



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0107/11</b>
<b>2</b>	<b>Advertiser</b>	<b>How Good Is That</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>01/04/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety - within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Text only Billboard which reads, "The casualty list of every ABORTION 1 dead 1 wounded".

### THE COMPLAINT

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

*I find it offensive as it is not pro-choice*

*Absolutely disgusting and disgraceful! Offensive to anyone that views the billboard.*

*I am deeply offended by this Advertisement as it shows no compassion for rape victims or people who cannot care for a child. I am offended that these people feel they have the right to make decisions for other people. I am offended that small children can read this sign and not fully understand the reality of the situation. This is such a sensitive subject that I cannot even believe that it had approval to be advertised in the first place. The fact that someone turned a profit from this makes me sick.*

*We have freedom of choice in this country and people have legitimate reasons to choose abortion and should not be made to feel guilty for doing so. I'm not sure why this billboard was ever approved. It's a backward view and it's disgusting.*

*The advertisement is offensive.*

*The advertisement falsely represents the nature of medical termination.*

*Termination is a legal procedure in Australia and this advertisement represents it in an illegal context.*

*The advertisement perpetuates the misconception that Abortion is unsafe whereas medical research shows this is a safe procedure often without emotional/mental/physical effects. The advertisement has the aim of influencing a woman not to pursue her legal choice/right to terminate an unwanted pregnancy.*

*The message of "1 dead 1 wounded" is very offensive to me. I can't believe that these people would be allowed to display such a horrible message. There is no place for advertisements such as this one in today's society.*

*This is a matter of free choice that we a women have - it is not gone into lightly by anyone all sides and options are explained and presented as a part of "informed consent" under the consent to treatment and palliative care act.*

*This is an offensive message for all women particularly those who have had or know someone who has had a termination of pregnancy - to claim "one dead!" is irresponsible and clearly has a religious undertone guiding the message... it is trying to use shame or guilt to lead people in their informed choices. This billboard forgets to mention the reality of children born to unfit/unprepared parents/mothers who are pregnant due to sexual assault.*

*I am a registered nurse working in a busy emergency department and I find this highly offensive to all people....it's about a woman's choice.... and facts..... not guilt blame and the promise of damnation.....*

*I find advertising abortion as murder offensive to all women as it is our choice whether or not to keep a baby.*

*This is a PERSONAL issue affecting women and their partners and already a time when they are under extreme pressure! This sort of harassment is not acceptable as it is preying on the already weak. Mainly though the facts are made up so it simply a lie.*

*It is highly offensive. It's a woman's choice and girls/women/men/boys don't need to see that splashed on a billboard.*

*This is an extremely insensitive, misleading and provocative reference to an issue which should be treated with much more respect in the public domain. I have a fairly strong stomach and I was disgusted. I'm not a big fan of censorship either but I certainly wouldn't want my children to have to ask me any questions about this particular message.*

*This billboard is simply hateful propaganda designed to promote passing judgment on innocent women*

*It violates the woman's RIGHT to choose.*

*It is un-factual unfair and unjust!*

*It should be removed asap!*

*This is disgusting and immoral!*

*Firstly there is an obvious ethical problem with creating a billboard ad that attempts to make a considerable portion of the Australian population seem like murderers. I cannot imagine an ad for any other cause getting away with this kind of abrasive and guilt ridden material.*

*Second I do not appreciate having to explain to a 6 year what an abortion is. This is not a matter for discussion on billboards. I am open to people with differing views and I will happily discuss my point of view with anyone that wants to chat but this is a highly inappropriate place for such a statement.*

*Finally I could not call the Pope a murderer for his policies regarding condoms in Aids ridden countries to which the Catholic Church provide charity. Nor could I create a billboard stating that circumcision is genital mutilation. And that is ok because these are moral points of view that are open to discussion in the appropriate forum. So why is it that this kind of extremist rubbish is allowed on a billboard?*

*Abortion is a choice and people should not be judge for this choice it likens abortion to war which is appalling.*

*In some situations (sexual abuse especially) abortion is the best option for a pregnancy. And the vulnerable people who are in these situations don't need more fear and guilt shoved down their throats.*

*I think it's disgraceful it should be taken down*

*I object to and was offended by this advertisement as I believe it breaches Section 2.1 and 2.6 of the AANA Code of Ethics.*

*I felt it vilifies a person or section of the community that based on political beliefs believe in a woman's choice to have an abortion and do not think an abortion is a form of assault.*

*I also feel its depiction of abortion as a cause of death and injury is contrary to prevailing community standards on health as the choice to have an abortion can be for health reasons and much like many forms of surgery is not considered bad for you and definitely should not be presented in this way.*

*I also have issues given the billboards availability to children and although I realise it probably would not be considered directly advertised towards them it could be considered to undermine a parents authority responsibility or judgement under section 2.7(a) of the AANA Code for Advertising & Marketing Communications to Children.*

*The billboard sends a message in a tasteless and disgusting manner. It is a message that is designed to shock and takes that too far. If the word 'Sex' cannot be displayed on a billboard then this message should not be visible on a daily basis to the general public.*

*A political and self proclaimed morality cannot be used as a mask for plain offensiveness.*

## **THE ADVERTISER'S RESPONSE**

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

*The Advertiser indicated verbally that they will not be providing a response.*

## **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 is offensive, falsely represents medical terminations, is distressing to those who have had an abortion regardless of their reasons for doing so as it implies they are murderers, and features a subject unsuitable for children and which should not be advertised given its sensitive nature.

The Board viewed the advertisement and noted that the advertiser declined to provide a response.

The Board noted that abortion is a sensitive issue in the community and will of its very nature evoke reactions from people who are pro and anti abortion. The Board noted that abortion is,

in various situations, legal in Australia. The Board recognised that freedom of speech is important in a democratic society and that there is no law against advertising abortion or against people promoting a particular view for or against abortion.

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the subject of abortion is emotive and that the advertisement states "1 dead 1 wounded" as casualties. The Board considered that this advertisement intentionally presents a view of abortion in a manner that is controversial.

The Board noted that this advertisement is on a billboard and is available for viewing by a broad audience. Although children are in the audience, the Board considered that children would be unlikely to understand the advertisement and its implications.

The Board considered that the advertisement’s statement "one dead, one wounded", regardless of truth, treats the issue of abortion in a sensationalized and insensitive manner, and that, in the Board's view it is inappropriate to promote such a message on a medium which is able to be viewed by all sections of the community whether they wish to see it or not. The Board noted however that sensationalisation of a topic is not an issue covered by the Code.

However the Board considered that the advertisement’s suggestion of "one dead one wounded" is a suggestion that is likely to raise questions or concerns for some members of the audience about the safety of abortion. The majority of the Board considered that this suggestion is likely to create misapprehension around a medical procedure which is legally allowed to be performed in Australia and that such a suggestion is contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did depict material contrary to prevailing community standards on health and safety and did breach section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

11 April 2011: The Outdoor Media Association confirmed that all billboards featuring this advertisement have been pulled down.

