

Help Note

Religious offence



CAP Help Notes offer guidance for non-broadcast marketing communications under the UK Code of Non-broadcast Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads.

These guidelines, drawn up by CAP, are intended to help marketers, agencies and media interpret the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing as far as they relate to the subject discussed. The guidelines are based on ASA cases and neither constitute new rules nor bind the ASA Council in the event of a complaint about a marketing communication that follows them.

Background

The population of the United Kingdom is multi-faith and multi-cultural but research also shows that many people have no strong religious commitment. This can mean that certain religious groups are more sensitive and particular about their beliefs against a perceived background of 'secularity'. Correspondingly, an increasingly diverse society poses challenges to marketers wishing to avoid offending the public but themselves often unaware of what causes particular hurt to people of different backgrounds and depth of religious commitment. The Code identifies religion as an area in which marketers should take particular care to avoid causing serious or widespread offence (however, the Authority is aware that 'religion' is a contestable category, and that its boundaries and definitions are not always clear).

Marketers should be aware that when considering complaints about offence the ASA poses three questions:

- will the marketing communication offend the majority of people who see it;
- will it so deeply offend a minority that it is reasonable for their interests to prevail against the right of the marketer to reasonable free expression; and
- should the unoffended majority be prevented from hearing what the marketer wishes to say?

The ASA aims to reflect and not shape public opinion. ASA research (November/December 2001) indicated that the offence experienced by those seeing marketing communications featuring religious metaphors or imagery could be categorised into "rational offence" and "emotional offence".

- Rational offence could be felt personally, but was more often felt on behalf of others ("offence by proxy"). It is offence that stemmed from a belief that it was wrong for religious imagery to be used in a particular way in a marketing communication. The offence felt could be mitigated by other factors such as a belief that an image was justified by the context or purpose of the marketing communication.
- Emotional offence in contrast tended to provoke an immediate reaction of very personal hurt and anger and the desire to have the marketing communication removed immediately. Those with strong religious belief were both twice as likely to be personally offended and emotionally offended than those with no religious belief. The ASA will try to

recognise the most central and sacred aspects of religion. It is not, however, the aim of the ASA to make advertising a religion-free zone. Marketing communications containing religious imagery and words generate a relatively small proportion of complaints (less than 1% of all complaints in 2002) and in the research referred to above, religious offence was ranked relatively low when compared to other causes of offence. Although small in number, however, a single marketing communication has the potential to provoke an angry reaction and numerous complaints to the ASA.

2. The Code

The following rule of the Code has particular relevance to marketing communications featuring religious imagery and words. The Code states:

Rule 4.1

Marketing communications must not contain anything that is likely to cause serious or widespread offence. Particular care must be taken to avoid causing offence on the grounds of race, religion, gender, sexual orientation, disability or age. Compliance will be judged on the context, medium, audience, product and prevailing standards.

Marketing communications may be distasteful without necessarily breaching this rule. Marketers are urged to consider public sensitivities before using potentially offensive material.

The fact that a product is offensive to some people is not grounds for finding a marketing communication in breach of the Code.

3. Advice

3.1 The Sacred

1. Some aspects of religion are so sacred to believers that it is rarely going to be acceptable to use them in marketing without causing serious offence. For some, the linking of the central tenets or most sacred symbols and icons of a particular faith with unrelated commercial messages is likely to outrage believers and cause offence. To take an example from Christianity, marketers should be particularly careful when using images of the crucifixion, especially when that depiction could be construed as mocking. Although the ASA has not received many complaints, marketers should be aware that the dismissive or irreverent depiction of sacred symbols, such as spiritual figures or gods (e.g. Buddha, Vishnu or the Prophet Mohammed), sacred texts (e.g. the Koran), holy places, rituals or festivals, can all cause serious or widespread offence. The use of other aspects that are less central to the core of a religion e.g. many familiar stories from the Bible, which are part of the cultural 'furniture', are less likely to cause offence.

3.2 Christianity and common culture

2. Christianity is a 'public' and established faith in the UK, the symbols, language and customs of which are largely integrated into mainstream culture. Some aspects of Christianity have now become part of our common culture e.g. school nativity plays, Christmas and Easter as holidays etc. Consequently, the public and the ASA tend to be tolerant of the use of Christian language in

marketing (see 3.4 below); quotes from hymns, the Bible etc. are normally acceptable except when their use appears to mock things considered particularly sacred by Christians or when they are combined with inappropriate visuals. This tolerance extends to the light-hearted, but not disrespectful, use of Christian images, such as churches or stained glass windows, angels or devils, the Three Kings or the Star of Bethlehem (see 3.7 below). The ASA has ruled that the humorous use of men or women of the clergy is likely to be acceptable except when their depiction is considered to be unsuitable or denigratory, for example, portraying nuns in a sexualised manner could be problematic (see 3.5 below).

Non-Christian faiths

3. Although the general public tend to be forgiving of the use of Christian references, those with strong religious conviction from other faiths (e.g. Islam, Sikhism, Hinduism, Judaism and Buddhism) may not be quite so accepting of references to their religion. Marketers should treat the symbols, images or beliefs of all religions with care but should be particularly aware of the possibility of causing serious or widespread offence to those of minority faiths.

3.4 Language

4. Language that is biblical or ecclesiastical in origin is now often used in secular contexts. The use of that type of language (e.g. 'Divine Intervention', 'Tidings of Great Joy' or 'Hallelujah!') is often acceptable but the tone and context can sometimes cause offence. A marketing communication that cheekily used the line "Lead us not into temptation" as a play on the refreshing and tempting attributes of a soft drink was considered not to have caused offence. However, a marketing communication that combined a Christ-like image with the claim "lead me into temptation" across a male model's groin generated 46 complaints and was considered offensive by the ASA. Similarly, a marketing communication that claimed "Holy Mother of Christ..." and alluded to promiscuity was considered unacceptable by the ASA. Marketers do not need to avoid ecclesiastical language but should use it only in a way that does not ridicule religion. They should be mindful that those with strong religious beliefs are generally more sensitive to the use of swearing and sexual innuendo. More information about language likely to cause offence is available from the AdviceOnline database on www.cap@org.uk; simply input the keyword "swearing".

3.5 Sex & religion

5. Overtly sexualised images can cause offence to some religious groups; for example, the ASA received complaints about female nudity on buses and bus stops in strictly orthodox Jewish areas (see 3.6 below). Marketers should be mindful of how they portray sex, nudity and women in marketing communications, especially posters, are likely to be seen by people with strong religious belief. Furthermore, linking sex or sexualised images with religion may cause particular offence; for example, despite the tolerance towards the depiction of men and women of the Church, portraying nuns in a sexual manner is inappropriate. Marketers should also take care not to link gratuitously sexualised images or sexual innuendo with religions sensitive to the depiction of women.

3.6 Location, context, timing & media

6. As well as considering the product itself (see 3.7 below), marketers should take into account whether the marketing communication is likely to appear in particularly sensitive locations (e.g. posters close to places of worship or outside religious schools) and whether there are local

sympathies that need to be borne in mind (e.g. posters showing semi-clad women appearing in areas of strong religious belief). Marketers would do well to avoid placing provocative marketing communications where they are more likely to offend minority communities. The context in which a marketing communication appears is key and readers of carefully targeted media that poke fun at religion are less likely to be offended than those viewing untargeted media such as posters. The tone can also add to the impact of the marketing communication with light-hearted treatments being more acceptable than mocking or disrespectful ones. Marketers should also bear in mind when a marketing communication will appear when considering whether it is likely to cause serious or widespread offence on religious grounds, for example, whether a marketing communication's appearance coincides with any significant religious festivals.

3.7 Relevance

7. Although the degree to which marketers can safely use religious imagery and words will vary according to context, religion, etc., the nature of the product being marketed can influence whether the marketing communication will cause serious or widespread offence. Although marketers can still provoke complaints, least offence is likely to be generated when the approach is clearly relevant to the product and not disrespectful. Marketing communications that seem to exploit religious imagery for purely commercial purposes can be problematic but the most offence is likely to be felt when the product itself conflicts with the beliefs of that faith. For example, it is unlikely to be acceptable to use Catholic references to advertise birth control products, Hindu or Buddhist symbols to advertise meat products or for Muslim imagery to advertise alcohol. The gratuitous use of religious signs and icons to advertise a product that neither relates to, nor conflicts with, the religion itself may be acceptable if the marketing communication is not seen to be unduly mocking religion or belittling the symbolic relevance of those icons.

Use of humour

8. There is always a risk of causing offence when using religion or religious imagery in marketing communications; there may be some components of religion that simply cannot be used. However, marketers may be able to minimise that risk by choosing their subject matter carefully and using appropriate humour. Even if marketers are intending to go no further than poking gentle fun, they should ensure that neither the message nor the words and visuals are dismissive of the religion or its followers. Humour may be acceptable but disrespect generally is not.

3.9 Cause-related marketing

9. The Code says that marketers should not cause undue fear or distress or use shocking words or images just to attract attention. A poster, placed by a charity that offered emotional support to those in need, claimed "I wish the baby Jesus had never been born". Although the ASA received complaints, it considered that the charity was offering support to people who felt particularly lonely or desperate at Christmas; it rejected complaints that the poster was offensive. In short, shock tactics may be acceptable if the message of the marketing communication can justify the approach used.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at www.copyadvice.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.