



Ad Standards Community Panel
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Case Report

1. Case Number :	0182-21
2. Advertiser :	Doctors on Demand
3. Product :	Other
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement depicts a cartoon image of a woman and 11 babies, all of which appear to be crying. Text on the image states "Out of the pill? Don't worry about it. Doctors on Demand it."

THE COMPLAINT

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

*It is a negative depiction of a group of people both babies are depicted negatively and motherhood . It's discriminatory against mothers with many children, motherhood in general and infants as a group .. it is also insensitive to those who cannot conceive a child and those that may have lost a baby to portray babies as annoying and unwanted negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used.
It's is a breach of 2.1 of the code of ethics*

THE ADVERTISER'S RESPONSE



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

Thank-you for the opportunity to respond to your query in relation to a new advertising campaign launched in April 2021 developed by our appointed agency. Doctors on Demand Pty Ltd has been operating a telehealth service since 2015 and its shareholders include two licenced pharmacists and Sigma Healthcare Pty Ltd (ASX:SIG). We pride ourselves on clinical governance and have cared for over 120,000 patients since our inception. We take this complaint seriously and provide the following response.

We understand the complaint relates to the AANA Code of Ethics Section 2.1: "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 'out of the pill' creative campaign is not intended to specifically refer to race, ethnicity, nationality, gender, sexual orientation, religion, disability, mental illness or political belief. The oral contraceptive pill is only relevant to women hence the depiction of a young female. This advertising is not a commentary on anyone or any choices they might make regarding motherhood and family. It dramatises what a young woman, who has run out of her contraceptive pills, might imagine are possible (though exaggerated) outcomes which could unfold if she wasn't able to get her script renewed. It is dramatising the way someone's small concern becomes exaggerated by their "imagination running away" with the worry amplifying the concern to a ridiculous degree. In so doing it is not making a statement about gender, sex, sexual orientation or family planning. In this instance she is worrying about being out of contraceptive pills (taken to prevent pregnancy) and her imagination runs away with this concern so that in her subconscious mind she imagines a clearly hyperbolic situation where she has a large number of babies at the same time. The woman in this creative execution has clearly already been taking the contraceptive pill (as evident from the language "out of the pill"), and is only looking to continue to do so.

The advertising:

- does not encourage anyone to start taking the contraceptive pill,*
- does not advocate any specific benefit to taking the contraceptive pill,*
- does not specify any specific brand of contraceptive pill,*
- does not shame or mock anyone taking the contractive pill,*
- does not shame or mock anyone who is sexually active,*
- does not shame or mock anyone with children,*
- does not mock babies, and*
- does not refer to, nor does it discriminate against or vilify anyone on the basis of race, ethnicity, nationality, gender, sexual orientation, religion, disability, mental illness or political belief.*



The advertising creative messaging is designed to reach people that already have an existing prescription for medication (which they need to, or have decided to take). If this is the case, then Doctors on Demand is able to help the person arrange to have that script renewed by AHPRA registered doctors through its telehealth 24/7 service (at times or in places where renewing the script by other means might prove to be difficult).

We hope this provides context for both the nature of the creative used in the campaign and that humour and exaggeration was the underlying creative idea to capture attention with the intended audience. If you have any further queries, please contact us directly.

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:

- depicts babies and motherhood negatively
- is discriminatory towards mothers with many children, motherhood in general and infants as a group
- is insensitive towards those that may be unable to have children or who have lost children.

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

Age – based on a person's actual age (i.e. from the date they were born) and not a person's biological age (i.e. how old they may appear)

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:

"A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed



above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.”

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

The Panel noted the complainant’s concerns that the advertisement depicts babies in a negative manner and is discriminatory towards infants as a group.

The Panel noted that most members of the community would be well aware that babies cry and while it may be a negative depiction, it is not itself discriminatory or vilifying to depict this realistic behaviour.

The Panel considered that showing babies crying with no other imagery indicating why they may be crying is not itself depicting them to receive unfair or less favourable treatment, nor does it humiliate or intimidate them, or incite hatred, contempt or ridicule.

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

Negative depiction of motherhood

The Panel noted the complainant’s concern that the advertisement is discriminatory against mothers with many children and motherhood in general.

The Panel noted that the advertisement is depicting an unrealistic scenario of a woman with 11 babies of the same age and that the advertisement is aimed at people seeking birth control.

The Panel noted that advertiser’s response that the advertisement dramatises what a young woman, who has run out of her contraceptive pills, might imagine are (exaggerated) outcomes which could unfold if she wasn’t able to get her prescription renewed. The Panel noted that the service being advertised is a telehealth agency which provides prescriptions through online/remote appointments.

The Panel considered that the suggestion that a person may not want to have children or that having eleven children at once may be unwelcome is not a depiction which treats mothers or women unfairly or less favourably. The Panel considered that such a suggestion does not humiliate, intimidate or incite hatred, contempt or ridicule of women.

Insensitivity



The Panel noted the complainant's concern that the advertisement is insensitive to those who cannot conceive a child and those that may have lost a baby to portray babies as annoying and unwanted.

The Panel considered that the suggestion that an individual may wish to use birth control to avoid having children is not discriminatory or vilifying towards people who have lost a child or cannot conceive a child.

The Panel considered that an advertisement which depicts children and babies in a less than positive manner may trigger unwelcome feelings in people who have lost a child or cannot conceive a child, however considered that such a depiction is not discriminatory or vilifying towards those people.

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 age or gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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