



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

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Ad Standards Limited
ACN 084 452 666

Case Report

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| 1. Case Number : | 0153-22 |
| 2. Advertiser : | Foundation of Alcohol Research and Education (FARE) |
| 3. Product : | Community Awareness |
| 4. Type of Advertisement/Media : | Radio |
| 5. Date of Determination | 27-Jul-2022 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety
AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a message about the dangers of drinking alcohol when planning a pregnancy. The advertisement broadcasts a snippet from a casual conversation at a social gathering. An alcoholic beverage is offered and declined.

RADIO SCRIPT 1

Dinner party sounds are heard.

Male Voice: Thanks so much for coming over.

Announcer Voiceover: Every moment matters in your pregnancy, especially this one ...

Male Voice: Thank you. Glass of wine?

Female Voice: Umm.... No thanks.

Announcer Voiceover: You see, most people won't know the moment they become pregnant. Which means any alcohol you drink, could be doing damage to your developing baby.

Female Voice: Yeah we've umm we've started trying.

Male Voice: Ahhh, that's fantastic.

Female Voice: I know.

Announcer Voiceover: So make the moment you start trying, the moment to stop drinking. Visit everymomentmatters.org.au for more information.

RADIO SCRIPT 2

BBQ sounds are heard



Male Voice: Guilty, definitely not as fit as I was in high school.

Announcer Voiceover: Every moment matters in your pregnancy.

Male Voice: How about a beer guys?

Male Voice Two: No, I'm right. Thanks mate.

Female Voice: We're good with sparkling water thanks.

Male Voice: OK sure.

Announcer Voiceover: Including that one. You see, at every moment during your pregnancy, any alcohol you drink, your baby drinks – which can damage your baby's developing brain and organs. So make the moment you start trying, the moment to stop drinking. Visit everymomentmatters.org.au for more information.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I am expressing my concern about the Every Moment Matters campaign, in particular the radio ad on Nova 100, on the basis that it victim blames, and is significantly hurtful to women struggling with fertility.

Couples trying to conceive - particularly women - face a mountain of "shoulds" and "musts" around how to behave to be able to birth a healthy child. The process of conceiving and pregnancy is full of guilt and blame - you're too old, too tired, too stressed, too thin, too fat - and frankly takes a huge mental and emotional toll that lasts for years. Having personally been through fertility treatments for 6 years, and dealt with pregnancy loss, I find this ad hugely offensive in its direct message to women about the ways you are hurting your unborn baby. Although I have now gone on to have 2 healthy pregnancies, the societal pressure to behave as a perfect expectant mother has left scars on my mental health, and I'm certainly not alone in this experience.

While I understand that the issue of fetal alcohol syndrome may be big enough to warrant a dedicated campaign (although the campaign provides no stats to confirm this), the message of this ad must be viewed through the painful lens of infertility and pregnancy loss that millions of Australians deal with. Since this is 2022, not 1982, a campaign like this should seek to support and encourage women, not patronise, blame and shame them.

THE ADVERTISER'S RESPONSE

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

AANA Code of Ethics Clause 2.6

Clause 2.6 of the AANA Code of Ethics states 'Advertising shall not depict material contrary to Prevailing Community Standards on health and safety'.



Prevailing Community Standards are defined as the community standards determined by the Ad Standards community panel as those prevailing at the relevant time in relation to Advertising or Marketing Communication.

The Every Moment Matters Campaign aims to:

- Increase Australians' awareness of the risks associated with alcohol consumption during pregnancy and while breastfeeding, including Fetal Alcohol Spectrum Disorder (FASD)*
- Increase the proportion of Australians who are aware alcohol should not be consumed during pregnancy and that it is safest not to drink alcohol when breastfeeding*
- Increase the proportion of Australian women who intend to not drink any alcohol during pregnancy and when breastfeeding.*

The radio advertisements and all other Campaign content is consistent with and helps to promote Prevailing Community Standards on health and safety. This is an important Australian Government funded and endorsed health promotion campaign, which has been carefully designed to support and empower Australian women who are pregnant or planning a pregnancy by providing them with accurate and evidence-based health information about the risks of alcohol use during pregnancy, while avoiding creating feelings of guilt, shame or stigma.

The radio advertisement and campaign messages are based on the National Health and Medical Research Council's (NHMRC) Australian guidelines to reduce health risks from drinking (2020) (the Guidelines), which are underpinned by the most up-to-date evidence on the risks of alcohol use during pregnancy.

The NHMRC is Australia's leading body on health and medical research. The Guidelines provide information on the health risks from alcohol use based on the most current scientific evidence. Guideline 3 advises that "To prevent harm from alcohol to their unborn child, women who are pregnant or planning a pregnancy should not drink alcohol."

The advertisements and messages were informed by a steering committee and consultation with a wide range of health professionals, key stakeholders and community groups, including the National Aboriginal Community Controlled Health Organisation, the National Organisation for Fetal Alcohol Spectrum Disorders (NOFASD), the Royal Australian College of Obstetricians and Gynaecologists, and the Australian College of Midwives.

They were also informed by robust focus group testing of a range of creative concepts and messages with diverse women across Australia, including with women who had unplanned pregnancies and women who had been trying to conceive for long periods of time.

The radio advertisements and campaign messages have been reviewed and approved by the Australian Government Department of Health.



The advertisements are empowering, positive and supportive in tone.

The advertisements involve a woman being supported in her decision not to drink alcohol while trying to conceive and during pregnancy.

The first radio advertisement depicts a woman being supported by her partner to have an alcohol-free pregnancy, by featuring both partners refusing the offer of alcoholic drinks at a barbeque, and requesting a non-alcoholic drink. The second radio advertisement features a woman refusing the offer of a glass of wine at a dinner party as she and her partner have started trying to conceive, and a friend at the party responding in a supportive way.

The voice over messages provide the following evidence-based factual information about risks to the potential baby/developing baby from drinking alcohol while trying to conceive or during pregnancy, and information about how to avoid the risks:

- *'Every moment matters in your pregnancy.'*
- *'Most people won't know the moment they become pregnant. Which means any alcohol you drink could be doing damage to your developing baby.'*
- *'At every moment during your pregnancy, any alcohol you drink your baby drinks. Which can damage your developing baby's brain and organs.'*
- *'Make the moment you start trying, the moment to stop drinking.'*

These messages are based on evidence of the following:

- *Alcohol is a teratogenic substance that crosses the placenta to the embryo or fetus. The baby's blood gets about the same level of alcohol as the mother's blood. (National Health and Medical Research Council, Australian Research Council and Universities Australia. (2020). Australian Guidelines to Reduce Health Risks from Drinking Alcohol. Canberra, ACT: Commonwealth of Australia, Canberra.)*
- *Alcohol consumption during pregnancy can:*
 - *Increase the risk of miscarriage and stillbirth (Bailey, B. A., & Sokol, R. J. (2011). Prenatal alcohol exposure and miscarriage, stillbirth, preterm delivery, and sudden infant death syndrome. Alcohol Research & Health, 34(1), 86-91.)*
 - *Increase the risk of premature birth, low birth weight, and being born small for gestational age (Patra, J., Bakker, R., Irving, H., Jaddoe, V. W., Malini, S., Rehm, J. (2011). Dose-response relationship between alcohol consumption before and during pregnancy and the risks of low birthweight, preterm birth and small for gestational age (SGA). A systematic review and meta-analyses. BJOG, 118, 1411-21.)*
 - *Disrupt the development of all organs and systems of the body, resulting in an array of neurobehavioural and physical outcomes collectively known as Fetal Alcohol Spectrum Disorder (FASD). (Caputo, C., Wood, E., & Jabbour, L. (2016). Impact of fetal alcohol exposure on body systems: A systematic review. Birth defects research Part C. Embryo Today, 108(2), 174-80; Mattson, S. N.,*



Bernes, G.A., Doyle, L. R. (2019). Fetal alcohol spectrum disorders: A review of the neurobehavioral deficits associated with prenatal alcohol exposure. Alcohol Clin Exp Res, 43(6), 1046-1062.)

- *Alcohol can damage the developing baby at all stages of pregnancy. During the early weeks of pregnancy, the developing embryo is particularly vulnerable to the effects of alcohol. A baby's brain starts growing very early in pregnancy, often before the mother knows she is pregnant. (National Health and Medical Research Council, Australian Research Council and Universities Australia. (2020). Australian Guidelines to Reduce Health Risks from Drinking Alcohol. Canberra, ACT: Commonwealth of Australia, Canberra.)*

The campaign was developed to address low levels of awareness among Australian women of the risks of alcohol use during pregnancy. For example, in 2021 FARE surveyed almost 1500 Australian women who were pregnant or planning a pregnancy, and found that one in three women (29 per cent) were unaware that alcohol use during pregnancy could cause FASD. More than half (51 per cent) of women surveyed were not aware or not sure that alcohol could cause harm, even in the early stages of pregnancy, and more than two thirds (69 per cent) were unaware that alcohol freely passes across the placenta to the developing baby.

Women have the right to evidence-based information about the risks of alcohol use during pregnancy, and research indicates that women want to be given this information (Anderson, A.E., Hure, A.J., Kay-Lambkin, F.J. et al. Women's perceptions of information about alcohol use during pregnancy: a qualitative study. BMC Public Health 14, 1048 (2014). <https://doi.org/10.1186/1471-2458-14-1048>.)

The Every Moment Matters website provides a range of broader resources to provide further information and support women, including information to help partners, family and friends support a woman's decision to have an alcohol-free pregnancy and information for health professionals.

AANA Code of Ethics Clause 2.1

Clause 2.1 of the AANA Code of Ethics states:

'Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.'

The radio advertisements do not portray people or depict any material which discriminates against or vilifies any person or section of the community, including on account of gender.

The advertisements are empowering, positive and supportive in tone, and feature a woman, and a woman and her partner, choosing to not drink alcohol. The



advertisements contain evidence-based information about the risks of drinking alcohol during all stages of pregnancy with the aim of informing and supporting women.

Women have the right to evidence-based information about the risks of alcohol use during pregnancy, and research indicates that women want to be given this information (Anderson, A.E., Hure, A.J., Kay-Lambkin, F.J. et al. Women's perceptions of information about alcohol use during pregnancy: a qualitative study. BMC Public Health 14, 1048 (2014). <https://doi.org/10.1186/1471-2458-14-1048>.)

The advertisement and campaign messages were informed by extensive consultation with health professionals, stakeholders including women's organisations and community groups, as well as focus group testing of a range of creative concepts and messages with diverse women across Australia.

Concept development:

In developing the Campaign concept and messages, FARE was mindful of the need to avoid creating feelings of guilt, shame or stigma, and also to ensure people have the most accurate information.

To ensure the messaging was as accessible and empowering as possible, FARE consulted with a wide range of key stakeholders including health professionals, women's organisations and community groups. FARE also commissioned focus group testing of a range of creative concepts and messages with diverse people across Australia, including those who had unplanned pregnancies as well as those who had been trying to conceive for a number of years.

Three waves of research have been undertaken to inform the Campaign, as outlined below.

Stage 1: Foundational research which included a literature review and key informant interviews. This aims to identify best practice approaches and highlighted the need for research to determine and segment potential target audiences as to those who are persuadable and that changes in their behaviour would likely have a significant impact on numbers of alcohol exposed pregnancies across Australia.

Stage 2: Formative research which included a quantitative and qualitative research to determine the primary target audience, examine the factors that impact on the consumption of alcohol in pregnancy, and recommend messages that may be persuasive and motivate behavioural intentions.

Stage 3: Concept testing and refinement which was undertaken by two rounds of focus group testing. This examined proposed creative concepts to determine which should progress as being most effective and motivating for the target audience.

In working closely with an external advertising agency to integrate feedback from concept testing, FARE pursued a story-telling technique to ensure the focus is not just



on women, and demonstrates how the people around her can provide support. The Campaign also aims to encourage family, friends, health professionals and the wider community to support women not to drink alcohol during pregnancy.

Impact of the Campaign to date:

Preliminary findings from the first evaluation survey of the Campaign, delivered by The University of Adelaide, were overwhelmingly positive. The response demonstrates that not only is the messaging resonating with the intended audience, but it is also motivating feelings of confidence and positivity.

Of the 800 people surveyed about the television component of the Campaign:

- *87 per cent said it was easy to understand*
- *84 per cent said it was believable*
- *85 per cent agreed that the Campaign makes it clear that alcohol shouldn't be consumed during pregnancy*
- *80 per cent said the ad made them feel motivated to support their partner to stop drinking alcohol during pregnancy*
- *75.5 per cent said the ad gave them confidence to resist drinking alcohol during pregnancy*

Since the launch of the Campaign there have been over 15 million completed views of the content on digital channels. There have been more than 270,000 digital clicks on the digital ads, of which 169,000 have resulted in a website session on the Campaign website.

Across Sydney, Melbourne and Canberra, the television commercial continues to reach over 50% of the intended audience and the Campaign featured in more than 500 large format posters that were placed in retail settings across the country.

Details of the CAD reference number and CAD rating (where applicable):

Although the radio advertisement doesn't require a CAD reference number and rating, it is part of a campaign that also features a 30 and 15 second television execution. Both the 30 second and the 15 second execution were classified with a G rating on the 12th of November 2021.

THE DETERMINATION

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

The Panel noted the complainant's concerns that the advertisement is victim blaming and could be harmful to those struggling with infertility.

The Panel reviewed the advertisement and noted the advertiser's response.



Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men.

Gender is distinct from 'sex', which refers to biological difference.

The Panel noted the Practice Note for this section of the Code includes:

“Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man.

...ads should be sensitive to the emotional and physical well-being of vulnerable groups of people who may be under pressure to conform to particular gender stereotypes. For example, an ad aimed at new mums which suggests that looking attractive or keeping a home pristine is a priority over other factors such as their emotional wellbeing.

...Advertisements for services or activities only available to one gender are legally able to be advertised and highlighting this key feature in advertising does not amount to discrimination or vilification”

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the advertiser’s response that the advertisement was promoting an important message based on scientific evidence and social research.

The Panel noted that the advertisements don’t specifically refer to women, only people who are pregnant or planning a pregnancy. The Panel noted that in both versions of the advertisement the male partner was also depicted as refusing alcohol, and there was no suggestion that this responsibility was solely women’s.

The Panel considered that the message of the advertisement was given in a factual, straightforward way and was not demeaning or menacing towards women. The Panel considered that the advertisement is promoting a safe practice, but is not blaming people who did not follow that practice for any negative outcomes.

The Panel considered that the women are not depicted in a way which humiliates, intimidates, incites hatred, contempt or ridicule of them because of their gender.



Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the complainant's concern that the advertisement could be harmful to those experiencing issues with infertility.

The Panel acknowledged that fertility and pregnancy can be sensitive topics for many people. The Panel also noted that there is often a feeling of information overload for women who are pregnant or trying to get pregnant, and that this can create undue pressure to meet societal expectations.

However, in this case the Panel considered that the message highlighted by the advertisement was provided in a straight-forward manner and was based on scientific evidence. The Panel considered that the advertisement did not discuss in detail the potential negative outcomes of drinking during pregnancy, or suggest that any negative outcomes were the fault of the mother.

In the Panel's opinion most members of the community would be unlikely to view this advertisement as depicting material contrary to prevailing community standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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