



Case Report

1	Case Number	0177/11
2	Advertiser	Queensland Association for Health Communities
3	Product	Health Products
4	Type of Advertisement / media	Poster
5	Date of Determination	08/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

In the top left hand corner of the poster is a picture of a red condom in a wrapper with the words "Rip & Roll" and underneath in smaller writing it reads, "A safe sex message from Health Communities. 1800 155 141 qahc.org.au."

The main part of the poster is a large image of two men: one man is embracing the other man from behind whilst holding a red condom wrapper in his right hand.

THE COMPLAINT

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

The ad is designed to encourage the use of condoms. I object to its placement in a bus shelter where many young children will sit and or walk by on their way to school, the local park etc. Whether this be two heterosexuals we would still be complaining about the SEXUALISATION of our younger children and teens - these advertisements have been SPECIFICALLY placed in bus shelters - this RATING LEVEL of this kind of material/advertising SHOULD NOT be appearing where younger children and teens can be influenced when every morning and afternoon they are seeing these images - and parents are being asked questions regarding "2 men hugging/what are condoms/what is sex"!!!! THIS IS HIGHLY INAPPROPRIATE - and our parenting is being attacked/compromised by having to address these types of questions at a far too young age - when it is easily fixed by having an R RATING for this type of

advertising! This should have an R rating - and be placed in more appropriate areas - such as adult magazines to that age level.

Advertising related to sexuality of any nature should not be permitted in public places where children are exposed to the images and written content of the advertisement. Children are not introduced to human relationship education in Queensland Schools until at least year five yet they are exposed to this through advertising at much younger ages. Parents are left with little control about when they are able to educate their children on such issues at an age of suitable maturity to cope with the content. The moral filter of the advertising industry needs to be seriously reviewed and reasonable standards implemented to protect the innocence of children. Child protection should be a priority across all industries in conduct and in advertising.

The only reason for homosexual men to need condoms is because their sexual intercourse carries with it a very high risk of serious disease. To promote this lifestyle to our youth is NOT in the interests of HEALTHY COMMUNITIES. The only place this message should be seen would be to practicing homosexuals NOT to impressionable youth in our general public spaces. Those practicing homosexuality are in a minority. The majority of parents are seeking to prevent their children from being pre-sexualised and I feel that my right to protect my children from such concepts at this stage of their impressionable young lives has been seriously violated by these images.

As a teacher I fear that many children will see this advertisement as it is on public display and it is way too explicit for them. I find that as a parent the early sexualisation of children is a constant threat and this type of advertising doesn't help.

It is quite sexually suggestive. The persons involved are clearly involved in sexual foreplay as suggested by the obvious presence of the condom. I don't consider sexual foreplay appropriate for display in a public area. I'd rather not have to explain it to children.

The advertisement is supposed to promote safe sex. The advertisement by its images is targeting gay relationships. But the placement of the advertisement in bus stops covers a wider community including a large percentage of the commuters being children. It is not appropriate for children to have to see this image as they wait for their bus to arrive. It is not appropriate for condoms to be advertised in bus stops regardless of sexual orientation because the content of the advertisement is not PG rated.

This ad is not an advertisement for healthy living. No person in Australia could possibly be unaware of the existence and purpose of condoms. Nor could they be unaware of the medical reasons given for their use. This is in reality a cynical campaign to promote the homosexual lifestyle while pretending to be about healthy choices.

My final objection is that homosexuals shouldn't be the only ones with rights in Australia. No one who objects to these ads is stopping homosexuals from doing what they choose to do. To leave such a billboard up is to almost certainly pre-sexualise children who otherwise would not have been exposed to such graphic content.

It should be up to parents to decide when their child is old enough to be given appropriate sex education. It is hugely invasive to have it forced upon them.

There is no way of screening children from these posters and from the first time I saw the advertisement I found it offensive.

Most Queensland parents do not want the early sexualisation of their children which this ad promotes.

I believe that such an ad would be more suited to places where these groups of people would be located - night clubs, pubs, medical centres (but not in the waiting room).

Sex is not a public activity it is private. But the advertisement is extremely public and has been placed in locations that not only miss its target market it is viewed by those who actually travel by bus more than sexually active adults - children.

THE ADVERTISER'S RESPONSE

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

About Healthy Communities

The Queensland Association for Healthy Communities is a not-for-profit health promotion charity for the lesbian, gay, bisexual and transgender (LGBT) communities in Queensland. Formed in 1984 as the Queensland AIDS Council, we broadened our role to wider LGBT health issues and changed our name in 2006.

Healthy Communities receives the majority of our funding for HIV prevention and sexual health promotion from Queensland Health and the Australian Government Department of Health and Ageing (Office for Aboriginal & Torres Strait Islander Health). We also receive one-off funding for other issues from Queensland Health, other government departments and philanthropic grant providers. Healthy Communities also receives donations and bequests from the community.

HIV in Queensland

In 2010 the highest number of people tested positive for HIV in Queensland than at any time since testing became available in the mid 1980s. There are more people living with HIV in Queensland currently than at any time before. HIV remains a non-curable disease that is usually transmitted through unprotected sex and sharing drug injecting equipment. Around 65% of new infections are among gay and other men who have sex with men.

Healthy Communities has been providing HIV prevention education and health promotion since 1984, and since 1988 with Queensland government funding.

'Rip & Roll' Campaign

'Rip & Roll' was originally developed by Healthy Communities in 2010 as a social marketing campaign reinforcing condom use as a community norm among gay men. It is funded through our main HIV prevention and sexual health promotion funding from Queensland Health.

*A second version of the campaign was launched in 2011. The campaign consists of a series of black & white images of gay men, holding a condom wrapper (in colour). The phrase 'Rip & Roll' signifies ripping open a condom packet and rolling on a condom. The 'Rip & Roll' logo features a picture of a non-branded condom in its wrapper. The advertisements also feature the phrase 'a safe sex message from healthy communities *logo+' our website and phone number.*

In 2011 one version of the campaign, 'couple,' has been placed as bus shelter and billboard adverts.

It features a gay male couple in an affectionate embrace, with one man holding a condom packet.

In designing this advert to appear in general settings we were careful to ensure:

- ?the models are fully clothed*
- ?the picture does not depict or imply a specific sex act*
- ?there are no rude or offensive words used*
- ?the men are depicted in a non-discriminatory way*

Gay men exist in all parts of Queensland, not just limited to inner city ghettos. Gay men are part of families, workplaces and neighbourhoods right across Queensland. Some gay men are

highly 'attached' to the gay scene (meaning they use gay commercial venues, publications and social groups), while others live with little connection to the organised gay scene. Healthy Communities nominated suburbs for the bus shelters and billboards to appear in conjunction with a media purchasing company 'Ikon', but placement in specific locations was done by AdShel based on availability of advertising space. Billboards are in the following locations:

- ?Fortitude Valley
- ?Southport
- ?Virginia
- ?Rocklea
- ?Cairns
- ?Townsville
- ?Toowoomba

Bus shelter adverts are in various locations across Brisbane and the Gold Coast.

The 'RIP & Roll' campaign appears as targeted executions:

- ?in gay press (e.g. *Q News*, *Qld Pride*)
- ?in mainstream press (e.g. *Time Off*)
- ?in gay commercial venues
- ?at gay social events (e.g. Pride-type festivals)
- ?in gay and mainstream community services
- ?as online advertising
- ?on promotion give-a-ways
- ?as a branded old-fashioned photo booth with hard copy print out and uploading to 'Rip & Roll' Facebook page.

We find it interesting that images of shirtless men on their own or with a woman with a similar or same message did not attract complaints. However an advert that features a male couple in an embrace has.

We can only conclude that the objections are based on discriminatory and homophobic attitudes towards gay men. It should be noted that homosexuality is not illegal in Queensland and that it is illegal to discriminate against or vilify people on the basis of their sexual orientation. We do not accept stigma or discrimination against gay men to be legitimate grounds of complaint against the 'Rip & Roll' advert.

Young People and Sexual Health

While the target group for the adverts is not young people, we recognise that young people may see them. Sexuality is a normal part of human development, including homosexuality. To promote good sexual health in the population, people need to be able to talk openly and honestly about sexuality, without shame or fear.

Research demonstrates¹ that sex and relationship education programs are more effective when given before young people become sexually active and when the programs emphasise social norms and skill development. It is also important to acknowledge that sex and relationships education does not encourage increased or early sexual activity.

Comprehensive sexuality education programs have been shown to help delay first intercourse, and increase the adoption of safer sexual practices in sexually active youth

In a study of secondary school students and sexual health², the majority (78%) had experienced some form of sexual activity, with 27% of year ten students and 56% of year 12 students having had experienced sexual intercourse. 6% of students were attracted to people of their same sex or opposite sex and 1.8% weren't sure. 49% of sexually active students sometimes or never used condoms in the previous year.

¹ Grunseit, A. & Kippax, S. (1997). *Impact of HIV and sexual health education on the sexual behaviour of young people*. New York: UNAIDS. Mueller, T., Gavin, L. & Kulkarni, A. (2008).

The association between sex education and youth's engagement in sexual intercourse, age first intercourse, and birth control use at first sex. Journal of Adolescent Health, 42, 89-96.
2 Smith A, Agius P, Mitchell A, Barrett C, Pitts M. 2009. *Secondary Students and Sexual Health 2008, Monograph Series No. 70, Melbourne: Australian Research Centre in Sex, Health & Society, La Trobe University.*

Condoms are a health enhancing and at times life-saving device, preventing STI and HIV transmission and unwanted pregnancies. Denying young people knowledge of life saving devices threatens the health and wellbeing of young people.

Condoms are sold openly in supermarkets, chemists and at service stations. Young people will encounter images and discussion of condoms in many different settings. The promotion of condom use on the 'Rip & Roll' advert will unlikely be the first and certainly won't be the last time young people are exposed to condoms and sexual health messages. This campaign can be an important opportunity for parents to talk to young people about condoms, sexual health and sexuality.

Most parents want their young people to be educated about sex and relationships. A summary of research on parent's views on sex and relationships education³, prepared by Family Planning

Queensland shows that:

- *98% of Queensland parents agreed that young people need to be provided with information about sexual relationships before they engage in sexual relations*

- *a majority of parents believe sex & relationships education should begin from kindergarten onwards*

- *97.4% of Australian parents overall supported the provision of sex & relationships education in the school curriculum*

- *79% of Queensland parents would be concerned if sex & relationships education was not taught at school*

Discussion of sexual health with young people is a normal and expected part of life.

Community Attitudes to Homosexuality

Some of the complainants claim that representations of gay men are not suitable for viewing by the general public.

Representations of gay and lesbian people and relationships are common place in Queensland society. Soap operas (e.g. 'Home & Away' and 'Neighbours') have had story lines with gay or lesbian characters. Popular television dramas (e.g. 'Glee') feature prominent, out gay and lesbian young people. Reality shows (e.g. 'Australian Idol') have out gay or lesbian contestants. Sporting heroes (e.g. Matthew Mitcham) are out and proud. A telephone survey of the general population in Queensland by Galaxy Research in 2008 found that

96% of people agreed that schools should actively try to prevent bullying of lesbian and gay young people (100% among 16-24 year olds), 60% agreed that same-sex couples should be able to enter into a civil union (74% among 16-24 year olds) and 67% of people believed that both parents in same-sex headed families should be recognised by the law (84% among 16-24 year olds).

3 FPQ (2011) Evidence briefing: Parent's views on sexuality and relationships education. Brisbane, Family Planning Queensland.

This research clearly shows that the majority of Queenslanders support lesbian & gay rights, and the vast majority of young people support them. Queensland's young people are leading the way in accepting lesbian & gay people and in some cases have a greater and more sophisticated understanding of sexuality than their parents do.

It should be recognised that young people may themselves be gay, have gay or lesbian family members and friends or have friends who have gay or lesbian parents. Young people will be

exposed to homosexuality in a variety of settings. Featuring a male couple on the 'Rip & Roll' advert will unlikely be the first and certainly won't be the last time young people are exposed to gay people.

Being gay is not something to be ashamed of and is not something to be hidden away behind closed doors. These stigmatising attitudes do more harm to LGBT people, those exploring their sexuality and their families.

In summary:

- ?HIV prevention social marketing is needed now more than ever with high rates of HIV transmission.*
- ?Gay men remain the group most affected by HIV and hence the major target of HIV prevention campaigns.*
- ?Gay men exist in all parts of Queensland and outdoor advertising is an ideal way to reach them (especially those not strongly attached to the gay community).*
- ?The 'Rip & Roll' adverts feature fully clothed men, in a non-sexual position and don't use rude or offensive words.*
- ?Previous HIV or STI prevention campaigns targeting gay men using a single male figure have not attracted complaints.*
- ?Stigma and discrimination against gay men is not acceptable grounds for a complaint about the advert.*
- ?Many young people are sexually active and in need of sexual health messages. The overwhelming majority of parents support and expect their young people to receive sex and relationships education.*
- ?The general Queensland community is accepting of lesbian & gay people and representations of gay men are common place.*

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' concerns that the advertisement is offensive to Christians in its use of Christian symbols and its promotion of homosexuality, is promoting a product and a lifestyle which is not suitable for children to be aware of, and is sexualised and inappropriate for children to see.

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

The Board recognised that some members of the community may be offended by the depiction of a same sex couple in an advertisement but in the Board's view this image is not, of itself, different to an image of a heterosexual couple.

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...religion...'

The Board noted that some complainants were concerned that the use of a same sex couple wearing wedding rings and a Christian cross is offensive to Christianity. The Board accepted that some people in the community who hold particular religious views would be offended by an image of a gay man wearing a Christian symbol. However the Board considered that most people in the community would consider that the image of a gay man wearing a cross does not demean or vilify Christians or any Christian religion. The Board considered that the image was not in any way discriminatory towards any religious groups.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement does not contain any nudity. The Board considered that the image of the two men in an embrace, although suggestive of a loving couple, was not of itself a sexually suggestive image. However the Board considered that the context of the image – a safe sex advertisement – did make the image sexually suggestive.

The Board noted the broad audience to which the advertisement was available as it is a poster in a bus shelter. In the Board’s view the poster, although sexually suggestive for adults, was unlikely to be considered sexually suggestive by children or by people who did not understand the safe sexual practice message of the advertisement. In addition the Board considered that the overall tone of the advertisement is clearly in the context of a health prevention strategy and not sexualised without reason.

The Board noted complainants’ concerns about advertising condoms in public places. The Board noted that it is not its role to determine where a legally available product is advertised – rather its role is to determine whether the manner in which a product is advertised is consistent with the relevant Codes. In the present case the Board noted that the advertisement features a picture of a condom in its wrapper and that one of the men is also holding a wrapped condom in his hand. The Board considered that younger children would not understand what a condom is and that the advertisement handles the issue of use of condoms discreetly.

The Board considered that the advertisement is subtle in its handling of the issue of safe sex and the use of condoms, is clearly targeted to teenagers and adults and that overall the advertisement does treat sex and sexuality with sensitivity to the relevant broad audience.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

The Board also considered whether the advertisement met section 2.6 of the Code which requires that ‘advertising or marketing communications not depict material contrary to prevailing community standards on health and safety.’

The Board noted complainants concerns that sex between men should not be promoted as it can be unsafe. The Board noted the advertiser’s response that the number of people infected with the AIDS virus is increasing and that 65% of new cases involve men who have had sexual relations with other men. The Board is strongly in favour of the important health message this advertisement portrays and considered that whilst some members of the community would prefer not to see this issue advertised, the public health message overrides any social sensitivity.

The Board determined that the advertisement does not depict material contrary to prevailing community standards on health and safety and does 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.