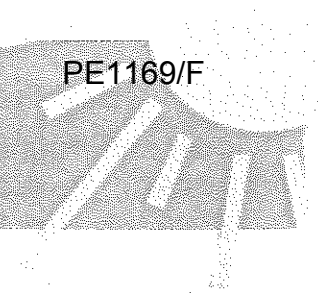


# The Front Page Campaign

Protecting children from offensive media

PE1169/F



Frank McAveety MSP  
Convener, Public Petitions Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

15<sup>th</sup> April 2009

Dear Mr McAveety,

## PETITION No. PE1169 - IMPORTANT INFORMATION

We are a new voluntary organisation, constituted on 2<sup>nd</sup> March 2009. We have gone to the lengths of setting up The Front Page Campaign after being regularly confronted with offensive sexually graphic images in the course of our normal shopping. We were not aware of the above petition when it was open for signing, and neither we nor our supporters had the opportunity to sign it. However, we support it wholeheartedly and have followed the debate with great interest.

Following the government responses to your letters, and your very admirable decision to keep the petition open and seek evidence that the NRFN guidelines are effective, we offer evidence and information that we have gathered in the early course of our work, which we sincerely hope will be of some assistance.

### The Publications - Clarity

In spite of the fact that the petition mentions newspapers and magazines, and the briefing specifically names several examples, the government has not addressed the issue in terms of newspapers, and has commented that "it is not entirely clear from the petition or the debate", and presumed that "it is 'adult titles' and so-called 'Lads Mags' which are being referred to".

Adult titles do have sexually graphic covers, but these are widely recognised as top shelf publications, and we do not believe that the petitioner's intention was remotely focussed on these. The government has muddied the waters by including a lot of irrelevant information about adult titles and extreme pornography, and the measures which are being taken regarding these.

Although these are no doubt admirable efforts, it is the mainstreaming of  
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sexually graphic covers on publications such as The Daily Sport, The Daily Star, The Sun, Loaded, Nuts, and Zoo magazines to which the petitioner refers. The reason for her concerns is the widespread lack of acknowledgement from industry and government officials that these publications are pornographic, harmful and offensive.

We have already collected significant photographic evidence that the above named titles, amongst others, are regularly found in significant breach of the voluntary guidelines, in a variety of stores (see appendix).

### The Law

The government has mentioned the law, most notably the Indecent Displays (Control) Act 1981. They have pointed out that the word "indecent" is not defined and that it would be for the courts to decide in each case whether material was indecent, based on the test of whether it is intended to "deprave or corrupt". They suggest that members of the public take their concerns to the police.

We have taken legal advice on this issue, and were told that the law is unlikely to take in anything but the most extreme pornography, depicting illegal acts, due to the subjective nature of the definition. Once again, this completely misses the point that the petition was making.

We have been advised that the police will not be able to do anything due to the inadequacy of the law.

Furthermore, does the government honestly expect Joe Public to have the time and money to take up legal action against a supermarket chain or publisher every time an indecent display is found?

### The Voluntary Guidelines

The government has referred several times to the NRFN guidelines which facilitate the self-regulation of this issue.

In the first instance, these are voluntary, and the evidence strongly suggests that the guidelines are regularly breached. In some instances, stores pay lip service to responsible practices and the voluntary guidelines, whilst doing something else altogether (see appendix).

Furthermore, we do not believe that the guidelines alone are adequate to address public concerns, even if they were kept to the letter by every retailer. The guidelines state that "lads mags" should not be displayed "at children's eye level or below, **to ensure that they are not in the direct sight and reach of children.**"

Firstly, many of the highest magazine shelves are no higher than the average

height of an 8 year-old<sup>1</sup> (129cm, without shoes). Also, some of the shelves, while higher than this, can easily be viewed from a crouching position, sometimes from quite close to the shelves.

While it is good for magazines with sexually explicit covers to be stocked away from children's products, it should be remembered that a child does not walk into a store and straight to where the comics are. He or she would have to look around to find them.

We have regularly found Nuts or Zoo on a very low shelf, at the eye level of a pre-school child, and on complaining have been told that it was misplaced by a customer<sup>2</sup>. This is a common occurrence resulting in a clear breach of code. It is difficult for busy staff to police, and is a very strong point in favour of the petitioner's suggestion that all "lads mags" as well as relevant tabloids should be screen-sleeved before being placed on the shelves.

The guidelines in relation to newspapers suggest that newspapers which may cause offence can be folded in half, overlapped or stocked face down. This is not always the case, and in particular, The Daily Sport is often found in full view on the lower shelves<sup>3</sup>. Even when overlapped, it remains within easy reach of children, and the same point applies as regards customers moving things around. This is more pronounced with the newspapers due to the numbers being sold.

### Intention of the Industry

It is our belief, based on research, that the industry seeks to cloak its intention to breach these guidelines in order to sell more copies, including to teenagers and pre-teens. Recently, publishers have been paying for promotional stands for lads mags<sup>4</sup>, which specifically place them in low and prominent positions. An article by a former journalist for one of the lads mags states<sup>5</sup>:

"Everyone who works in magazines knows that real readers are always five or even 10 years younger than the apparent target market. 'Just 17' used to be read by pre-teens. So when the lads mags say they're targeting 18-30 year olds you can bet your life they're getting a lot of teens and pre-teens too."

When you look at The Daily Sport, it is absolutely covered in pornographic images and adult adverts, and costs only 50p, which is considerably cheaper than any of the lads mags, making this within easy financial reach of teenagers and pre-teens.

All of this seems contrary to the claims of the Scottish Retail Consortium in Fiona Moriarty's letter of 12<sup>th</sup> Nov 2008 that publishers have historically given retailers advice to encourage a responsible approach to display. On the

1 See fig. 1, showing mean heights in England by age and sex (source Department of Health, 1998)

2 See sheet 18

3 See sheets 1-7 & 9

4 See sheets 8, 11 & 12, and info on Loaded magazine/Morrisons in appendix

5 See fig 2, Men's Health Forum article

contrary, it seems that the publishers are the ones responsible for pushing against the guidelines.

When the content of The Daily Sport and The Daily Star is examined, it is plain that they are an introduction to hardcore pornography, designed to attract younger and younger consumers. For example, the enclosed copy of The Daily Sport contains an advert on page 13 for "5p XXX sex videos". All you need to do is send a text. Although the advert specifies you must be 18 in the (very) small print, the publishers know that the newspaper is easily available to under 18s, and this is a way for them to anonymously and easily access harder pornography. Why are they being allowed to advertise these services to those who are not old enough to use them, especially given the fact that it is impossible to check the age of a customer who downloads videos onto a mobile phone?

When raising the issue of the Sport adverts with the Advertising Standards Agency, we were told that children don't buy The Daily Sport. They also stated that the adverts we complained about were not harmful, indecent or illegal. One of these involved a woman advertising that she wanted someone to "bend me over and f\*\*\* me hard, always wet 4 U X X X". As with Gery McLaughlin's response to this petition, the ASA offered no evidence to back up these statements. The Daily Sport, meanwhile, contains a plethora of adult advertising every day.

The Daily Sport is a striking example of material that is alarmingly pornographic for something that is not considered illegal. Having examined and compared this to top shelf publications or "adult titles", the only real difference we can find is that in the legal publications, the genitals and anuses are covered with some kind of asterisk. The definition of what is legal for under 18s is severely wanting.

When we complain in store, we are usually told that the staff have no autonomy and must keep to the relevant planograms. When we confront head office in writing, we tend to receive vague responses, which again pay lip service to responsible retailing, and like the government response to this petition, fail to address specific concerns about tabloid newspapers.

### Public Opinion

We have twice run a public opinion survey, in Kirkcaldy and Leven high streets. We will run it in Dunfermline this coming Saturday and have plans to take it to Dundee, Edinburgh, Glasgow and Perth. Public support thus far would appear to be almost unanimously in favour of keeping unsuitable images away from the view of children<sup>6</sup>.

We live in a culture of complacency, but when you show people examples and ask them specific questions, you learn where public opinion truly lies. Our supporter's register has already attracted 460, with an additional 630

<sup>6</sup> See figs 3 & 4, press write-ups reporting survey results

members now on our Facebook group. We are aware of others across the UK who are also making complaints to the same retailers in their own areas.

Why should the burden of proof be on the public to show that these images are harmful? Would it not be responsible of the government to prioritise the safety of our children over the interests of profit-motivated adults?

### A Further Concern – Age Ratings

Had we drafted this petition, we would have included the issue of age-ratings. There is no legal requirement to age-rate newspapers or lads mags, and they can be purchased by children of any age in many stores.

The Wikipedia entry on Zoo magazine states that “There is no age restriction on the magazine, however some stores such as ASDA and Londis (local) have signed a voluntary code not to sell to under 16's. But other outlets such as WH Smith and Local Newsagents will sell Zoo to any age.”

We asked about this at our local Morrisons supermarket, taking this month's Loaded magazine as an example, and were told that it was saleable to children of any age in Morrisons. Given its content this is of great concern.

### Evidence

The enclosed appendix contains our evidence to substantiate the above information. If anything is unclear please do get back to us.

### Conclusion

We support this petition. Sexually explicit covers on display in family stores expose children to harmful material and remove freedom of choice from adults. Many object to current practices on moral or religious grounds, or on grounds of sexual discrimination. We feel that sexual language and nudity on the front pages at any level is unnecessary, and the only argument in favour of it is profit. On the other hand, the arguments against it are many, and public opinion shows particular concern about the protection of children from such displays.

If this petition was still open for signing we could get at least several hundred more signatures. Our organisation is run by a small committee of volunteers, but if there is anything that we can do to further provide you with evidence that would help to move things forward, we would be happy to help.

We note and agree with the Children's Commissioner Kathleen Marshall's response and conclusion.

Claire Curtis-Thomas, on 26<sup>th</sup> June 2006, proposed “the establishment of a new, independent, non-partisan regulator for the sale and display of sexually explicit material, with binding codes and transparent guidelines; a regulator that is socially responsible, and, crucially, not motivated by profit.” We

wholeheartedly support that course of action, and ask whether a UK regulator could be established, in order to save on costs and administration, rather than the issue remaining devolved because of out-dated and ineffectual laws. We would also strongly suggest that this regulator take in the sale as well as the display and appropriate age-ratings be considered. If replying by post, please use the home address above, but feel free to use our below email addresses and telephone numbers.

Yours faithfully,

Amy King  
Chair

Sylvia Brown  
Secretary

Enclosures:

APPENDIX

Loaded Magazine April 2009

The Daily Sport, Tuesday 14<sup>th</sup> April 2009

Fig 1: Mean heights by age and sex

Fig 2: Men's Health Forum article

Fig 3 & Fig 4: Press write-ups

## APPENDIX

### Ownership of Photographs & Enclosures

All of the enclosed photographs and enclosures (other than the magazine and newspaper) are the property of The Front Page Campaign. At this stage we are sending them for your use only. We expect that you may want to share these in the course of seeking action regarding this petition, but please inform us of the intended use before taking any such action.

### Loaded Magazine

When shopping in our local Morrisons supermarket, this magazine was found on the front of the top shelf, which is not very high, and so was in plain view. We learned that it had been moved by a customer and was normally placed behind. The manager informed us that the publisher had originally paid for a "hot off the press" spot, which was about 80cm from ground level, and attached to the front of the wall fixture so that it is in front of everything and its contents can hardly be missed. The magazine was removed from that spot after two days, following instructions from head office.

It is amazing that it is somehow legal to display this front cover in public places where children are present. Taken out of the context of the magazine, surely to show this image to a child would be considered abusive and result in serious consequences?

We ask you to peruse the content, such as the "COCK-A-DOODLE" spot on page 11, confessions of a limo driver on page 37, Vikki Blows from page 66 and "Twin Peaks" from page 100. How can this be legally saleable to persons of any age?

### The Daily Sport & Other Tabloids

As a daily paper the Sport is always found low down on the shelves. The supermarkets generally do not sell it, but the garages and smaller retail outlets do, as do WH Smith's travel stores. It is sometimes placed sensitively, but remains within easy reach of children, and legally saleable to persons of any age. We urge you to peruse its cover and contents and consider whether this should be allowed to continue.

Enclosed are a collection of photographs (sheets 1-7) showing tabloid papers, predominately the Sport, whose placement is in breach of NRFN guidelines. The uppermost sheet shows the Sport directly below children's magazines in the Cupar Co-op, Fife. The headlines are often notably sexual – children of a young age will be able to read and question these, and there is no doubt that headlines such as "SCHOOL MISS HAS SEX WITH TEEN IN HER CAR", are doing much to contribute to the premature sexualisation of children.

## WH Smith – Prominent Retailer

We have found the greatest number of breaches of the voluntary guidelines in WH Smith stores, and have found a deal of discrepancy between their written responses and what is actually happening in store. This is significant given their large share of the market and the fact that a division of the same group, Smith's News, also controls a large proportion of the distribution of these publications.

Enclosed is a pack which demonstrates some of our dealings with and findings at WH Smith. The top two sheets (sheets 8 & 9) demonstrate the two occasions resulting in Amy's complaint. Sylvia also complained about the promotional stand in Kirkcaldy selling Nuts and Loaded.

We would like to draw your attention to the highlighted sections of Amy's email communication with WH Smith. There is no acknowledgement of the harm or offence caused by the Daily Sport. Amanda Constable states that the Nuts/Loaded promotion was removed from the best-sellers unit in Kirkcaldy after 24 hours, but we know for a fact that it was on display there for at least 3 days, having witnessed it on Thursday, complained verbally, and finding it still there on Saturday. She states that WH Smith's "clients" pay for the space to highlight the new promotions available. We saw the planagram and the instruction to place this promotion where it was found was clear and unmistakable. Amanda later alludes to it being a "mistake" as though it was somehow accidental. This is clearly a contradiction, and intended to mislead us about company policy. We have found similar promotional displays in other WH Smith stores (sheets 11 & 12).

WH Smith have chosen 1.2m as a minimum height for lads mags, and Amanda Constable states that this does and has always applied as a rule in both travel and high street stores. However, we have found several examples, without having to look very hard, of the 1.2m rule being breached (see sheets 10-13).

If we reference back to the published average child heights (fig. 1), we see that 1.2m is only between the average height of a 6 and 7 year-old, in any case. Sheet 14 shows just how visible these are.

In Louise Fox's letter to Sylvia, she also states that WH Smith ensures that 'Life style' titles are not displayed near products aimed at children. Again, we have not found this to be the case in store (see sheets 8 & 10).

On the other side of the display shown in sheet 10, the shelf labelled "pre-teens" was slightly higher than the lads mags shown. There was a Princess magazine with plastic jewellery set at 116 cms, a clear admission that they consider this height suitable for the sight and reach of pre-teen children. The lads mags on the other side were placed at 110 cms.

If we are left in any doubt about these policies of both content and placement of lads mags being harmful and dangerous to children and women, may we cite the example on sheet 13 of Front magazine. The cover girl looks very



young, and the caption claims she is a Sixth Former.

In the letter of 12th Nov from Fiona Moriarty of Scottish Retail Consortium she states in her last paragraph that "consumers do not have to buy or browse" these titles. Irresponsible publishers and retailers such as WH Smith are robbing many of us and our children of that choice.

In WH Smith at Waverly Station, Edinburgh, when we complained verbally the supervisor refused to turn the Sport over or move it to a less prominent position, claiming that customers would complain. He had been told by his manager to place it there when he started over a year ago and that was where it would remain. There was no hint of apology or an offer to pass on our concerns.

### Superdrug

Two of our members were shocked to find Zoo magazine in front of CeeBeeBies magazine on the bottom shelf in Glenrothes Superdrug (sheet 15). It begs the question, why does a chemist need to be selling magazines and newspapers at all? The manager had been given a planagram (sheet 16) which clearly gave the instruction to place Zoo where it was found. Sylvia received a response to her complaint (sheet 17) which blamed the store, and took no responsibility whatsoever for the placement of Zoo. Other members of our organisation in England have found lads mags on Superdrug's bottom shelves, so we know that this was not a one-off incident, but was again a matter of company policy.

### Co-op

As well as the Cupar Co-op's placement of the Sport (sheet 1), we have found Nuts casually misplaced by a customer, low down and just above teenage magazines (sheet 18). More alarmingly, Glenrothes Co-op's placement of the enclosed Loaded magazine was found 105cm from the ground, at the door of the store, opposite the tills (sheet 19) and by the hand-baskets. It also had a double facing so it could hardly be missed. We complained about this and received a general statement of policy in return, without any promise of change. Like most of the store responses we have received, they did not address our specific points.

### Women's Magazines

We are seeing an increase in scaremongering, sexualised and sensationalist headlines on the front of women's magazines. For example, a recent Closer headline read "Incest mum shock – sex with my son sets me on fire". We have included sheet 20 to ask the question whether a headline such as "RAPED! By my vile stepdad" should really be considered suitable for magazines that can be displayed low down, next to sweets at checkouts where children will read them. We propose that any new regulation introduced should consider clear guidelines of what is suitable for public display in terms of sex, language and violence.

