



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0108/11</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>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Billboard featuring text which reads, "Abortion. Your taxes at work in the community. [www.howgoodisthat.org](http://www.howgoodisthat.org)."

### THE COMPLAINT

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

*A find the message on this billboard distorts how taxpayer money is being spent and distorts the importance of it. I find this personally offensive as it implies abortion is wrong (no matter the situation).*

*I am offended by this as I find it highly offensive that these people clearly think abortion should be illegal. I find it offensive that young children will ask their parents what Abortion means and the parent will have to explain something that is very complex. I find it offensive that this billboard is basically saying that a rape victim should carry the baby of their rapist only because of their religious beliefs. I find this billboard extremely offensive and shouldn't be posted up in a residential area where young children can see it. It is literally 30 metres from a children's park.*

*I believe that this is an unnecessary and offensive billboard that does not take into account that it is an issue that could be emotionally upsetting for members of the community and for passing children.*

*I object to shock tactics and closed minded advertising. People have the right to say what they want but this subject is a very sensitive one and should not be used as shock tactics to*

*advertise a religious right wing agenda. This billboard is also about 20 meters from a public park so it is exposing a lot of small children to subjects they probably shouldn't be.*

*If I paid for billboard space advertising-*

*Religion-your tax dollars at work.*

*Would that cause offence to others?*

*Freedom of speech is VERY important but the lack of right of reply PISSES me off.*

*Should we have a billboard war on this issue?*

*Ridiculous.*

*I am deeply offended that I have had to explain what abortion is to my 10 year old son.*

*Abortion is a woman's choice and we shouldn't have religious or political views pushed on us like that. The billboard is 100 meters away from a school and children walk and are driven past it every day how many more parents are going to have to explain what abortion is to their children. My son is scared by this as am I 1. Portrays abortion in a bad light pokes humour at it portrays it as a waste of money*

*2. Insensitive to people who have had an abortion or are about to*

*3. Children old enough to read this billboard may be influenced by it before being old enough to understand*

*4. Focuses on the ""cons"" of abortion in our society (i.e. the cost) and none of the ""pros""*

*As soon as I saw the billboard I was immediately very offended. While everyone has the right to their own opinion broadcasting such a personal and sensitive subject on a billboard where hundreds of people drive by every day is wrong. Whoever created the billboard was using taxes to make women and the community feel ashamed about abortion. Also women who may have had abortions for a variety of reasons do not need it rubbed in their faces and made to feel worse.*

*My boyfriend was in the car too and he found it equally offensive and stopped for me to write down the details to complain.*

*This is 20m from a park where children play. This is not an issue that should be shared with children on billboards.*

*It's highly confronting and upsetting to my family and my beliefs. It is a matter far too political and personal to be advertised on a billboard. Strong opinion-based message or statements of this kind should not be allowed on public advertising space. I'm assuming that the people who allowed this deemed it 'community awareness' related information. It is highly biased awareness.*

## **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 as it implies it is wrong that taxes contribute to the cost of abortions, and is insensitive to those affected by issues surrounding abortion.

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

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. The Board recognised that freedom of speech is very important in a democratic society, and that an abortion is a medical procedure which is legally allowed to be performed in Australia. The Board noted that it had upheld complaints about another billboard belonging to the same advertiser which also dealt with the subject of abortion. The Board noted that in the upheld case (0107/11) the message of the advertisement was presented in a sensationalised manner that would raise questions in the community about the safety of a legally permitted procedure and therefore breached Section 2.6 of the Code.

The Board considered that the text of the advertisement, “Abortion. Your taxes at work in the community” is open to interpretation regarding whether it is a positive or negative message that taxes contribute towards the cost of abortions, and that a political message about how taxes are spent does not of itself breach the Code. The Board considered that the content of the advertisement does not raise any issues under Section 2 and does not breach the Code.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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