



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0053/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Victorian Aids Council</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/03/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This advertising campaign features four different images/text. The two versions which are the subject of the complaints are:

1. Image of a man wearing only a pair of white briefs and with his hands raised and resting against his ears. A cat appears to be stuck against his chest and the text reads, "Don't be a scaredy cat! Testing for syphilis? No drama!"

2. Image of a man wearing only white briefs with his thumbs tucked in to the waistband. A dog appears to be stuck to his chest and the text reads, "Go fetch! Testing is easy. Get tested, get treated, no drama!"

The text at the bottom of each version reads, "thedramadownunder.info"

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*On the 1 February 2015 I wrote to Adshel and Victorian Aids Council in relation to an advert on a bus shelter outside my home at 462 Maroondah Highway Croydon. I told them that as far as I am concerned this advert has been inappropriately placed as it is near two schools and this shelter is used by school children coming and going to school, there are also*

*children living behind me who play and pass this shelter on their way to school.*

*I am afraid that I am not satisfied with the reply received by Adshel and so I am passing onto you for further action. This advert should be removed ASAP.*

*It is highly inappropriate material for a main thoroughfare in front of a main train station (Southern Cross), where young children are forced to view it, either walking by or on a tram. I had to explain to my 3-year-old why the man was not wearing any clothes.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*The images referred to in both complaints are from our 'Drama Downunder' campaign run by the Victorian AIDS Council (VAC). This campaign has four different creative executions in bus shelters and tram stops across the Melbourne Metropolitan area with the following messages:*

- 1. "Feeling cocky? Sexy health is easy. Get tested, get treated, no drama" (Man in white underpants with a cockatoo in front of him)*
- 2. "Anything fishy? Sexy health is easy. Get tested, get treated, no drama" (Man in white underpants with several goldfish around the image)*
- 3. "Don't be a scaredy cat! Testing for Syphilis? No drama" (Man in white underpants with a kitten in front of him)*
- 4. "Go fetch! Testing is easy. Get tested, get treated, no drama" (Man in white underpants with a puppy in front of him)*

*From the first complaint you received it is clear that this person is referring to creative execution 3. The complaint is based on the assertion that our advertisement is in breach of section 2.4 of the AANA Advertiser Code of Ethics ("the code") which states: Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*In the complaint, the individual refers to the placement of the advertisement rather than the content itself. The placement of the advertisement is selected by the agency that provides the media space, namely Adshel Street Furniture Pty Ltd. VAC provides a brief to Adshel Street Furniture regarding the need to have the creative executions across the wider Melbourne Metropolitan area with specific locations having a higher concentration of panels. VAC do not specify which panel locations are to be selected, this is decided upon by Adshel and as such VAC are unaware of who would be in the vicinity of the site at which our campaign is shown. VAC relies upon the processes and systems in place at Adshel to ensure that the campaign imagery and messaging is appropriately placed in panels for an appropriate audience.*

*Adshel state that they "have adhered to policy review guidelines", and that future instalments*

*of the creative executions will be “further than 300M away from schools”.*

*Furthermore, Adshel consulted the Outdoor Media Association (OMA) about the creative executions. The OMA are the peak national industry body that represents most of traditional and digital outdoor media display companies and production facilities. The OMA provided Adshel with a response in relation to the creative executions, and their approval and correspondence can be found in Appendix 2.*

*It is important to emphasise that the creative executions do not directly deal with sex, sexuality or nudity. The campaign imagery and messaging deals with sex indirectly, and only to the extent that it delivers health promotion messages regarding sexual health. On that basis and in conjunction with both the decisions by the OMA and Adshel, we submit that this image does not breach the code and that it does ‘treat sex, sexuality and nudity with sensitivity to the relevant audience’.*

*In the second complaint received by the ASB on the 4 February it is clear that the person is referring to creative execution 4. The complaint is based on the assertion that our advertisement is in breach of section 2.4 of the code which states: Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*In the complaint, the individual refers to the placement of the advertisement and how the content is not relevant to her child of 3 years of age. The audience that the creative is aimed at are gay and bisexual men, however this messaging also translates across to heterosexual people, regarding their sexual health. The placement of a creative execution within the CBD is reasonable considering the main demographic of individuals travelling into and out of the CBD and thus likely to encounter the creative.*

*To enable the Board to put this campaign into context, we will provide some brief information about the reasons for the campaign and some evidence of its impact and effectiveness from external evaluations that have been conducted to date.*

*The Commonwealth Department of Health and Ageing (DoHA) contracted the Australian Federation of AIDS Organisations (AFAO) in 2006-2007 to develop a national campaign to target the increase in sexually transmitted infections among gay men. At about the same time, VAC, an AFAO member, engaged in discussions with the Department of Human Services (DHS) in Victoria about the need for a substantial social media/marketing campaign to address HIV and STI increases in Victoria. The figures from Table 1 and Table 2 are taken from the Department of Health Infectious Diseases Surveillance Reports put together by the Burnet Research Institute.*

*Table 1: Notified cases of sexually transmissible infections by year for the period 1 Jan 2009 – 15 July 2014*

	2009	2010	2011	2012	2013	2014 YTD
(15/7/14)						
Chlamydia	13,903	16,543	19,240	20,266	19,591	10,533
Gonorrhoea	1,480	1,758	1,863	2,438	2,992	1,724

*Infectious Syphilis*            391        292        322        467        660        362

*From table 1, it can be seen that there has been a steady and significant increase in the notifications of sexually transmitted infections, namely Chlamydia, Gonorrhoea and infectious Syphilis in Victoria between 2009 and 2013, with 2014 year to date figures (15/7/14) indicating a further increase to be seen in 2014 (figures yet to be formally finalised).*

*Table 2: Notified cases of HIV by year for the period of 1 Jan 2009 – 1 Nov 2014*

	2009	2010	2011	2012	2013	2014 YTD (1/11/14)
<i>HIV</i>	262	235	278	262	307	269

*From Table 2, you can see that HIV notifications have increased between 2009 and 2013 with fluctuations in between.*

*Whilst Chlamydia is predominately a heterosexual disease, with only about 20% of cases attributable to male-male sexual activity, about 70% of male gonorrhoea cases, 80% of male syphilis cases and 70% of all new HIV diagnoses are amongst men who have sex with men. These increases and disproportionate transmission rates amongst men who have sex with men is a significant public health issue.*

*The campaign was developed and then implemented nationally across Australia in 2007. Each year the Drama Downunder campaign has been implemented in Victoria (and other states) with new creative executions. A major component of implementing the campaign is adopting outdoor advertising, which is heavily supported by the Department of Health Victoria. The campaign has been extensively evaluated, both at its initial creation (formative evaluation) and subsequent executions (summative evaluation). Since VAC has engaged in outdoor advertising with social media/marketing health promotion campaigns during the 2007-2015 period, we have monitored other forms of outdoor advertising (both in transit shelters, billboards, tram stops, tram interiors and street posters). It is our considered view that the imagery and messaging we have used in the continuous iterations of Drama Downunder are consistent with other images and messaging that advertise commercial products, and that these have been placed in similar locations across the Melbourne Metropolitan area and have been shown over the time period that Drama Downunder has run.*

*An evaluation conducted by Aldo Spina Consulting has been attached to supply the Board with context regarding the reach and effectiveness of the campaign amongst the target audience, and this can be found in Appendix 3.*

*With regard to the relevant sections of the code the Board has requested responses to, due to this complaint, we contend in terms of:*

### *2.1 Discrimination or vilification*

*The images listed in the complaints (and the other two creative executions) do not portray or depict people or material in a way that discriminates or vilifies a person or section of the community on account of race ethnicity, nationality, gender, age, sexual preference, religion,*

*disability, mental illness or political belief.*

## *2.2 Exploitative and degrading*

*The images listed in the complaints (and the other two creative executions) do not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people*

## *2.3 Violence*

*The images listed in the complaints (and the other two creative executions) do not include violent elements nor portray violent situations.*

## *2.4 Sex, sexuality and nudity*

*As illustrated by the response in the above sections, the public health need and campaign imagery does treat sex, sexuality and nudity with sensitivity to the relevant audience through an indirect way by focusing upon sexual health in a positive and light hearted manner.*

## *2.5 Language*

*The images listed in the complaints (and the other two creative executions) along with the specific messaging associated with campaign imagery does not use explicit or inappropriate language and thus VAC considers the language and tone used as appropriate in the circumstances of health promotion around sexual health.*

## *2.6 Health and Safety*

*The images listed in the complaints (and the other two creative executions) do not depict material contrary to the Prevailing Community Standards on health and safety.*

*In conclusion, VAC feels that despite the complaints received by the ASB, the Drama Downunder images do not breach the code of ethics, section 2.4 for several reasons. Firstly, the campaign placement adheres to the internal policies and procedures that Adshel have regarding the appropriate placement of campaigns and their creative executions. Secondly, the creative executions were approved by the OMA. Thirdly, campaign imagery and messaging do not deal directly with sex. They do so in an indirect way, only to the extent that it delivers health promotion messages regarding sexual health. Lastly, due to significant increases in HIV and other STI notifications in Victoria, sexual health messaging warrants a public health approach that utilises health promotion and incorporates outdoor media campaigns, which are effective as demonstrated through the evaluation supplied, and supported by the Department of Health Victoria. Therefore we conclude the creative executions do not breach the code.*

*We look forward to receiving the results of the Board's consideration of these complaints.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the advertisement features male nudity and is inappropriate for outdoor display where children can view it.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the complainants had seen two different versions of the same advertising campaign and that both feature an image of a man wearing white underpants.

The Board noted it had previously considered a similar advertisement for the same advertiser in case 0520/10 where:

“The Board noted the advertisement features an image of naked man holding a paper rocket over his genital area, with accompanying text stating that it is not rocket science to look after your sexual health.

The Board considered that most members of the community would not find this image of a naked man to be inappropriate. The Board noted the use of a rocket to cover the genitals and considered that it was a mild phallic reference and that the visual of the rocket was relevant to the accompanying text.

The Board considered that the content of the advertisement was relevant to the message and that consistent with previous discussions about public health and safety advertisements, although some members of the public could find the images to be graphic, a higher degree of graphic detail is appropriate given the important message of this advertisement.”

In the current advertisement the Board noted that the man is wearing underpants and considered that the man’s private area is sufficiently covered and the level of nudity was consistent with advertisements for lingerie.

The Board noted the text on the advertisements and considered that the suggestions that men should get tested for syphilis are presented in a non-sexualised and practical manner. The Board acknowledged that some members of the community would prefer that this type of community awareness message was not promoted outdoors where children could view it but considered that overall the content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.