

How Roe v. Wade's reversal affected advertising

Article

The news: The US Supreme Court's June decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade* and put the legal status of abortion back in the hands of states, has eroded trust in brands.

A survey from **GroupM** and **Mindshare** found that over **half of consumers don't trust brand statements around reproductive rights**, and think they're often inauthentic or done to attract

consumers.

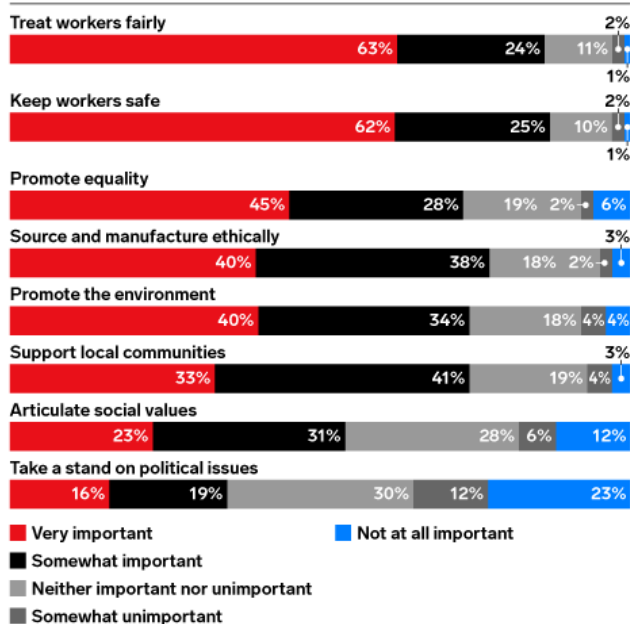
- The sentiment was shared by 51% of female respondents, 54% of men, 62% of non-binary respondents, and 62% of LGBTQ respondents.

No more “staying out of politics”: Remaining neutral isn’t an option for brands anymore. Even before Roe v. Wade was overturned, consumers had been putting greater pressure on brands to take active stances on social issues, and June’s decision turned up the fire.

- Abortion has risen in the ranks as an important issue to the average American. The percentage of voters who said abortion is a “very important” issue jumped from 43% in March to 56% in August, per Pew Research Center.
- Some companies took an immediate stance: **Lyft, Uber, Tesla, Apple, Amazon, Citigroup, Bumble**, and others publicly announced protective policies for employees seeking abortions as soon as the Supreme Court decision was leaked—a sign that employee treatment has become a key part of a brand’s reputation.
- But GroupM and Mindshare’s survey shows that consumers even distrust brands that take action in defense of reproductive rights. Abortion has already affected consumers’ buying: **Twenty-five percent** of respondents said they’ve already changed purchasing decisions. Over a third of women (34%) said they’d stop supporting a brand if its CEO spoke out against bodily autonomy.

How Important Is It to US Consumers that Brands Take Select Actions?

% of respondents, Oct 2021



Note: ages 18+; numbers may not add up to 100% due to rounding
 Source: Merkle, "2022 CX Survey Report," Jan 13, 2022

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An unexpected advertising impact: Beyond branding concerns, the *Dobbs v. Jackson* decision propelled digital advertising and consumer privacy into rare mainstream consciousness.

- In the months since the ruling, there have been several high-profile incidents of user data being handed over to law enforcement to pursue charges against women who sought abortions.
- In one instance, **Meta** handed over the chat logs of a 17 year-old girl to law enforcement that were then used to charge her with several felonies. A report from [Gizmodo](#) found dozens of data brokers were tagging consumers searching for reproductive queries—data that could then be requested by law enforcement for criminal purposes.
- These incidents kicked off a wave of regulatory action targeting the digital advertising industry's standard practices around data collection, calling them "**commercial surveillance**." In August, the **FTC** sued ad tech company **Kochava** for practices that are considered standard fare across advertising. Weeks later, the **White House** laid out a series of Big Tech reforms that specifically target privacy.

- This sort of crackdown was inevitable, especially given the rise in antitrust action targeting Big Tech's advertising businesses abroad. But the abortion debate kickstarted policy pressure into action far earlier than it may have emerged otherwise.

The big takeaway: Abortion is an issue that brands and the broader advertising industry can't ignore. Because consumers doubt the authenticity of brand statements in support of reproductive rights, brands will have to show a continuous commitment to the cause to win trust.

- For advertising at large, political pressures have added to the long list of privacy changes the industry is already struggling to deal with. Lawsuits from the FTC and statements from federal regulators should make it clear that the old and even current ways of doing business are on the way out, and privacy-conscious methods will have to become the norm.

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