



Case Report

1	Case Number	0123/17
2	Advertiser	ACON Inc.
3	Product	Community Awareness
4	Type of Advertisement / media	Billboard
5	Date of Determination	22/03/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement depicts a man pointing at his open mouth with the text, "I do it with my mouth" written in large white font against a blue background behind him. The man is shirtless but wearing pants, and he has visible scarring just below both nipples. The rest of the text reads, "Choosing daily PrEP keeps me HIV negative. How do you do it?"

THE COMPLAINT

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

A man declaring that he TAKES IT IN THE MOUTH in PUBLIC!? Utterly disgusting, this is at a public train station, little kids walk by here! My old grandma walks by here! You'd give the poor girl a heart attack if she ever saw that. This offends me very deeply as a Jewish Australian, I demand you take down this disgusting soft porn (barely!) and put something more Safe For (on the way to) Work!

Not to mention, the bright colours and exaggerated emotions and general design of this piece are quite alluring to children specifically, this is a sickening excuse for sexually transmitted disease ad.

THE ADVERTISER'S RESPONSE

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

ACON launched its communication platform called ENDING HIV in February 2013. Successive ENDING HIV campaigns have built upon each other, introduced new research evidence and helped the key affected populations incorporate new HIV prevention technologies in their daily lives. The campaign message in question promotes the use of Pre-Exposure Prophylaxis (PrEP) - a new HIV prevention method by which people who do not have HIV take a pill daily, orally, to reduce their risk of acquiring HIV. Its efficacy is around 99% which equal to, or better than, condom use in preventing HIV transmission. A key factor in PrEP's effectiveness is adherence. PrEP is a very new evidence based technology and its effectiveness relies on men taking the pill daily. This aspect of 'How Do You Do It?' is critical to our aspirations to drastically reduce HIV transmission.

ACON does not agree with the complainant's remark that we have used a 'naked' man. The man in the advertisement is shirtless but otherwise clothed. These advertisements do not contain sexualised imagery, rather they reinforce that the medication being referred to is a pill to be taken orally. This advertisement is no more sexualised than commercial advertisements for underwear or swimwear.

The talent used in this picture is a transgender gay man. This picture was chosen to highlight the post-surgical scarring following chest surgery/mastectomy, as an easily identifiable visible cue for many other transgender men or men with a transgender experience. While most would not notice this, for very marginalised group, who are at high risk of HIV, this image is critical to engaging them into the campaign.

All prevention options listed in the campaign are legally available and have continually been demonstrated over a number of years to be a safe and effective means by which to prevent HIV and sexually transmitted infections. PrEP for example was registered by the Therapeutic Goods Administration in 2016. The public health interest is served by a greater awareness of safe sex and in the pursuit of promoting sexual health; messages need to be clearly understood by the overwhelming majority of the target audience.

ACON also notes the complainant has misrepresented the campaign message. The wording is 'I DO IT WITH MY MOUTH' which reinforces that this HIV prevention method involves daily medication taken orally.

The 'How Do You Do It?' campaign is evidence based, was developed and focus tested with the main target audience, and approved by Government.

In the context of concern about data indicating a decline in condom use, commensurate calls for promotion of HIV prevention reinforcement messages, and in the context of implementing the NSW HIV Strategy using increasingly bold public awareness raising strategies, the brief placements of these advertisements in and around Sydney and outer suburbs will hopefully generate a much needed public dialogue around the importance of safe sex.

As indicated earlier, these are messages that are not only critical for ACON's community, but the broader community. ACON is not aware of any other complaints regarding this campaign. The vast majority of the responses ACON has had to the campaign have been extremely

positive.

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 concerns that the advertisement features a man saying he takes it in the mouth which is disgusting and not appropriate for a broad audience which includes children and the elderly.

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 billboard advertisement promoting sexual health awareness depicts a man pointing at his open mouth with the text, “I do it with my mouth” next to him.

The Board noted that the man in the advertisement is wearing pants with the top of his undies visible and considered that the level of nudity is not excessive and in the Board’s view most reasonable members of the community would not find the depiction of a man’s bare torso to be explicit or inappropriate.

The Board noted the complainant’s concern that the advertisement says that the man “takes it in the mouth”. The Board noted that the actual text reads, “I do it with my mouth” and considered that in the context of a sexual health awareness campaign (which is promoting a daily medicine) this phrase is not inappropriate. The Board noted that the man in the advertisement is pointing at his open mouth and considered that this action is not sexualised and is clearly contextualised by both the advertised product and the associated text.

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, the level of nudity is relatively mild, and while the advertisement references HIV it does not mention sexual activity or orientation. The Board considered that the advertisement would not be understood as having any sexual content by young children and that overall the advertisement treats a sexual health subject matter in a subtle and informative manner aimed at educating members of the community.

Consistent with previous determinations about similar complaints (0053/15, 0202/16) the Board considered that overall the content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board 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.