and newspapers. However, there are many websites today which users have to log in to (and thus do or could have written agreements with), which could choose to show manipulative adverts. Social media sites, such as Facebook and Instagram are good examples, as is the digital version of the Financial Times. In order for such organisations to display manipulative adverts, they would have to ensure that none of the users to whom they show these adverts are children. This is possible as digital services allow different users to view the same page but with different adverts. In the case of online shopping sites, this may be done through account verification. Such verification could be more difficult in the case of social media and content-sharing sites.

Therefore, different online services may respond to advertising restrictions in different ways. Some will ensure all their adverts comply, for example where their business model does not depend on advertising or where their audience is primarily children. Other businesses may choose to verify that all account holders are adults before permitting access to their sites/services.²³ Others may vary the advertising shown to different users based on age verification, as another way of customising their users’ experiences. This may reduce the quantity of online advertising and/or focus advertising around those sites where manipulative advertising can be used. Changes in advertising rules may change users’ online

22 Southern, L. (2017) The (not so great) state of UK print advertising in 4 charts, Available at: [digiday.com/media/print-advertising-uk/](https://www.digiday.com/media/print-advertising-uk/) (Accessed: November 2020).

23 There are many existing age verification tools in use in the UK in response to Digital Economy Act (2017). This include: [AgeID](#), [AgeChecked](#), [AgePass](#), and use card details, phone numbers, or password/driving licence number to check users age.

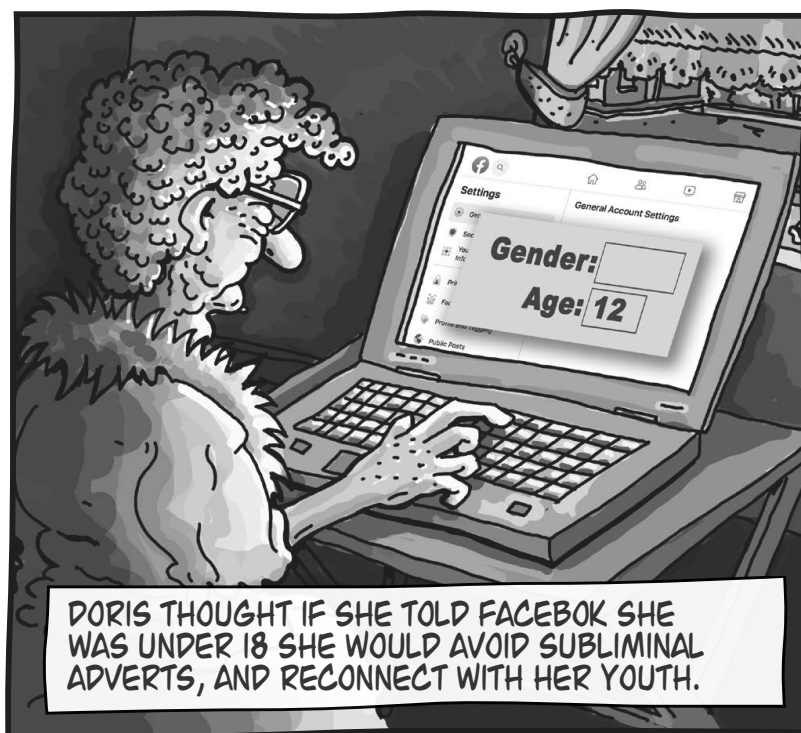
habits too. Variation in the type of advertising online users see may increase awareness of advertising and cause a shift in online preferences, perhaps with some choosing to avoid subliminal advertising. This could influence how sites choose to comply with the proposed regulation.

Sponsorship, product placement and influencers

There are already rules requiring content to be labelled as adverts if companies have paid to have their content featured.^{24,25} Point 13 of the proposed definition would reinforce that need for clear labelling of content with it applying uniformly across all mediums (television, film, social media, print, etc.). The last part of the definition stipulates that when content is being primarily produced for a UK audience, that the content itself would class as advertising, so the rules about adverts being primarily informative would apply. This would not stop past films or television series that contain product placement being shown, but they would have to be clearly labelled as being adverts for certain brands. It would, however, mean that all new content aimed at a UK audience – such as posts on social media and programmes/flyers as well as television shows and films – could only contain product placement if their content met the ‘primarily informative’ definition and were labelled as adverts.

For logos of sponsors in printed programmes, on banners or even videos of bloggers ‘unboxing’ products they’ve been sent, compliance with this would be relatively easy and not represent much change. Banners on videos or headings in programmes could provide clear labelling to distinguish ‘the advert’ from other content. If all a video shows is someone opening or testing a product in their home, then providing editing is kept to a minimum, there is little scope to introduce content or modification to content beyond clearly communicating what opening or using that product is like. There is nothing in the definition to stop an individual giving their personal opinion of a product based on having just opened it or used it.

Films and television shows on the other hand will have to change much more significantly to include product placement, or at least those ‘visible or audible from spaces or distributed via mediums accessible to children’. If content including product placement is an advert, and can ‘only include content or alterations to content that are required to clearly convey the intended information’, then it would have to be different from and much



24 Committees of Advertising Practice (2020) [Influencers' guide to making clear that ads are ads](#). (Accessed November 2020)

25 HM Government Audiovisual Media Services (2010) [The Audiovisual Media Services \(Product Placement\) Regulations 2010](#). (Accessed: November 2020).

simpler than, most film or television content today. In practice this may mean product placements being more like adverts within films which fit in with the story line. Given that the advertising industry seems to favour product placements being as subtle and seamless as possible, this may make the practice less appealing to marketers as well as audiences.²⁶

It would seem likely that a requirement for content containing product or brand placement to meet advertising rules would render the use of the very subliminal advertising techniques unproductive in those situations. This would likely limit product placement to film or television shows where the 'primarily informative' definition didn't apply, such as subscription television channels and films restricted to adults.

Spaces accessible to children

The proposed advertising restriction defined above does not specify the age limit for who is considered a child. It is presumed that all persons under 16 or 18 years of age would be considered a child.

Although no two people mature at the same age, a fixed age cut-off is usually how the law is defined. This may be a different age for different types of advertising consumption, in the same way that the age at which a child may have an alcoholic drink with a meal in public (with their guardians) differs from the age at which a person can purchase alcohol independently.

However, unlike with alcohol, children's desire to access manipulative advertising under age is less likely to be a problem. Perhaps when children reach whatever set age is determined, being protected from manipulative advertising is one of the things they will miss from childhood.



Simon Smith

26 Dinnie, K. Branded entertainment: Product placement & brand strategy in the entertainment business. *J Brand Manag* 16, 216–217 (2008). <https://doi.org/10.1057/bm.2008.33>.

An act of restriction or liberation?

UN statement on public space:

Public spaces are spheres for deliberation, cultural exchange, social cohesiveness and diversity. The growing commercialization and privatization of public spaces pose significant challenges to the realization of the right to participate in cultural life and to the protection of public spaces reflecting cultural diversity. People engaging in creative activities encounter manifold difficulties in using public space.²⁷

Is the proposal about restricting a commercial activity, from which on some level we benefit or about reclaiming our public spaces from overbearing adverts?

Would such a proposal free up creative capacity and intellectual space, liberating us from the chains which have stopped us creating a more equal and equitable society that exists within the earth's ability to sustain us?

Is there a moral imperative for such a change?

Historically, advertising was more informative, and less targeted, than today, although there are many 19th century adverts that use manipulative techniques.^{28,29} Since 1920, however, advertising has become more and more manipulative in its nature. More recently, advertising has become increasingly subliminal, with techniques such as extreme repetition and neuromarketing used to influence people subconsciously.³⁰ Continued increases in consumption (of both material products and services) is linked to continuous economic growth.³¹ The rise in consumerism correlates with the growth in advertising as well as the increase in material consumption over recent centuries.³² This has resulted in an increased amount of exposure to advertising, both in private and public spaces. There is also concern regarding the level of information that is gathered, both with and without people's knowledge and consent, for the purposes of advertising. This has led to ever more targeted, personalised and sophisticated advertising that may also impinge on people's privacy. Online advertising in particular is both rapidly evolving and becoming ever more complex.³³

27 United Nations : General Assembly (2014) Cultural rights , Online: UN. Available: <https://www.ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc> (Accessed: November 2020)

28 History of Advertising Trust, Catalogue, Available at: www.hatads.org.uk/catalogue/search.aspx (Accessed: Nov 2020)

29 Quick, T (2020) Advertising Evolution: How Personalization Has Improved over Time. (Accessed: November 2020).
Gallegos, J. (2020) *The History and Evolution of Advertising*. (Accessed: November 2020).

30 United Nations: General Assembly (2014) Cultural rights, Online: UN. Available: www.ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc (Accessed: November 2020)

31 Jackson, T. (2011) *Prosperity without growth*, UK: Earth Scan.

32 M, White (2009) *The rise of consumerism* (Accessed: November 2020)

33 Adshead, S., Forsythe, G., Wood, S., and Wilkinson, L. (2019) *Online advertising in the UKA report commissioned by the Department for Digital, Culture, Media & Sport*, London: Plum Consulting.(Accessed November 2020)



The increasing presence of advertising, in both physical and digital spaces, combined with its ever more subversive and manipulative nature, mean that advertising is now a potential threat to citizens' fundamental rights as set out by the UN. These fundamental rights include the right to freedom of thought, opinion and expression; the right to privacy and family life; the rights of women, children, minorities and indigenous peoples; the right to food, health, education and leisure; the right to take part in cultural life; and the right to artistic freedom.³⁴

If all citizens still have the right to freedom of thought, then they should have the right to choose not to expose themselves to subconscious manipulation, particularly by commercial entities with no obligation to consider their best interests. If so, surely such practices must be banned from public spaces and citizens should be able to choose to opt in to being exposed to them. A 2014 UN report into cultural rights stated:

*Theories of consumer culture and cultivation reveal how the media and advertising can 'cultivate' values such as materialism. They stress that individual consumers do not make rational choices in the context of 'free' markets. Instead, they operate within a sociocultural, economic and political framework that shapes and limits how they think, feel and act in the contemporary marketplace. Advertising and marketing practices increasingly help to shape this framework.*³⁵

Sponsorship, brand recognition, over-repetition and other non-informative forms of advertising increasingly fill our public spaces with corporate influence, often without providing

34 UN General Assembly (1948), [Universal Declaration of Human Rights](#), 217 A (III). (Accessed November 2020)

35 United Nations : General Assembly (2014) Cultural rights , Online: UN. Available: <https://www.ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc> (Accessed: November 2020)

citizens the additional information that would enable them to make informed decisions. Product placement is a good example of advertising which has almost no informative content. Companies pay millions of pounds for movie stars to be obviously drinking their brand of beer or driving one of their cars.³⁶ This creates lots of association between these brands/products and characters or places, but rarely gives viewers any factual information about the product they didn't already know.³⁷ In fact, in the case of films like James Bond or Batman they often show fictional versions of products with fanciful features you won't get if you purchase them, cars being the optimal example.³⁸ There is a fundamental argument that the presence of brand logos, whether on screen or on billboards, at minimum crowds out non-commercial advertising and communications, and perhaps even affects creativity.

It is important to remember that commercial advertising 'is not neutral in terms of the values, world visions and aspirations it promotes',³⁹ which gives corporate actors significant influence over our cultural values and society's view of itself and the wider world. The 'Think of me as evil' report by PIRC and WWF-UK outlines how advertising tends to re-enforce certain values and how these values then affect our wider social and political choices.⁴⁰ Although some commercial influence on our cultural values is acceptable and perhaps unavoidable, the current disproportional access of commercial interests to the media and public spaces relative to other societal actors (e.g. civil society organisations)



Simon Smith

36 Hardy, T. (2020) [A History of Product Placement in Movies: What, Where, and Why](#). (Accessed: November 2020).

37 JM. Lehu (2007) *Branded Entertainment: Product Placement and Brand Strategy in the Entertainment Business*, London & Philadelphia: Kogan Page.

38 VivelaPub, "[A history of product placement in movies: 150 cases from 1911 to today](#)," 2017. (Accessed: January 2021)

39 United Nations : General Assembly (2014) Cultural rights, Available: [ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc](https://www.ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc)

40 Alexander, J., Crompton, T. and Shrubsole, G. (2011) [THINK OF ME AS EVIL? OPENING THE ETHICAL DEBATES IN ADVERTISING](#), : Public Interest Research Centre and WWF-UK. (Accessed: November 2020)

is not. This gives large commercial actors undue influence on the shape and direction of our society, and gives huge power to the relatively small number of large corporations that dominate advertising commissioning.⁴¹ This is particularly true of online advertising where it extends to advertising platforms and facilities which are dominated by a few US corporate entities.⁴² Even if advertising commissioning was more diverse and accountable, the dominance of the commercial view of society would still be a major concern.

These proposed changes would go a long way towards eliminating non-consensual exposure to subconscious marketing and would perhaps re-address the balance of power in terms of influence on our cultural values. There is no doubt that such changes would also have far reaching consequences for the advertising industry, and maybe even a significant effect on the wider economy. However, this report suggests that this would be a small price to pay for our right of freedom of thought.

41 Mind Advertising Ltd (2020) [Leading Global Advertisers by estimated expenditure in 2018](#), (Accessed: November 2020).

42 Adshead, S., Forsythe, G., Wood, S., and Wilkinson, L. (2019) [Online advertising in the UK report commissioned by the Department for Digital, Culture, Media & Sport](#), London: Plum Consulting.(Accessed: November 2020)

Could it protect citizens from harm?

Advertising is a tool for behavioural change, and can be used effectively to promote healthy and sustainable lifestyle choices. However, advertising can also instigate behavioural changes that negatively impact our own health, as well as that of our wider society and our environment, and act as a barrier to dealing with major issues, such as climate change. This section first assesses whether the proposed advertising restriction is justified in the name of public health and wellbeing. It then explores the need for such an advertising restriction to enable society to make the changes that *Facing up to Climate Reality* demands.⁴³



Simon Smith

Public health and wellbeing

Within recent years, studies have established a link between the rise in junk food advertising targeted at children and the increase in childhood obesity. Research by Cancer Research found that children who used the internet or watched commercial television for more than half an hour a day, were more likely to ask for, buy or eat junk food.⁴⁴ Similarly, a study by the University of Liverpool uncovered that during 'family friendly' television shows, 6 out of 10 food adverts were for junk food. Their report showed a clear correlation between an increase in advertisements and a corresponding increase in child consumption

⁴³ J, Foster and Green House think tank (2019) [Facing up to climate reality: Honesty, Disaster and hope](#), London: Green House think tank.

⁴⁴ NHS (2018) [Does TV and internet advertising feed children's junk food habits?](#) (Accessed: November 2020).



Figure 1: World Health Organization, World No Tobacco Day 2020 – [Campaign Resources Hyperlink](#)

of junk food.⁴⁵ This is not an issue to be taken lightly, as in the years 2016–17 the NHS reported that 1 in 5 children aged 10–11, and 1 in 10 children aged 4–5, in the UK were classified as obese.⁴⁶ Childhood obesity can have a detrimental impact on the physical health of a child, in addition to their self-esteem, social interactions and overall mental health.⁴⁷ Furthermore, childhood obesity can have far reaching implications beyond childhood, with a clear link drawn between childhood obesity and obesity in adulthood.⁴⁸ There is also evidence to suggest that cartoon characters are being used to market unhealthy foods explicitly to children.^{49,50}

It is not just children whose behavioural choices are affected by advertising. Studies have also demonstrated the extent to which adults' food choices are influenced by their exposure to advertising. A random controlled trial in 2014 indicated that adults in the UK exposed to food advertising chose 28% more unhealthy snacks than those exposed to non-food advertising.⁵¹ Obesity is a growing health epidemic in the UK. It is responsible for a rise in

45 Obesity Health Alliance (2017) [Why it's Prime Time to Protect Children from Junk Food Adverts](#) A 'Watershed' Moment · Online: Obesity Health Alliance.

46 NHS (2018) Statistics on Obesity, Physical Activity and Diet – England, ([Accessed: November 2020](#))

47 K,Sahoo, et al. (2015). [Childhood obesity: causes and consequences](#). Journal of Family Medicine and Primary Care. 4 (2), 187–192.

48 Biro, F and Wien, M. (2010). [Childhood obesity and adult morbidities](#). The American Journal of Clinical Nutrition. 4 (2), 1499S–1505S.

49 J, Boulton, et al. (2016) [How much sugar is hidden in drinks marketed to children? A survey of fruit juices, juice drinks and smoothies](#). BMJ Open Access: BMJ. (Accessed: November 2020)

50 S, Pombo-Rodrigues, et al. (2020) [Nutrition Profile of Products with Cartoon Animations on the Packaging: A UK Cross-Sectional Survey of Foods and Drinks](#) , London: Wolfson Institute of Preventive Medicine, Barts and The London School of Medicine & Dentistry, Queen Mary University of London.(Accessed November 2020)

51 Zimmerman. and S, Shimoga (2014) [The effects of food advertising and cognitive load on food choices](#). Online: BMC Public Health.(Accessed: November 2020)

non-communicable diseases, including diabetes and cancer. Furthermore, the health costs borne by the NHS due to obesity is projected to reach £9.7 billion by 2050, with the wider cost to the UK predicted to reach £49.9 billion each year.⁵² Whilst advertising may not be solely to blame for the obesity epidemic, the above research indicates how exposure to advertising may increase behaviours harmful to health, such as eating junk food. Whilst there are few studies investigating the impacts of restricting advertising on obesity or alcohol intake, we can consider the relationship between smoking and restricting advertising, as an indicator as to how reducing the amount of advertising that people are exposed to can have a positive influence on their health.^{53,54} The impact of the UK's ban on visible tobacco advertising in 2012 is a clear example of this.⁵⁵ Prior to the ban, 57% of children who smoked regularly bought their cigarettes in shops. This fell to 40% by 2016.⁵⁶ This points to how removing advertising from public spaces can positively impact our health.⁵⁷

Not only can advertising impact our physical health, there is also a growing body of research suggesting that advertising has a significant effect on mental health. This includes impacting our perception of body image and self-esteem. In 2018, the NHS wrote an open letter to the Advertising Standards Authority, asking whether existing regulations were robust enough to protect the wellbeing of children and young people.^{58,59} The letter cited an incident in which cosmetic surgery was advertised during Love Island, an ITV reality show, where the entry

SMOKING RATES DECLINE WITH ACTION

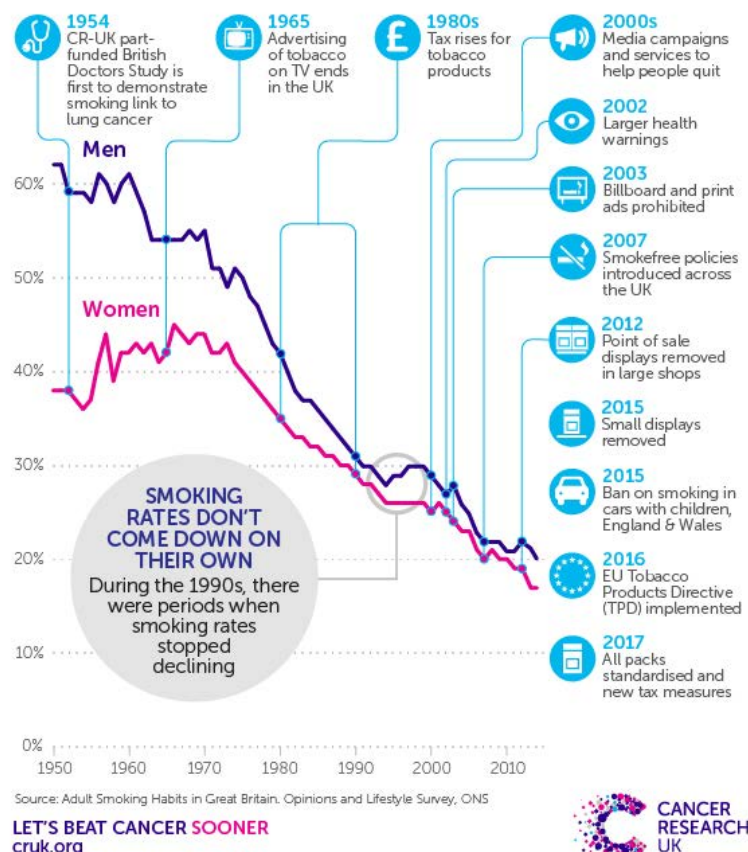


Figure 2: Infographic from "This is the end of tobacco advertising" -- Cancer Research UK Science blog by Cancer Research UK (May 2017)

52 Public Health England (2017) [Health matters: obesity and the food environment](#). (Accessed: November 2020)

53 ASH: Action on Smoking and Health (2019) [UK Tobacco Advertising and Promotion](#). (Accessed: November 2020)

54 World Health Organisation (2020) [Tobacco Free Initiative \(TFI\) :Enforce bans on tobacco advertising, promotion and sponsorship](#). (Accessed: November 2020).

55 Department of Health and Social Care (2012) [Tobacco displays in shops to end from today](#). (Accessed: November 2020).

56 J, Saqui. (2018) [Tobacco display ban linked to drop in children buying cigarettes in shops](#). (Accessed: November 2020).

57 Saffer H, Chaloupka F. (2000) The effect of tobacco advertising bans on tobacco consumption. J Health Econ.19(6):1117-37. doi: 10.1016/S0167-6296(00)00054-0. PMID: 11186847

58 (2018) 'Mental Health Network says look harder at effects of tv advertising on mental health' NHS Mental Health Network, Available at: nhsconfed.org/media-centre/2018/07/mental-health-network-says-look-harder-at-effects-of-tv-advertising-on-mental-health (Accessed: June 2020)

59 L, Donnelly (2018) [Love Island advertising is 'fuelling body insecurities among teenagers'](#). (Accessed: November 2020).



requirements for contestants relies heavily on their looks. A COM-res survey conducted for the BBC indicated that over 50% of 18–34 year olds felt their idea of body image was negatively influenced by social media and reality television.⁶⁰ Yet it is still judged acceptable to run an advert about cosmetic surgery during a show where the audience has a particularly high chance of insecurity concerning their appearance and may be impressionable due to their age. This is a particularly potent example of how our current laissez-faire attitude to advertising puts commercial gain above any regard for potentially damaging mental health impacts.

Young people, particularly girls, appear under ever greater pressure to achieve the perfect body image.^{61, 62} This is influenced by advertising and its disconnect from the reality of typical (healthy) body shapes.⁶³ It is commonplace in the advertising industry for images to be altered to remove wrinkles, lighten the skin of people of colour, eradicate cellulite, blemishes, moles and freckles, and to create a thinner and/or more sexualised figure.⁶⁴ Not only are these practices discriminative – by declaring that wrinkles, skin colour and weight affect your attractiveness or value – but they also have serious implications for people's sense of self-esteem and self-perception.⁶⁵ In France these practices have been deemed so harmful that a law was introduced in 2018 requiring all digitally altered photos to bear a disclaimer stating the photo has been doctored, to highlight the unrealistic nature of the image.⁶⁶

60 H, Thomas (2018) Social media and reality TV is 'bad for body image', survey suggests, Available at: <https://www.bbc.co.uk/news/health-45006627> (Accessed: November 2020).

61 N, Burrows (2013) [Body image –a rapid evidence assessment of the literature](#), Online: Government Equalities Office. (Accessed: November 2020)

62 N, Burrows (2013) [Body image –a rapid evidence assessment of the literature](#), Online: Government Equalities Office
Judith Burns (2016) 'Pressure to look perfect hits girls' confidence, say Guides', BBC News (Accessed: Dec 2020)

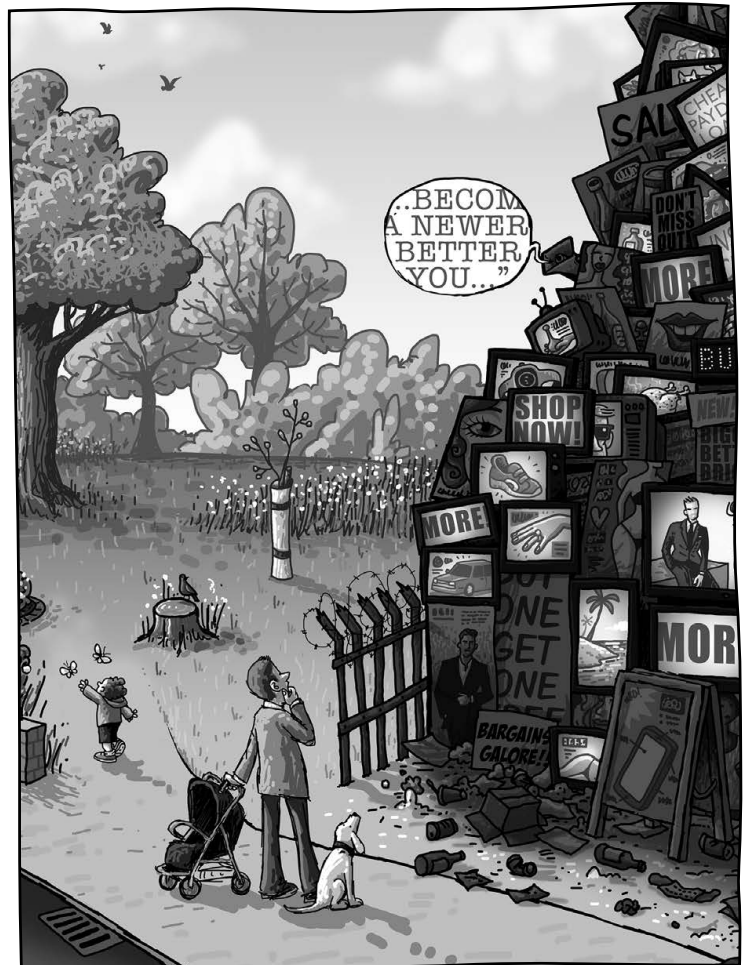
63 Mental Health Foundation. (2019). [Body Image: How we think and feel about our bodies](#). (Accessed: November 2020)

64 Clay, D. V, Vignoles. and H, Dittmar. (2005) 'Body Image and Self Esteem Among Adolescent Girls: Testing the Influence of Sociocultural Factors', *Journal of Research Adolescence*, 15(4), pp. 451–477.

65 Kretz, Valerie, "Perceived Reality of Images of Women in Magazines" (2011). Master's Theses (2009 –). Paper 82

66 D, Chazan. (2017) [photoshopped images to come with a warning under french law](#), Available at: [telegraph.co.uk/news/2017/09/30/photoshopped-images-come-warning-new-french-law/](https://www.telegraph.co.uk/news/2017/09/30/photoshopped-images-come-warning-new-french-law/) (Accessed: November 2020)

This move is based on clear reasoning as evidence shows that altered images can greatly impact an individual's satisfaction with and perceptions of their own image.⁶⁷ For example, one study of university students showed that 81% were dissatisfied with their body image despite the fact that only 40% of participants were overweight and 4.5% underweight.⁶⁸ By altering and manipulating images, advertisers play on our human weakness to compare ourselves to one another. With social media providing an accessible and grossly rose-tinted platform for this form of comparison, it is unsurprising that we as a society are so critical of our bodies, our material possessions and our perceived standing in society.⁶⁹ This continual self-evaluation is viewed as one of the contributors to increasing anxiety and depression in young people, which has increased by 70% in the last 25 years.^{70,71} Impacts range from 9 out of 10 young people reporting editing their photos to make them more attractive before posting online⁷² to the correlation between advertising in teen girl magazines and the increase in dieting behaviours, anxiety and bulimic symptoms in girls who are dissatisfied with their bodies.⁷³ We sadly now live in a society where the rates of poor mental health in young people have skyrocketed, with 1 in 7 children attempting self-harm or suicide.^{74,75} This rise is attributed to the digital age, and the self-comparison that comes with social media. In this context, the role of wall-to-wall (or screen-to-screen!) adverts is increasingly potent in undermining the self-esteem of consumers through their constant messaging that the



Simon Smith

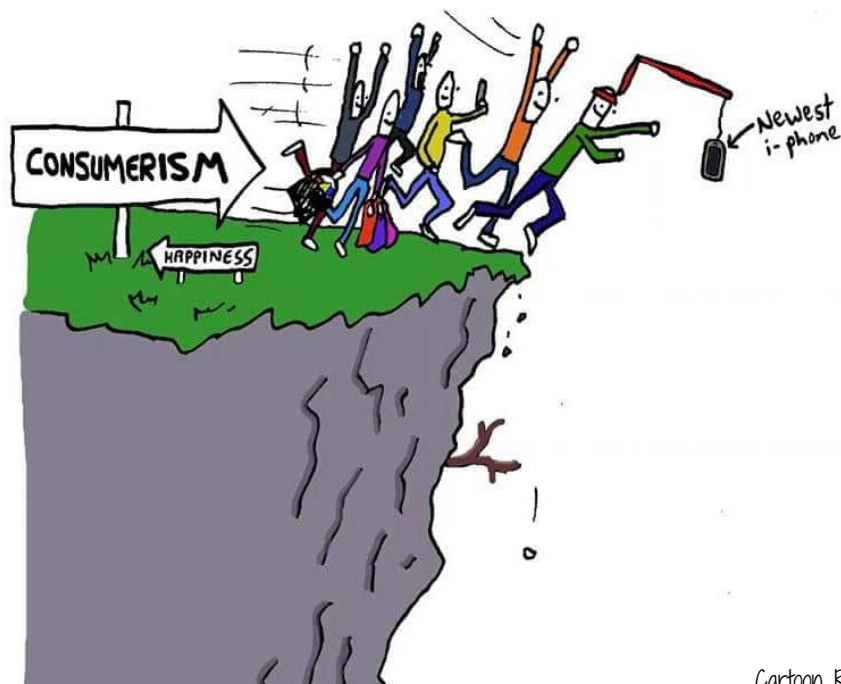
- 67 Jennifer C, and Robert C, (2020) ["Weight stigma and media: An examination of the effect of advertising campaigns on weight bias, internalized weight bias, self-esteem, body image, and affect"](#), Body Image Journal 36 p95-106
- 68 Radwan, H, et al (2019) ["Body Mass Index Perception, Body Image Dissatisfaction and Their Relations with Weight-Related Behaviors among University Students"](#), International Journal of Environmental Research and Public Health, 16:9 Online.
- 69 M, Martin. and P, F. Kennedy. (1994) ["Social Comparison and the Beauty of Advertising Models: the Role of Motives For Comparison"](#), in NA - Advances in Consumer Research Volume 21, eds. Chris T. Allen and Deborah Roedder John, Provo, UT : Association for Consumer Research, Pages: 365-371.
- 70 Royal Society For Public Health (2017) ["#StatusOfMindSocial: media and young people's mental health and wellbeing"](#), Online : Royal Society For Public Health
- 71 D, Campbell (2017) [Stress and social media fuel mental health crisis among girls](#) (Accessed: November 2020)
- 72 R, Cosslett (2016) [Thinner, smoother, better: in the era of retouching, that's what girls have to be](#), (Accessed: November 2020).
- 73 Eating disorders: body image and advertising. (2008). Retrieved from: [healthypplace.com/eating-disorders/main/eating-disorders-body-image-and-advertising/menu-id-58/](https://www.healthypplace.com/eating-disorders/main/eating-disorders-body-image-and-advertising/menu-id-58/) (Accessed: October 2020)
- 74 NHS (2017) [Worrying rise in reports of self-harm among teenage girls in UK](#), (Accessed: November 2020).
- 75 Center for Mental Health Briefing 53: [Social media, young people and mental health](#), London: Center for Mental Health (Accessed: January 2021)

only 'cure' for our imperfections is to buy whatever they're selling. But what do we lose as a result of this?

With public spaces freed from the distorted reality of manipulative advertising, we may be able to address the feelings of low self-esteem and poor self-worth that are contributing to our growing mental health crisis. The proposal to restrict advertising would go a long way towards creating such public spaces. But is such a proposal justified? Some will surely claim that the commercial and economic impacts of such a restriction are justified by the likely gains in our health and wellbeing. However, others may claim that without hard evidence demonstrating that such a restriction on advertising would reverse the current health crises, that this would be detrimental to the interests of wider society. This follows a long history of documented examples where those with commercial interests have resisted public health initiatives that threaten their profits. For example, this resistance can be seen during the introduction of plain packaged cigarettes, the smoking ban in public places, the introduction of carbon taxes and the UK sugar tax. In all these cases, companies that profited from causing harm have spent large sums trying to dissuade the state from introducing legislation to protect its citizens.

Whether such a proposal is justified on health grounds depends on how much a society prioritises health and wellbeing over economic goals. For a society still focused on short-term economic metrics such as GDP growth as its primary performance measure, such a proposal is less likely to be justified. However, for decision making that prioritises quality of life ahead of material wealth, whether it be authoritarian or liberal, the proposal seems clearly legitimate:

improving the mental and physical health of the population in the long term justifies the short-term impact of restricting advertising. This report's outline of the health and wellbeing justification for restricting advertising may not immediately start the campaign required for change, particularly because of the current priority given to economic growth by society. But perhaps there is a more urgent justification for these proposals that depends less on how society chooses to measure progress. It is to this that we now turn.



Cartoon Ralph

Climate and biodiversity emergencies

Advertising seems to have a clear relationship with consumption, and consumption has a clear relationship with environmental degradation.^{76,77} A report published by the Journal of Industrial Ecology suggests that household consumption accounts for up to 60% of global greenhouse gas (GHG) emissions.⁷⁸ The UK has committed to a target of net zero carbon emissions by 2050.⁷⁹ In 2015 the UN Convention on Climate Change culminated with the Paris Agreement to limit global temperature rise to ideally 1.5°C, but no more than 2°C above pre-industrial levels.⁸⁰ Since 2015, there has been a growing body of evidence showing that exceeding a 1.5°C temperature change puts global societies at unacceptable risk of catastrophe.^{81,82} To date, global temperatures have already risen 1°C.⁸³ There is also growing concern that pledges countries have made to contribute to the Paris Agreement fall far short of what's needed to limit climate change to 2°C, let alone 1.5°C and potentially set us on course for 3–4°C.⁸⁴

It is therefore clear that the current UK policy of net zero by 2050 isn't an early enough target to deliver the sort of rapid transition needed to limit global temperature rise to 1.5°C.⁸⁵ However, with protest groups calling for net zero by 2025 and political parties for 2030, combined with the latest IPCC report stating that there is only a 12-year window to meet the 1.5°C target, the next decade will evidently be critical.^{86,87,88} The UK's Committee on Climate Change's 2020 progress report to parliament has made clear the UK is not currently on track to meet its targets and the next 18 months are crucial.⁸⁹ There is a clear imperative to immediately take bold action to make the bulk of emissions reductions now.

Simultaneously the globe is facing biodiversity loss on the scale of a mass extinction event.⁹⁰ Human actions threaten more species with global extinction now than ever before,

76 Tim Kasser, PhD, et al, (2020) '[Advertising's role in climate and ecological degradation](#)', New Weather Institute, Possible and KR Foundation.

77 Alexander, J, Crompton, T. and Shrubsole, G. (2011) [THINK OF ME AS EVIL? OPENING THE ETHICAL DEBATES IN ADVERTISING.](#): Public Interest Research Centre and WWF-UK..

78 Ivanova D, et al, (2015) '[Environmental Impact Assessment of Household Consumption](#)', Journal of Industrial Ecology , 20(3), pp. 526–536.

79 [HM Government: Department for Business, Energy & Industrial Strategy \(2019\) UK becomes first major economy to pass net zero emissions law](#), (Accessed: November 2020).

80 [United Nations Framework Convention on Climate Change \(2015\) 'The Paris Agreement'](#), United Nations (Accessed: November 2020).

81 IPCC, (2018) '[Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.](#)

82 J, Foster and Green House think tank (2019) [Facing up to climate reality : Honesty, Disaster and hope](#), London: Green House think tank.

83 Met Office (2018) [Global surface temperatures in 2017](#), (Accessed: November 2020).

84 Climate Action Tracker (2020) [Addressing global warming](#), (Accessed: November 2020).

85 Jackson T 2019: [Zero Carbon Sooner—The case for an early zero carbon target for the UK](#). CUSP Working Paper No 18. Guildford: University of Surrey.

86 Extinction Rebellion (2020) [Our Demands](#), (Accessed: November 2020).

87 The Green Party (2017) Policy: [The Climate Emergency](#), (Accessed: November 2020).

88 IPCC, (2018) '[Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty.](#)

89 Committee on Climate Change (2020) '[Reducing UK emissions: 2020 Progress Report to Parliament](#)', UK Government

90 Barnosky, A, et al, (2011) '[Has the Earth's sixth mass extinction already arrived?](#)', Nature, (471), pp. 51–57.

with around 25% of animal and plant groups threatened.⁹¹ The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)⁹² stated:

What do the climate and biodiversity emergencies mean for consumption and therefore advertising?

Perhaps the first, obvious point is that our level of consumption of materials and energy, and the consumer demand that tends to increase this, will need to be managed in such a way that it sits within environmental limits.^{93,94} This requires a reduced demand for transport and other carbon intensive activities, including reducing the demand for consumer goods. Not only are a significant proportion of hard to abate transport emissions linked to consumer goods, but a 2018 Defra report shows that a growing proportion of UK GHG emissions are embedded in imported goods and services.⁹⁵ Professor Tim

Jackson recently highlighted that the only time in the last few decades that consumption emissions fell at an annual rate close to the rate required to avoid runaway climate change was immediately after the financial crisis.⁹⁶ This period was categorised by a rapid reduction in spending on consumer goods alongside a reduction in investment in capital projects (thereby reducing demand for materials). This suggests that to rapidly reduce emissions on the scale required, some reduction of consumption is needed.



Simon Smith

91 IPBES (2019) '[Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services](#)' IPBES secretariat, Bonn, Germany

92 idib

93 Energy Transitions Commission, (2018), '[Mission Possible: Reaching net-zero carbon emissions from harder-to-abate sectors](#)'

94 Essex, J (2014) '[How to Make Do and Mend our Economy: Rethinking Investment Strategies for Construction and Industry to meet the Challenge of Sustainability](#)'

95 DEFRA, (2018) '[UK's Carbon Footprint 1997 – 2017](#)', UK Government (Accessed: Nov 2020)

96 Jackson T 2019: [Zero Carbon Sooner—The case for an early zero carbon target for the UK](#). CUSP Working Paper No 18. Guildford: University of Surrey.

We need to re-evaluate our relationship with consumption in order to meet the 1.5°C warming target set by the 2015 Paris Agreement.⁹⁷ The recent IPBES report also states:

‘Importantly, [the needed actions] also involve a change in the definition of what a good quality of life entails – decoupling the idea of a good and meaningful life from ever-increasing material consumption.’⁹⁸

The extent to which this needs to be permanent may depend on other changes we make to our society, as well as on how the planetary changes we’ve set in motion unfold.

Other than advertising, many factors affect demand for consumer goods, including amount of disposable income, levels of personal debt and wider economic and social conditions. It was these other factors that drove the reduction in consumption after the 2008 financial crisis. It seems probable that fiscal measures to reduce GHG emissions, such as carbon taxes, could lead to reductions in disposable income, reducing money available for purchasing consumer goods and thus reducing overall UK consumption-related GHG emissions. If this happens, without addressing the factors that make people want to consume these goods (and services), it could foster resentment in society. Not just because people want things they can’t have, but because they are aware of, or feel there is, an inequality of opportunity or access. With lower levels of consumption, existing differences between people’s standards of living potentially create more tensions, as people are less able to improve their own standard of living through the purchase of new goods. This is recognised by the Committee on Climate Change which stated in their Sixth Carbon Budget report that “a vital challenge is to ensure that the transition is fair, and perceived to be fair.”⁹⁹

Such resentment could manifest itself in a reduction in people’s self-esteem, which could exacerbate existing mental health issues as well as creating new ones. There is also evidence linking inequality to increased crime rates.¹⁰⁰ Alternatively, the resentment could manifest as resistance to the changes being made in the name of action on climate, or towards different groups in society perceived to be ‘having it easy’.¹⁰¹ Given that the behavioural change element of the transition required to tackle both biodiversity loss and climate change is already difficult, it would seem unwise to fuel further resistance. Green House think tank has previously highlighted that using fiscal instruments to drive behavioural change without confronting the root causes of consumerism is not sufficient.¹⁰²

A wider approach to demand management is needed. During the Second World War, demand reduction was primarily implemented through rationing of ‘essential’ goods and services. Although the requisitioning for the war effort of factories that made non-essential goods also made it difficult to procure other consumer goods, the government deemed

97 Chris Large (2018), [‘Rethinking consumerism for the sake of young people’s mental health \(and the planet\)’](#), Environmental Funders Network

98 IPBES (2019) [‘Global assessment report on biodiversity and ecosystem services of the Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services’](#) IPBES secretariat, Bonn, Germany

99 Chris Stark et al (2020) [“The Sixth Carbon Budget – Executive Summary”](#), The Committee on Climate Change, page 29

100 The Equality Trust (2020) [Crime](#), (Accessed: November 2020)

101 The Equality Trust (2020) [Trust, Participation, Attitudes and Happiness: Engagement with Politics and Society](#), (Accessed: November 2020)

102 A. Dobson (2011) [Sustainability Citizenship](#), Weymouth: Greenhouse ThinkTank.



Simon Smith

it important that the impact of reduced consumption was seen as fair, as the cohesion of society was critical to the war effort.¹⁰³ There were also marked changes in advertising during the war, with wide use of public service announcements that were effectively government advertising.¹⁰⁴

If rationing was introduced today, a wise government would also start a public information campaign to communicate how the system would work, and the rationale behind it. The government response to the COVID-19 pandemic demonstrates the use of such a campaign in parallel with restrictions to individuals' lives to get public buy-in. Similarly, the active use of fiscal measures to reduce consumption levels significantly would probably need a public information campaign as well as restrictions on the advertising of the

103 Imperial War Museum (2020) [What You Need To Know About Rationing In The Second World War](#). (Accessed: November 2020).

104 The National Archives (2011) [World War Two: Government Posters How did Britain encourage people at home to help win the war?](#). Online: The National Archives : Education Services.



Figure 3: WW2 government propaganda poster next to a mock-up poster in the same style but with message from a modern advert.

relevant products and services. Given that currently almost all products and services contribute to climate change through GHG emissions, this would imply an overall move to restrict manipulative advertising, which as well as aiding demand reduction by managing public expectation, would create media space for public information campaigns.

This report recommends an approach of both restricting commercial advertising and creating public information campaigns, combined with the use of fiscal tools and/or rationing to reduce demand. This is primarily because in parallel with hard demand management, such an approach attempts to regulate the soft factors which encourage demand. It is in effect trying to change expectations in line with possibilities, as it is disappointment rather than consuming less that fuels resentment.

What about political advertising?

There is some advertising which is not for direct commercial gain, and which, in a democracy should by right be persuasive rather than just informative, although perhaps not manipulative. It would be remiss to not discuss such advertising explicitly in this report as arguably its persuasive or manipulative natures come from different motivations to commercial advertising. The rules regulating political advertising are currently, and should remain, different from that of advertising generally.

For a party-based, representative democracy to function, there must be a lively debate between candidates, parties and, most importantly, the public and civil society. This requires the communication of facts and arguments to the general public. This is in part done through advertising, but not just by political parties. The party political debate takes place within the wider 'sociocultural, economic and political framework that shapes and limits how they [people] think, feel and act'.¹⁰⁵ This framing is influenced by a much greater set of actors including charities, trusts, foundations, academic institutions, campaign groups, community organisations, religious organisations, the government itself and businesses both large and small through their operating decisions as well as the commercial advertising they commission. In some cases prominent individuals alone can have significant impact on this framework.^{106,107,108}

What is and isn't classed as political advertising, along with what regulations there are about political advertising, matters to the state of our democracy. Perhaps the recent case of the frozen foods supermarket Iceland's 2018 Christmas advert, highlights this well. Iceland attempted to rebadge an animated short film created by Greenpeace, which featured an orangutan and the destruction of its rainforest habitat at the hands of palm oil growers, as an advert. The intention was to publicise the supermarket's pledge to remove all palm oil from its own-brand foods. Voiced over by actress Emma Thompson, the advert, Iceland's founder Malcolm Walker claimed, 'would have blown the John Lewis ad out of the window. It was so emotional.' However, the advert was never aired. Clearcast, the body responsible for vetting ads before they are broadcast to the public, said it was in breach of rules banning political advertising laid down by the 2003 Communications Act. A spokesperson for Clearcast said that the advert didn't comply with the broadcast code for advertising practice (BCAP), which stipulates that an advert is prohibited if it is 'directed towards a political end.' As the creative content submitted to Clearcast was linked to an 'organisation who have not yet been able to demonstrate compliance in this area,' the advert was pulled.

There's no doubt that the advert was intended to be manipulative, and the choice to repurpose the Greenpeace short was a deliberate marketing tactic on the part of Iceland. Claiming to be the environmentally-friendly choice, it aimed to evoke an emotional response in an effort to prick its would-be consumers' green conscience and boost sales.

105 United Nations: General Assembly (2014) Cultural rights, Online: UN. Available: [ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc](https://www.ohchr.org/Documents/Issues/CulturalRights/ConsultationImpactAdvertising/A.69.286.doc) (Accessed: November 2020)

106 J, Prescott (2020) John Prescott: Don't let billionaires decide future of UK, Available at: [mirror.co.uk/news/politics/john-prescott-dont-billionaires-decide-12044478](https://www.mirror.co.uk/news/politics/john-prescott-dont-billionaires-decide-12044478) (Accessed: November 2020).

107 S, J. Hoffman, et al, (2017) 'Celebrities' impact on health-related knowledge, attitudes, behaviors, and status outcomes: protocol for a systematic review, meta-analysis, and meta-regression analysis', Systematic Reviews, 6(13) Online

108 B, Page, et al, (2018) *What billionaires want: the secret influence of America's 100 richest*, (Accessed: November 2020).

However, if you consider the laws that Clearcast were enforcing, the advert says far more about the politics of British society as whole, than it does about the politics of Iceland. Chapter 21 of the 2003 Communication Act, Part 3, Chapter 4, section 321 states:

(2) For the purposes of section 319(2)(g) an advertisement contravenes the prohibition on political advertising if it is–

- a.** an advertisement which is inserted by or on behalf of a body whose objects are wholly or mainly of a political nature;
- b.** an advertisement which is directed towards a political end; or
- c.** an advertisement which has a connection with an industrial dispute.

It goes on to define ‘political nature’ and ‘political ends’ to include:

- a.** *influencing the outcome of elections or referendums, whether in the United Kingdom or elsewhere;*
- b.** *bringing about changes of the law in the whole or a part of the United Kingdom or elsewhere, or otherwise influencing the legislative process in any country or territory;*
- c.** *influencing the policies or decisions of local, regional or national governments, whether in the United Kingdom or elsewhere;*
- d.** *influencing the policies or decisions of persons on whom public functions are conferred by or under the law of the United Kingdom or of a country or territory outside the United Kingdom;*
- e.** *influencing the policies or decisions of persons on whom functions are conferred by or under international agreements;*
- f.** *influencing public opinion on a matter which, in the United Kingdom, is a matter of public controversy;*
- g.** *promoting the interests of a party or other group of persons organised, in the United Kingdom or elsewhere, for political ends.*

This represents a very broad definition indeed. It would seem to define political as anything which challenges the status quo. Perhaps it is no wonder that policy change in the UK can be hard to bring about, even on less controversial matters. Above all, it demonstrates how embedded the values of consumerism are in the British sociocultural, economic and political framework. Almost all corporate adverts contribute to a consumerist (and free-market capitalist) idea. Most corporate adverts are therefore ‘directed towards a political end’ – the ‘political end’ of furthering (unsustainable) free-market capitalism to one degree or another. The difference being that it is an end which is already embedded. An advert can encourage more of the same without being political, but cannot try to, or originate from an

organisation which is trying to, change the system in any way. The only exception to this currently would seem to be adverts which challenge stereotypes, but by definition these are just saying that people should undertake activities which the law already allows even though social norms still inhibit them.¹⁰⁹ An advert for bikes that encourages people to cycle to work is fine, but as soon as it implies this might require more cycling infrastructure then it is ‘political’ and not allowed.

The real issue with this is not that it outlaws the use of advertising by civil society as a tool for encouraging or facilitating political debate, but that it results in an imbalanced impact of advertising overall. The prohibition on political advertising could be deemed to be balanced when viewed in isolation, because all political expression is equally suppressed; however, when you consider all advertising, a different picture emerges. It is not just that much commercial advertising reinforces existing political viewpoints, and there is no advertising space to challenge these, but that this can also obscure the truth with very political consequences. A good example of this current situation is electricity companies claiming to sell renewable electricity to their customers. Shell, OVO, E.ON and EDF have all claimed, often through advertising, to be selling renewable energy to their customers. However, often this has amounted to ‘greenwash’ rather than any real change in how much renewable energy they purchase or generate.¹¹⁰ Under current regulation this is legal, and not classed as ‘political advertising’, despite the shift from using coal, oil and gas to renewable energy being a principal part of the very political by nature response to climate change. As selling or claiming to sell renewable energy is allowed within current laws, it isn’t deemed political to advertise doing so, even though the impression they’re giving to customers – that they are contributing to reducing GHG emissions when in fact they aren’t – clearly influences the very political debate about whether the UK is taking sufficient action on climate change. It would not be unfair to suggest that this question is ‘a matter of public controversy’, or that misrepresenting current action on climate change is ‘influencing public opinion on a matter’ to



109 M, Exon. and M, Arrow. (2015) [Eight ads that shatter tired gender stereotypes](#), (Accessed: November 2020).

110 Good Energy analysis of the miss use of the Renewable Energy Guarantee of Origin scheme and use of advertising to give an unrealistic picture of where customer’s energy comes from. (All Access Oct 2020) goodenergy.co.uk/blog/2019/03/27/shell-energy-s-renewable-promise-highlights-the-problem-with-regos/
goodenergy.co.uk/blog/2020/05/29/ovo-energy-s-zero-carbon-claims-have-zero-credibility/
goodenergy.co.uk/blog/2019/07/05/the-underhand-greenwashing-trick-in-edf-s-latest-advert/
goodenergy.co.uk/blog/2019/07/15/eon-is-moving-its-customers-to-a-52-renewable-48-greenwash-tariff/

borrow from the legal definition of political advertising.¹¹¹ Whether misrepresenting the current situation to sell products or services is acceptable, let alone political, is a wider concern.¹¹²

When the 2003 Communication Act introduced party political broadcasts, it banned all political advertising on television for understandable reasons. However, whilst the system of party political broadcasts seems to be a vast improvement for democracy when compared to other systems such as that of the USA,¹¹³ the way it was done has created an anomaly. Whilst the act banned all political advertising, it only introduced regulated broadcast slots during elections for political parties (party political broadcasts). This effectively banned the use of television advertising for all political matters which weren't deemed to be priorities for political parties. As a result, there are a handful of party political broadcasts which each focus on a couple of areas every election, and zero airtime is available to all other political matters. Whether it is rainforest deforestation, lack of cycling infrastructure at places of work, closure of public libraries, issues of poor mental health among young people, or poor public transport provision in rural areas – political parties are unlikely to make these their headline issues in party political broadcasts, so it effectively becomes impossible to raise such issues on television, other than via curated news content.

Through this skewed and selective notion of what constitutes a 'political end,' advertising standards effectively create a false consensus which simultaneously cultivates values like consumerism and materialism and weeds out others like environmentalism or solidarity. This is not necessarily because of the nature of each of these values, but because some are part of the status quo and others aren't. Thus current political advertising regulation adds significant inertia to our political system. A useful feature in many times, but perhaps not in a society faced with an unprecedented challenge such as runaway climate change.

The growing ambiguity around political advertising also exists outside the strictly regulated advertising which makes national television. The Cambridge Analytica scandal is just one example of how the increasing technical possibilities around advertising, particularly utilising social media and personal data to target advertising with greater precision, have revealed both regulatory and enforcement gaps. With the complexity of advertising increasing, there are also growing concerns around transparency (as highlighted by a 2019 government report¹¹⁴). Who is paying for this more subliminal advertising? What adverts are being targeted at whom?

Political advertising is outside the scope of the proposal made in this report. Whilst the restriction of manipulative advertising along these lines may reduce the prevalence and potency of commercial advertising and therefore perhaps go some way in re-addressing the balance between commercial and civil society's influence on sociocultural, economic and political framework. It won't redefine what is and isn't political advertising or how changes to the regulation of political advertising could better serve society's current needs. Neither do these proposals address any of the growing transparency or enforcement issues around online political advertising.

111 HM Government: Office of Communications (2003) Communication Act, Chapter 21 Part 3, Chapter 4, section 321

112 BEUC (2011) [Our recipe for honest labels in the EU](#), Online: The European Consumer Organisation (BEUC).

113 R.R.Mackay (2014) ['The clichéd juxtapositions and pleasing patterns of political advertising'](#), Language & Communication, 37(), pp. 100–119

114 Adshead, S, et al, (2019) [Online advertising in the UKA report commissioned by the Department for Digital, Culture, Media & Sport](#), London: Plum Consulting. (Accessed November 2020)

Perhaps between election periods, not-for-profit, membership-based civil society groups should get time slots allocated for 'non-party political broadcasts' based on their membership numbers. This would mean that television wasn't void of political advertising between election cycles. This might give organisations like the National Trust, University of the Third Age, RSBP, Caravan and Motorhome Club, Women's Institute, Royal Horticultural Society, British Gymnastics and perhaps professional associations such as the British Medical Association or Institute of Engineering and Technology, a chance to make political points they feel are important.



Perhaps every advert should have the body funding it displayed as a banner across the bottom. Perhaps it should be illegal to target political adverts based on anything other than electoral area such as wards, divisions or constituencies. Perhaps political parties should have to publish on their national website all the adverts they commission each week. Perhaps political advertising online should be banned full stop.

The evaluation of these ideas, however, should be the focus of a different, yet much needed, report.

Is a manipulative advertising restriction justified?

A bold and proactive government, which took an interventionist and precautionary approach to its duty of protecting its citizens, might well deem the proposal made in this report to be needlessly complicated. A government that embraced the idea of the ‘nanny state’ as the best way to fulfil its duty to protect its citizens, and that saw the merit in clear and simple public policy, might choose to require all advertising to be primarily informative. Whilst this clearly doesn’t remove the need for enforcement and is a less severe response than banning advertising completely (which although not without consequences is not beyond the rights or power of elected governments), it would remove the complexity of allowing different sorts of advertising in different places.

However, history has not proved total prohibition to be the solution to all problems, although a citizen’s relationship with adverts is very different to that with addictive drugs such as alcohol and tobacco. There is some value in the ‘don’t throw the baby out with the bath water’ argument in this context.

That said, neither should we allow the presence of the baby to stop us acting at all. This report makes clear, that based on the UN’s Universal Declaration of Human Rights (UDHR), there is clear moral reasoning to give citizens the right to opt out of seeing advertising that tries to subconsciously manipulate them. It is also clear that no government can claim to be taking action on climate change, or the growing mental- and diet-related health issues (non-communicable diseases), without proposals to change the regulation around advertising. And whilst this report considers environmental and social factors which impact on people’s quality of life to be more important than economic considerations (the purpose of the economy is to allow people to thrive), it is worth noting that currently we are spending a significant amount public money dealing with consequences of obesity, whilst the advertising industry spends far more on advertising unhealthy food than the state does promoting healthy eating.¹¹⁵

The question is what level and type of restriction would be sufficient to allow these challenges to be fully addressed, but to not impose unduly on citizens’ other rights. The UDHR, Article 12, states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

The key word being ‘arbitrary’. A restriction needs to be justified, for instance on the grounds of a state protecting its citizens from consequences of ecosystem breakdown, climate change or non-communicable diseases. A balance needs to be struck.

In 2011 a PIRC and WWF-UK report reviewing the impact of advertising in relation to environmental and social objectives concluded that although more research was needed to be ‘unequivocal’ about some of the impacts, the following should happen:

¹¹⁵ Obesity Health Alliance (2017) [Why it’s Prime Time to Protect Children from Junk Food Adverts](#) A ‘Watershed’ Moment, Online: Obesity Health Alliance L, Hughes. (2016) [More spent on treating obesity-related conditions than on the police or fire service, says NHS Chief, Telegraph](#) (Accessed: November 2020).

- *We must seek to reduce the negative impact that advertising has on cultural values.*
- *We must reduce the pervasiveness of advertising, reversing the trend to communicate with us as consumers in every facet of our lives.*

'Think of me as evil' – PIRC & WWF-UK 2011¹¹⁶

Since then there have been many calls for restrictions around advertising. The list below highlights but a few, and represents a broad range of motivations. For some it is the desire for fewer intrusions into public space or for action to reduce GHG emissions, whereas others are motivated by a preventative approach to reducing health or social problems. Although clearly if all these calls were answered the UK would have made progress in addressing the negative impacts of advertising raised in this report, it would represent a very piecemeal approach.

- Commercial Free Childhood¹¹⁷
- Stop Targeted Advertising to Kids¹¹⁸
- Public Space free from billboards¹¹⁹
- Prohibit adverts for High in Fat, Salt and Sugar (HFSS) food before 9pm watershed¹²⁰
- Prohibit gambling adverts during live events¹²¹
- Tighter mandatory regulations on in-store and on-pack promotions on products aimed at children¹²²
- Calls to ban advertising of Carbon intensive products¹²³

Now is not the time for piecemeal solutions. Although people have been trying to raise the alarm over climate change, diet-related ill health and mental health issues for some time, over the last year it has become beyond doubt that the bells are ringing. On climate change, not only have the actions of Extinction Rebellion and school children striking prompted parliament to declare a climate emergency,¹²⁴ but the publication of UK Fires's '*Absolute*

116 Alexander, J., Crompton, T. and Shrubsole, G. (2011) [THINK OF ME AS EVIL? OPENING THE ETHICAL DEBATES IN ADVERTISING.](#): Public Interest Research Centre and WWF-UK..

117 Commercial Free Childhood (2020) [What is a Commercial-Free Childhood?](#), (Accessed: November 2020).

118 (2020) '[Kids for Sale: Online advertising & the manipulation of children](#)', Global Action Plan, (Accessed: December 2020).

119 Ad Free Cities (2020) [adfreecities.org.uk](#) (Accessed: December 2020).

120 M, O'Connell, K, Smith, and R, Stroud. (2019) [The impact of restricting TV advertising of junk food would depend on how firms respond.](#) (Accessed: November 2020).

121 No Author: BBC News (2018) [Labour calls for ban on gambling ads during live events.](#) (Accessed: November 2020).h

122 The Food Foundation (2017) [UK'S Restrictions On Junk Food Advertising To Children](#), Online: The Food Foundation.

123 The Green Party (2020) [Less is More: Executive Summary](#), (Accessed: November 2020).

124 Fridays For Futures (2020) What We Do:, Available at: [fridaysforfuture.org](#) (Accessed: November 2020).

[UK Student Climate Network \(2020\) Strike with us](#), Available at: [ukscn.org](#) (Accessed: November 2020).

Extinction Rebellion (2020) Events, Available at: [extinctionrebellion.uk](#) (Accessed: November 2020).

UK Parliament (2019) The most important issue of our time," Opposition calls to declare climate emergency, Available at: [parliament.uk/business/news/2019/may/mps-debate-the-environment-and-climate-change/](#) (Accessed: November 2020).

Zero’ report has made clear the need for demand reduction in some sectors.¹²⁵ This was amplified by the latest Committee on Climate Change report making clear that in the next 12 months the government needs to layout a policy plan to achieve the targets it has, or they won’t be achieved. On diet-related ill health, the publication of Tim Lang’s *Feeding Britain: Our Food Problems and How to Fix Them*, which draws together the food related challenges, is blunt about the need for step change and a whole-system approach.¹²⁶ Piecemeal incremental changes are not the order of the day.

So for the 2020s to follow a different path to previous decades, step change interventions are needed, and in the context of advertising, the proposal laid out in this report is clearly one. If the proposal is justified in terms of the scale of response to the challenges the UK is faced with, and it is justified in the sense that it strikes a balance between the right to be protected and the right to freedom, this only leaves the question of whether there is a better yet equally transformative option. Is there an alternative way of restricting advertising which is both equally justified but more effective in addressing externalities of advertising? Whilst Green House and the authors of this report would welcome such proposals, we are not currently aware of any which have been properly explored and that rise to the challenges this report has presented.

125 Allwood, J, et al. (2019), [‘Absolute Zero: Delivering the UK’s Climate Change Commitment with Incremental Changes to Today’s Technologies’](#), UK FIRES.

126 Lang, Tim, *Feeding Britain: our food problems and how to fix them* (2020) London: Pelican,

Conclusion

Advertising for commercial profit comes at a cost to mental and physical wellbeing, promotes environmentally harmful behaviour, and creates demand for products and services on a scale that is incompatible with limiting climate change to 1.5°C – a target which has had global acceptance as part of the Paris Agreement in 2015 and is reflected in the IPCC Special Report published in October 2018. It is necessary to change the balance of advertising to make a rapid transition to net zero carbon emissions possible, otherwise society risks its own cohesion in the process and public acceptability of the transition itself may be threatened.

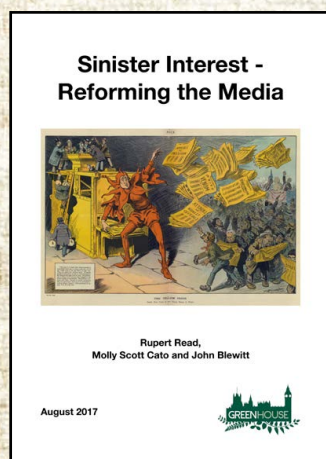
The restriction this report outlines would be justified on the grounds of public health and wellbeing if society chooses to value quality of life over economic output, or long-term benefits over short-term ones. We must attribute the true costs of what we buy, and how it is sold to us. Manipulative advertising misleads us by obscuring (or distracting us from) the consequences of what and how much we choose to consume. If society chooses to create public spaces free from the false reality of manipulative advertising, it may be able to address the feelings of low self-esteem and poor self-worth that are contributing to a growing mental health crisis. Given the unprecedented situation that society faces, this report recommends that the government, political parties and other think tanks urgently consider and make proposals outlining:

- The need for the management of consumption demand in the face of biodiversity and climate crises.
- The role of restricting manipulative and subliminal advertising, as well as public information campaigns, in achieving this without fostering resentment in society.
- How the restricting of manipulative and subliminal advertising could also address public health and wellbeing issues created or exacerbated by advertising.
- In this context, and given the need for a step change, what new advertising regulation they will support or champion.
- How in practice the distinction between ‘primarily informative’ and ‘manipulative and subliminal’ might be applied, such that it is clear and legally viable.
- How any new advertising regulation, such as the proposal outlined in this report, could best be enforced, and what the right balance of proactive and reactive enforcement is. This must include reviewing whether self-regulation via the current Advertising Standards Authority is still appropriate.

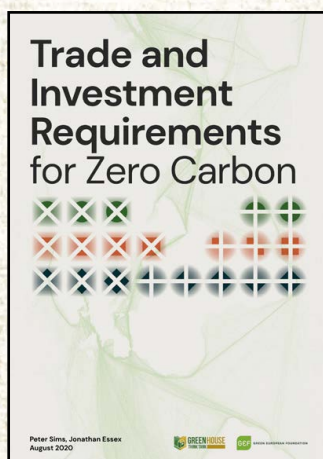
This critical political debate now needs to progress from questioning whether a change to advertising regulation is needed, to asking what that change should be. It is hoped that this report’s contribution to that discussion spurs others to outline equally comprehensive and ambitious proposals in response to the recommendation above.

With increasing climate change, biodiversity loss, and public health and wellbeing externalities as well as the need to respect human rights, there is clear need for a step change in advertising regulation. This report outlines a proposal to shift manipulative advertising exposure to an opt-in basis and explores whether this is justified.

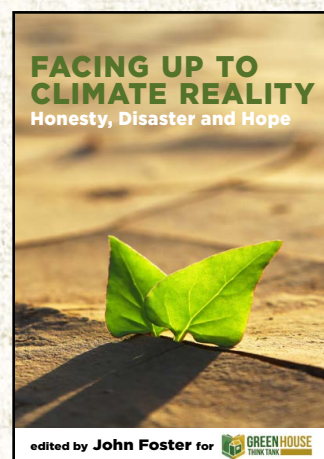
RELATED GREEN HOUSE WORK



**Sinister Interest –
Reforming the Media**



**Trade and Investment
Requirements**



**Facing up to Climate
Reality**