



Case Report

1	Case Number	0182/17
2	Advertiser	Department of Health Western Australia
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

There are two television commercials.

The first depicts two young women preparing for a night out and discussing the importance of protecting against STIs by using a condom. The second depicts two young men with one urging the other to practise safe sex.

THE COMPLAINT

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

On during an early time slot where young children are still watching and questioning what the advert means. Should be on much later. You can't swear during this time slot so safe sex should come under the same ruling

This advert is played at all times - I don't think it is appropriate to be played during 'family shows' during the day when kids are watching. I don't want to have to explain condoms, sex and SDIs to my 9 year old whilst watching a cooking show at 830am in a Sunday!!

Too early in the evening. Inappropriate for pre-teen children.

This type of advertising should not be on when small children would be watching. I have 4

children under 13 all watching TV at the time the ad was on. They shouldn't have to see that sort of content

THE ADVERTISER'S RESPONSE

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

The complaints received relate to the timing of broadcast, i.e. 'too early in the evening', and 'playing during the day'.

The advertisement was given a PG rating by CAD, and initially bookings reflected this rating, however to avoid offending people from outside our target group the Department will now ensure that the television advertisements forming part of this campaign are given a M classification zone and will be limited to broadcast in the following times:

- a) School days: 8:30pm-6am and 12noon to 3pm*
- b) Weekends and school holidays: 8:30pm-6am*
- c) Public holidays: 8:30pm-6am*

The two advertisements were produced as part of a public health campaign developed by the Western Australian Department of Health highlighting how to prevent and test for STIs specifically targeting Aboriginal young people aged 16-29 years given the high rates of infection in this age group. In Western Australia:

- Aboriginal people are more than 5 times more likely to be notified as having chlamydia infection and 13 times more likely to be notified as having gonorrhoea infection than non-Aboriginal people*
- chlamydia notifications among Aboriginal people have increased by 12 per cent in 2016 (from 1 Jan to 31 Dec).*

The campaign was developed in close consultation with an Aboriginal reference group, consisting of Aboriginal health workers and leaders from regional and metropolitan areas, and reinforces condom use and testing messages.

Television advertising has been added for the first time to the Department's marketing mix in promoting the safe sex message given the recent spike in STI notifications among Aboriginal people.

The paid media schedule includes Network Ten to cover metropolitan areas, and Goolarri television, broadcast in the Kimberley, and WIN TV, broadcast throughout regional Western Australia is scheduled to cover regional areas.

The campaign is one of a suite of efforts aimed at reducing rates of sexually transmitted infections and blood-borne viruses amongst risk groups across Western Australia, including

- people aged 25-35 following a dramatic increase in gonorrhoea rates in this cohort*
- people aged 15-24 in light of ongoing high STI rates in this group*
- people aged 13-17 to promote a youth educational website developed for this younger demographic.*

• 2.1 - Discrimination or vilification

The advertisement does not portray people or depict material in a way that discriminates

against or vilifies people in the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. The advertisement depicts members of the target audience – young Aboriginal people – and has been reviewed and supported by Aboriginal young people, health workers, and Aboriginal leaders from regional and metropolitan areas.

· 2.2 - Exploitative and degrading

The advertisement does not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people. The advertisement depicts young women promoting self-protecting behaviours.

· 2.3 – Violence

The advertisement does not present or depict violence.

· 2.4 - Sex, sexuality and nudity

The advertisement treats sex, sexuality and nudity with sensitivity to the target audience. The advertisement was co-developed with members of the target audience and was reviewed and supported by a broad cross-section of the target audience.

· 2.5 – Language

The advertisement only uses language which is appropriate in the circumstances and for the target audience. There is no strong or obscene language used in the advertisement.

· 2.6 - Health and Safety

The advertisement does not depict material contrary to community standards on community safety.

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 there are two versions of this advertisement. One version features two males talking about sexual partners and the other features two women. Both advertisements refer to sexually transmitted infections (STI’s), sexual activity and the women refer to using condoms.

The Board noted that it had recently considered a similar advertisement for the Northern Territory Government (0120/17) that was to draw the attention of the viewer to the important community message about sexually transmissible infections (STIs) and sexual health.

In the above advertisement the Board noted 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 advertisement involving the men, the Board noted that one man refers to “I got lucky last night.” The Board noted that this is commonly used to refer to having sex. The Board considered that this reference is not likely to be understood by children. The Board noted that the friend on the lounge goes on to ask about the STIs and that the discussion is not likely to attract the attention of children.

In the female version of the advertisement, the Board noted that there is a direct reference to sex and the use of condoms. The Board noted that one woman gives her friend some condoms and reinforces that she use them. The Board considered that it is reasonable for the advertiser to refer to condoms in an advertisement for sexual health.

Similar to the case mentioned above, in the Board’s view, the message being delivered in the advertisement is a very important message and noted 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.

A minority of the Board felt that the initial G rating by CAD was not suitable considering the content of the advertisement and the time it was aired. The Board noted that advertiser’s response that “to avoid offending people outside of the target group, the campaign had been given a revised rating of M.”

The majority of the Board considered that the important message within the advertisement was suitable for either CAD rating.

Overall, 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.

