



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0099/19
2	Advertiser	Department of Health Western Australia
3	Product	Community Awareness
4	Type of Advertisement / media	App
5	Date of Determination	17/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This Spotify advertisement features a public health message targeting heterosexual women aged 25 to 35 in the Perth metropolitan area about a spike in gonorrhoea cases amongst this demographic.

THE COMPLAINT

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

The marketing is not the problem, it is how it is able to sneak in at my kids bedtime during their lullabys. I play music for them to help them sleep and the last three nights this as has played.

So it if you have the ability to see what the music is used for and if it is for children, Christians or other conservatives. All of which we are and our music choices reflect. It is inappropriate to put these ads on while children's music is playing!!!

THE ADVERTISER'S RESPONSE



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

This radio advertisement was produced by the Western Australian Department of Health as a public health message to address an alarming increase in gonorrhoea rates amongst women in the Perth metropolitan area. Cases have more than doubled in the last five years.

The advertisement describes this public health issue in a simple and straightforward manner, and provides people with information so they can protect their health.

The complaint received primarily relates to the fact that the advertisement was aired during the complainant's child's bedtime.

The complainant was also concerned that the advertisement was broadcast to people to whom this message may offend, i.e. conservatives/ Christians, and children.

This advertisement is being aired on Spotify during evenings, and targets people aged 25 to 35 years, in particular women. The timing of this complaint was 22:41, and the complainant was a female aged between 30 and 39, and so met our criteria.

The timing of the advertising means that children would not typically be reached.

Furthermore, the Department of Health prefers not to exclude audiences as suggested by the complainant (for example on the basis of religion) to ensure this important public health message is extended to all members of the Western Australian community. The suggested level of targeting is also a more costly approach.

· 2.1 - Discrimination or vilification

The advertisement does not portray people or depict material in a way that discriminates against or vilifies people in the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. The advertisement is spoken by a member of the target audience – a young woman under age 35.

· 2.2 - Exploitative and degrading

The advertisement is not exploitative or degrading of any individual or group of people. The advertisement describes a public health issue in a simple and straightforward manner, and provides people with information so they can protect their health.

· 2.3 – Violence

The advertisement does not present or depict violence.

· 2.4 - Sex, sexuality and nudity

The advertisement treats sex and sexuality with sensitivity to the target audience. There is no nudity in this advertisement.



· 2.5 – Language

The advertisement uses simple and straightforward language which is appropriate to the message and for the target audience. There is no strong or obscene language used in the advertisement.

· 2.6 - Health and Safety

The advertisement does not depict material contrary to community standards on community safety.

· 2.7 – Distinguishable as advertising

The advertisement features a tag line at the end; ‘Authorised by the State Government, Perth’, making it clear that this is a government endorsed public message.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement’s message is not appropriate for a broad audience.

The Panel reviewed the advertisement and noted the advertiser’s response. The Panel 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 Panel noted the complainant’s concern that the advertisement aired during a time she was playing children’s songs on Spotify to her children, and that the content of the advertisement is inappropriate to be heard by children.

The Panel noted that this advertisement was broadcast on the Spotify app. The Panel noted the advertiser’s response that this advertisement was targeted towards women aged 25-35 years, based on their profile created when they signed up for Spotify. The Panel noted that the complainant did fall within this demographic.

The Panel noted that the complainant was playing children’s music at the time the advertisement was heard, however noted that the time was identified as being 10.41pm. The Panel considered that after 10pm was a time that most members of the community would consider to be appropriate for adult content.

The Panel noted it had previously considered a similar advertisement on an outdoor medium in case 0429/17, in which:

“Consistent with its determination in case 0053/15 the Board considered that the call



to action to get tested and get treated is presented in a non-sexualised and practical manner. The Board acknowledged that some members of the community would prefer that sexual health messages not be advertised outdoors where children can view them but considered that in this instance the image is not sexually suggestive and the only sexual reference is in the text. In the Board's view the advertisement would not be understood as having any sexual content by young children and that overall the advertisement treats a sex-related subject matter in a subtle and informative manner aimed at educating members of the community."

Consistent with the previous determination, the Panel considered that the advertisement is promoting an important community message.

The Panel considered that the advertisement does refer to sex, however the use of the word sex of itself is not a breach of the Code.

The Panel considered that the advertisement used formal language, with no innuendo or explicit content. In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and 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 Panel dismissed the complaint.

