

Case Report

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| 1 | Case Number | 0195/14 |
| 2 | Advertiser | Cancer Council NSW |
| 3 | Product | Community Awareness |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 11/06/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The 'I Touch Myself' project features 10 iconic Australian female artists, together singing Chrissy Amphlett's well-known song from the 1990s, 'I Touch Myself'. The aim of the campaign is to honour Chrissy Amphlett's memory following her tragic death from breast cancer in 2013, and to transform the song into an anthem for breast cancer awareness.

THE COMPLAINT

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

I find it offensive.

THE ADVERTISER'S RESPONSE

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

We acknowledge receipt of your letter enclosing a copy of the complaint received by the Advertising Standards Bureau in relation to the #itouchmyself breast cancer awareness campaign (complaint reference number 0195/14).

We are deeply disappointed that this campaign has caused offence to a member of the community. In our view, however, the content of the campaign is clearly in line with prevailing community standards, and moreover, it carries an important public health awareness message that may ultimately save lives. It is in this context that we provide the following responses to the ASB's queries.

Comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes)

Background

As noted above, the #itouchmyself campaign carries a serious and important public health message about breast cancer awareness. In 2014, it is estimated that over 15,000 Australian women and around 100 men will be diagnosed with breast cancer, and nearly 3000 of those diagnosed will die. By the age of 85, one in eight Australian women will be diagnosed with breast cancer. However, we know that detecting breast cancer early is the most important factor in beating this disease. Through this campaign, Cancer Council NSW is encouraging women to get to know their breasts better, to know what is normal for them and to participate in breast screening if they are in the right age range.

Chrissy Amphlett tragically died of breast cancer on 21 April 2013, at just 53 years old. Her dying wish was that the popularity of her song 'I Touch Myself' could be harnessed to save the lives of others. This wish inspired other celebrities to lend their support, and the resultant campaign features celebrated Australian singers including Olivia Newton-John, Little Pattie, Deborah Conway, Connie Mitchell, Suze DeMarchi, Sarah Blasko, Sarah McLeod, Kate Ceberano, Megan Washington and Katie Noonan.

Happily, the campaign has had remarkable early success. As at 5 May 2014, a matter of weeks after the campaign launch, the campaign had received 316 pieces of media coverage, including 238 print and online, 38 radio, 23 television and 17 international clippings, together representing a PR value of \$7.34 million. The video launched to an audience of 2.2 million on Australia's top rating evening current affairs show Sunday Night, prime time news program The Project ran a 5 minute plus news feature covering the campaign and breast cancer in Australia, and international media picked up on the campaign within hours of the launch, reaching audiences of 100 million plus at The Daily Mail UK, Huffington Post, Yahoo!Shine, Billboard and Fast Company. By 22 May, the YouTube video had been viewed 281,727 times, downloaded 3042 times from iTunes and 978 times through Spotify/Amazon. The campaign reached 4.2 million Australians within just 48hrs on social media - without a dollar spent on advertising.

This traditional media and viral success is relevant to our response to this complaint for two key reasons. Firstly, and most importantly, it demonstrates that the campaign is achieving its goal of communicating a critically important public health message to the community. To the extent the campaign involves a small element of controversy (which we address below and submit is still well within the bounds of what the community considers acceptable), such controversy has assisted in ensuring this message is widely communicated. This may have a very real impact on breast cancer survival in years to come.

Secondly, the positive response from both the community and the media to the campaign clearly demonstrates that it is in line with prevailing standards and morality. All media

coverage of the campaign has been of a positive sentiment, and direct feedback we have received from the community has reflected overwhelming positive support for both the campaign and its message.

Response to sections of the AANA Code of Ethics

Discrimination or vilification

Advertising or Marketing Communications 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.

We do not believe that the #itouchmyself campaign is discriminatory or vilifying of any person or section of the community. It portrays a breast cancer survivor, but it does so in a manner that is intended to promote awareness and reduce stigma, rather than discrimination or vilification.

Exploitative or degrading content

Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

We do not believe that the #itouchmyself campaign is exploitative or degrading of any person or group of people. We note that the campaign involves the displaying of the breasts of a cancer survivor who has had a double mastectomy and reconstruction. However, we believe this is achieved in a respectful, considered and dignified manner, in the context of an important health message.

Violence

Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The #itouchmyself campaign does not contain any violence.

Sex, sexuality and nudity

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The #itouchmyself campaign contains nudity and limited sexual references. However, we believe these elements of the campaign are presented with sensitivity and respectfulness, and are clearly in step with prevailing community norms and standards.

The sole nude figure in the campaign is a female cancer survivor, who is shown nude from the waist up only. The woman has had a preventative double mastectomy and reconstruction, and the presentation is in no way sexual in character. The woman's breasts are shown to encourage awareness about breast cancer and the consequences of treatment, with a view to reducing stigma, fear and body image issues that many women feel following cancer

treatment and breast reconstruction.

To claim that this respectful and dignified presentation of a breast cancer survivor is offensive is greatly out of step with community standards. Moreover, attitudes such as those displayed by the complainant in this case risk further marginalising and stigmatising brave survivors who have already experienced a significant ordeal through the treatment process. Indeed, we submit that this complaint only serves to highlight the need for this campaign even more – to reduce the stigma felt by breast cancer survivors, but also to normalise the concept of breast examination and screening where appropriate, in order to save lives.

The lyrics of the song ‘I Touch Myself’ once contained a sexual message about masturbation. In the present campaign, however, the phrase ‘I touch myself’ is used to promote awareness amongst women of what is normal for their own breasts, to notice any changes, and to participate in breast screening where appropriate. In this way, it takes advantage of the former controversy to spark community interest in the campaign, and thereby deliver an important health message to a broad audience.

In any event, while the lyrics may arguably have been controversial when the song was first released over 20 years ago, we submit that it is no longer a sexually explicit or potentially offensive message in the context of modern day community standards on sexuality and nudity.

Language

Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The #itouchmyself campaign does not contain any coarse language (please refer to the appended script).

Health and safety

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

The #itouchmyself campaign does not depict material contrary to prevailing health and safety standards. On the contrary, it aims to promote improved health through awareness of breast cancer, changes in breast tissue and participation in breast cancer screening where appropriate.

We trust this response meets the requirements of the Advertising Standards Board as outlined in your letter. We look forward to hearing from you in due course.

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 complainant’s concern that the advertisement depicts scenes that are offensive.

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 the advertisement features 10 iconic Australian female artists, singing Chrissy Amphlett's song 'I Touch Myself'. The women are seen from the head and shoulders and appear to not be wearing a top. In one of versions of the advertisement, a woman is seen naked to the waist. The woman has undergone reconstructive surgery following breast cancer. The Board noted that the aim of the campaign is to increase community awareness of breast cancer and the importance of self examination.

The Board noted the complainant's concerns that the advertisement is offensive.

The Board noted that there are two versions of the advertisement and that they have been given "PG" and "M" ratings by CAD. The Board noted that the version with the woman's breasts exposed is the "M" rated version.

The Board noted that the #itouchmyself advertisement carries a serious and important public health message about breast cancer awareness. The Board noted that the women singing in the advertisement are meant to appear naked but that there is no actual nudity (other than the final shot in the M version).

The Board noted that the advertisement was not sexually suggestive in any way and considered in the context of a community awareness campaign about breast cancer, the level of nudity shown in the 'M' rated version was not inappropriate.

The Board considered that 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.