CALENDARS/POSTERS AND OTHER FORMS OF ADVERTISEMENT USING PICTURE OF WOMEN THAT ARE PERCEIVED AS VULGAR AND OBSCENE

Read online (full-text search, related cases, audio case brief): https://batas.org/library/949aa853882a/

Our attention has been called by certain sectors about calendars, posters and/or other forms of advertising materials using pictures of women and/or pictures that are viewed as obscene and vulgar. We have consulted the Advertising Board of the Phil. and we have secured from them a copy of the guidelines in interpreting the rules on the matter.

We have attached a copy of such guidelines in this circular.

You are furnished with a copy of these guidelines for you to ensure that no advertising material or any mode of selling your products through the different media should use vulgar and obscene representation especially including women.

In the interest of consumer welfare, we ask for your cooperation.

Adopted: 21 August 1997

(SGD.) QUINTIN L. KINTANAR, M.D., PH.D., CESO I
Director

“ATTACHMENT”

ARTICLE IV

Advertising Code of Ethics

SECTION 1. PRESENTATION

1. Claims of product and service properties or characteristics should be clearly presented and should not, in the guise of creativity, be confusingly or misleadingly distorted or exaggerated in the light of the product’s or service’s market.

2. To safeguard the integrity of advertising materials, advertisements should not substantially or materially have the same distinguishing features unique to another advertisement, regardless of product or service category, including general layout, copy, slogan, visual presentation, music or sound effects.

3. An advertisement should avoid any possible confusion as to the identity of the advertiser or the source or identity of a product or service.

4. Profanity, obscenity, vulgarity, or presentations which are offensive to contemporary standards of decency or morals shall not be allowed, even when understood only by a part of the audience.

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5. Indecent exposure of the human body shall not be allowed. Some exposure of the human body may be allowed in advertisements when in good taste and relevant to the product or service being advertised, the situation being portrayed or the audience being addressed. However, suggestive portrayals shall not be allowed.

6. Advertisements should not depict or exploit persons as sex objects and should not carry any sexual double entendres.

7. Advertisements should not unduly capitalize on fear or sow panic; neither should they be prepared or disseminated in a manner as to exploit the ignorant and/or the superstitious.

8. Advertisements should not undermine the public's regard for government, law and duly constituted authority.

ADBOARD CODE OF ETHICS GUIDELINES IN INTERPRETING RULES ON OBSCENITY AND VULGARITY

(Revised January 9, 1997)

The objective of these guidelines is to help identify advertising material which is objectionable because it is obscene or vulgar in the view of the general public or because it exploits a person as a sex object.

The interpretation of "obscenity and vulgarity" in Article IV, Section 1, Number 4, 5 and 6 of the Adboard Code of Ethics can be wide depending on a screener's orientation or point of view. To ensure a more consistent interpretation of "contemporary standards of decency or morals" without restricting the screener to set of specific rules (which has been found to be impractical), general guidelines and a set of actual examples have been agreed upon by the Technical Committee and the ad hoc watchdog committee on obscenity in order to:

1. Guide all involved in creating and approving the advertisements.
2. Guide Adboard screeners.
3. Guide media self-screening committees.

The key aspect of this process of evaluating whether an ad (print advertisement, television commercial, outdoor poster, etc.) is obscene or vulgar is that these guidelines are precisely that, namely, guidelines, and not specific definitions of obscenity and vulgarity. There can be too many variations of a particular visual to categorize into absolute or specific rules. An Adboard screener, especially when acting in concert with order screeners, is the best judge of what constitutes an indecent or vulgar ad.

Another critical aspect is that the overriding rationale for this process is that all advertising materials should not be offensive to the public based on current, nationally accepted standards of decency.

The Guidelines are:

1. As a general rule, the application of the rule should be stricter for advertising in media of general circulation, e.g., television, and general circulation newspapers/magazines, because a broad spectrum of people sees these media. The application should be moderated for media catering to specialized audiences, e.g., lingerie ads in women's magazines, men's shorts in men's magazines.

2. Photographic visuals should be more critically screened than drawings.

3. Total nudity is not allowed when the whole body or the whole torso is shown, especially when features of the anatomy (breasts, crotch, buttocks) are prominent and can be easily seen. A nude person from a distance can be

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allowed as long as body features cannot be recognized. An infant without clothes can be allowed as long as genital areas are not shown.

4. A “partially nude” person is not allowed when these circumstances are present:

a. Attired in flimsy or transparent material so that the body shows through.

b. Attired in brief clothing that shows excessive voluptuousness in the case of females and bulging crotch in the case of males.

5. A man and a woman whether fully clothed, partially clothed or nude in a pose simulating sexual intercourse should not be allowed.

6. A man and a woman in skimpy attire in suggestive physical contact with each other should not be allowed.

7. Advertisements, commercials, or billboards with scantily-attired models appear to be obscene when the pose, facial expression, situation, props, copy and/or other aspects of the presentation are suggestive or vulgar because they employ sex in a blatant way to attract attention or sell products or services.

To help in understanding these guidelines, examples of advertisements which could be viewed in one way or another by different individuals are attached with the opinion of the committees.

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