



Case Report

1	Case Number	0120/17
2	Advertiser	NT Dept of Health
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman from the back who is wearing a hat and sunnies and applying sunblock to her face. A female voiceover says, 'Protect yourself. Don't go in half-hearted...' and as the camera pans back we see the woman is wearing a rashie and bikini bottoms and her legs appeared sunburnt. The voiceover then continues, 'HIV is still here. Use condoms. Get tested. Web search Clinic 34. It's free and confidential.' We then see a man entering a clinic and taking a clip board from a receptionist and the final on screen image is of the Northern Territory Government logo and the department of health web address: health.nt.gov.au.

THE COMPLAINT

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

The advertisement is too explicit for children. It gives the impression it is about being sun smart and wearing sunscreen and hats but then explicitly advises the audience to use condoms for protection. Children watching the ad would be confused about the product being advertised and the reference to condoms. I think it should be taken down or at least shown late at night for older, mature audiences.

THE ADVERTISER'S RESPONSE

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

The advertisement targeted the general population amongst the Territory's population and the small but increasing numbers of new cases of HIV. The advertisement depicts a young woman along the waterfront wearing sun protection (hat, sunscreen, rash vest). When the screen pans out you notice that her legs are sunburnt. Although she took the appropriate precautions she did not follow them through completely. The young woman is wearing bathing suit bottoms and, as the young woman is at the waterfront, is in a context where this attire is appropriate.

The last ad was aired on Sunday 11 March 2017. At this stage the Department does not have plans to air the TV commercial again.

Because of the high rates of Sexually Transmissible Infections (STIs) in the Northern Territory and the recent increase in new cases of HIV, the campaign was the most appropriate way to alert people in the Northern Territory. Many STIs and HIV in the initial phase may not show any noticeable signs or symptoms, so a person may be unaware of the infection. The strong campaign message of 'Protect yourself!' is to encourage people who may have put themselves at risk to have a sexual health check-up as the sooner an infection is found and treated the less chance there is of passing the infection on to more people.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement is offensive and inappropriate for viewing by young children.

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 this television advertisement features a woman shown from the back. She is seen applying sunscreen and then the camera moves away to show she has incredibly sunburnt legs. The voiceover talks about protecting yourself against HIV and to use condoms and to get tested. The words appear on screen at the same time.

The Board noted that the advertisement is part of a Northern Territory Government initiative to draw the attention of the viewer to the important community message about sexually transmissible infections (STIs) and sexual health.

The Board noted that the current advertisement does commence with what appears to be a message about sun safety. The Board noted that the initial scene of the woman with sunburn could be confusing in the initial moments. The Board considered that the sun safety message

is an important one and in the Board's view the advertisement was quick to point out that the advertisement is about sexual health and the support that is available in this area.

The Board noted the complainants' concerns that the advertisement is aired at a time that is inappropriate for viewing by children. The Board noted that the advertisement had been given a G rating by CAD and noted that it had been aired at a time appropriate for the rating.

The Board considered that in connection with the text there was a direct relationship to sex and the use of condoms and considered that it is reasonable for the advertiser to refer to condoms in an advertisement for sexual health.

The Board considered that the message being delivered in the advertisement is a very important message and that the timing of the advertisement could mean that adults may have to address these issues earlier than they would have liked but that it would be possible to give a suitable age appropriate explanation if necessary.

In the Board's view, the important social message being addressed in the advertisement is one that is of broad community concern and in the context of an advertisement about sexual activity, the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaint.