



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0061/11</b>
<b>2</b>	<b>Advertiser</b>	<b>NSW Health Department</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/03/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

An animation depicting two young adults: one male and the other female. At the start of the TVC, they are momentarily positioned in the foreground and are facing each other. Shortly after, they approach each other and embrace.

This image is held then starts to recede as the couple's embrace changes. Simultaneously, the branch structure is revealed which carries the first couple to the background while the branching effect grows to reveal other images of couples in various embraces. The graphic animation continues to reveal a tree like structure branching out with images of people in an embrace of contact in some way.

The voice over states, "When it comes to sexually transmissible infections... sleeping with one person is sleeping with many."

### THE COMPLAINT

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

*I would prefer to educate my children about sex and sexually transmitted diseases in my own way and at an age I feel they are ready to be taught. This ad talks about sexually transmitted diseases and sleeping with people which opens them up to things I don't want them opened up to yet. It was run during a television show which is quite clearly aimed at kids/families. The other ads were quite clearly aimed at (quite young) kids - Dora the Explorer and Thomas the Tank Engine cheese shapes etc. During the show they showed footage of young kids in their*

*studio audience. This together with the type of other ads shown would indicate that they know young kids are watching yet this ad was popped right in there exposing kids to something that I feel they don't need to be exposed to yet. I feel that it is a parent's choice to shield kids from this sort of thing until they feel the time is right for them to be discussed and from their own perspective and in their own way. I feel this was taken away from me. We very rarely watch commercial TV (preferring DVDs etc) for this reason. I would have thought this show during this time slot would have been safe.*

## **THE ADVERTISER'S RESPONSE**

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

*In order to comprehensively respond to this complaint, and for the Advertising Standards Bureau's information, I wish to provide some background to the history and development of this significant public health awareness campaign.*

### *Background*

*The campaign is a repeat of a previous campaign which was conducted from W/C 30 August to W/C 25 October 2009. The current campaign commenced in W/C 30 January and will conclude W/C 24 April 2011.*

*The media channels selected for the current campaign are:*

*Metropolitan and regional free to air television*

*Metropolitan and regional digital television*

*Indigenous television*

*Cinema*

*Ambient (Washroom)*

*Magazines*

*The campaign has the overall objective of increasing young heterosexual people's knowledge and awareness of STI testing, treatment and prevention.*

*More specifically, for the primary target audience for this campaign (young heterosexual people) the primary objectives were:*

- to increase awareness of the high prevalence of STIs and the asymptomatic nature of many STIs and the implications of this in new regular relationships; and*
- to increase the awareness and availability of simple testing and treatment / management for STIs.*

*Post campaign evaluation research indicated that overall, the 2009 NSW STI campaign appears to have been quite successful with a high level of campaign recognition (71%) amongst 16-24 year olds.*

*The research result also indicated that the 15 second TV ad had greater memorability than the 30 second TVC, possibly due to the stronger visual concepts. As a result of this, the 2011 campaign only uses the 15 second commercial.*

### *Response*

*The essence of the complaint is the placement of the commercial, and relies upon the appearance of another commercial in the same program for "Dora the Explorer and Thomas the Tank cheese shapes etc." to validate the complaint. This appears to infer that the placement of the STI commercial was inappropriate or has appeared outside its rating restrictions.*

*The information supplied by the complainant has been insufficient for either NSW Health or its media and planning agency, Mediacom, to determine the program, station, date or time of the advertisement to which the complainant is referring. Without this information, it has been difficult to verify or respond to the assertion of improper scheduling of the commercial. The 'other' commercial the complainant refers to is a commercial for Devondale cheese slices which carries Dora the Explorer and Thomas the Tank images on the packaging of the cheese slices. (Viewed at [http://www.devondale.com.au/promotions/tv\\_advertisements.asp#view-ad](http://www.devondale.com.au/promotions/tv_advertisements.asp#view-ad)) While it may have a G rating and would appeal to children through the use of Dora and Thomas vision, the implication that the STI commercial has appeared in a children's program is erroneous. The NSW Health commercial for STI awareness has been rated by CAD as PG, and I am assured that only programs and time zones that permit the telecast of a PG rated commercial were selected by Mediacom. On NSW Health's behalf, Mediacom has been in constant contact with the relevant television stations in an attempt to identify any placement of the commercial outside of its PG rating. The station's logs have been requested and have not been provided in time to form part of this response which is due by 25 February 2011. NSW Health will be pleased to forward the relevant documents supplied by the stations once they have been supplied to us. NSW Health was fastidious when producing the 15 and 30 seconds commercials and worked closely with the producers to ensure that the sensitivities of the community were respected and balanced against the demonstrable need to conduct this crucial public health campaign across NSW. It is worthy to note at this time, that no complaints were received during or after the 2009 campaign.*

## **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 complainant's concerns that the advertisement features sexual matters which are not appropriate for the time it was shown.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the advertisement is for community awareness about sexually transmitted diseases, and that it has been rated PG by CAD.

The Board noted that there is no nudity in the advertisement and that whilst silhouetted couples are shown embracing there are no sexual acts depicted or clearly described. The Board noted that whilst some members of the community may feel uncomfortable with the

topic of the advertisement, the Board considered that the language used was relevant to the important community awareness message that the advertisement is attempting to convey.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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