



CAP

Submission by British Naturism

to

Advertising Standards Association

June 2009

British Naturism is the representative organisation for naturists in the UK.

About 1.5 million people in the United Kingdom describe themselves as being a naturist<sup>1</sup> and there are about ten times that number who practise naturism to at least some extent. There is a surprisingly high level of acceptance by the public though there are also some who are deeply prejudiced against nudity. Few people realise how numerous we are.<sup>2</sup>

In this response we frequently refer to attitudes, harm and benefit. Please see our briefing notes on "Statistics", "Children", and "Health and Well-being" for the supporting evidence.

### **Question 11**

*i) Taking into account its general policy objectives, do you agree that CAP's rules, included in the proposed Harm and Offence section, are necessary and easily understandable? If your answer is no, please explain why.*

No.

There are numerous references to avoiding harm and similarly numerous references to avoiding causing widespread and serious offense. Unfortunately the code does not recognise that there are many situations where the two requirements conflict and it does not provide a rule for resolving the conflict. We firmly believe that considerations of harm must always take precedence over offense. Anything else is indistinguishable from prejudice.

The rules are almost entirely concerned with the rights of marketers and the rights of individuals receiving advertising material. Marketing materials are part of the general pattern of life and they do have an impact on society as a whole. The code needs to give more weight to the general well-being of society.

Protection must be based on evidence of what causes harm and of what promotes well-being. Anything else is indistinguishable from prejudice and acting on prejudice almost invariably causes harm.

### **Question 28**

*i) Taking into account CAP's general policy objectives, do you agree that CAP's Sales Promotions rules are necessary and easily understandable? If your answer is no, please explain why.*

No.

*Rule "8.7 No promotion or promotional item should cause serious or widespread offence to consumers."*

This rule must carry the rider that considerations of harm take precedence over offence. Avoiding causing offence to one group can cause offence to other groups. This must be recognised.

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<sup>1</sup>NOP poll. 2001. "and would you describe yourself as being a naturist?"

<sup>2</sup>When a naturist gets dressed the disguise is perfect.. The Statistics Briefing Note provides further information.

## Question 74

*Do you have other comments or observations on CAP's proposed Code that you would like CAP to take into account in its evaluation of consultation responses?*

Great care must be taken to ensure that mistaken ideas about what is harmful do not prevent advertising that is beneficial to the well-being of individuals or society in general. In particular complaints from a large proportion of a vociferous but tiny minority must not carry more weight than considerations of harm and the wishes of the overwhelming majority.

Most people are unaware of how much censorship takes place and they are also unaware of how much harm some of that censorship causes. Surveys are often flawed because the respondents do not have the knowledge required to give a considered response.

The document is almost entirely centred around the rights of marketers and the rights of individuals receiving advertising material. Marketing materials are part of the general pattern of life and they do have an impact on society as a whole. The code needs to give much more weight to the general well being of society.

There are numerous references to avoiding harm and similarly numerous references to avoiding causing widespread and serious offence. Unfortunately the proposals fail to take account of the many situations where the two requirements conflict. We firmly believe that harm must always take precedence over offence. Anything else is indistinguishable from prejudice.

We are disturbed that further consideration of "offence" will not be the subject of a public consultation. This is one of the most pervasive parts of the code and many of the consequences are far from obvious.

British Naturism

To discuss the detail of this submission or related issues please contact  
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