



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0197/11</b>
<b>2</b>	<b>Advertiser</b>	<b>NSW Health Department</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A man says goodbye to his girlfriend at the bus stop and then walks down the street where various men and woman thank him for the night before.

The voiceover talks about how sleeping with one person means sleeping with many people and the text on screen reads, "..always use a condom."

### THE COMPLAINT

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

*This advertisement was on while the logies pre show was on at 8pm. I have 2 children aged 10 and 11 and they asked my wife and myself what the ad meant. Now for me to answer this question I have to answer more in depth questions about sex which I feel they are too young to inform them of this.*

*These advertisements are aimed at teenagers and adults. This advertisement should be on after 8:30pm as 8pm is too early for this type of advertisement. I look forward to your reply.*

### THE ADVERTISER'S RESPONSE

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

*In order to comprehensively respond to this complaint, and for the Advertising Standards Bureau's information, I wish to provide some background to the history and development of this significant public health awareness campaign.*

#### *Background*

*The campaign is a repeat of a previous campaign which was conducted from W/C 30 August to W/C 25 October 2009. The current campaign commenced in W/C 30 January and was originally planned to conclude W/C 24 April 2011. A budget review in April allowed additional funds to be invested to extend the campaign to W/C June 26.*

*The campaign has the overall objective of increasing young heterosexual people's knowledge and awareness of STI testing, treatment and prevention. More specifically, for the primary target audience for this campaign (young heterosexual people) the primary objectives were:*

- to increase awareness of the high prevalence of STIs and the asymptomatic nature of many STIs and the implications of this in new regular relationships; and*
- to increase the awareness and availability of simple testing and treatment I management for STIs. Post campaign evaluation research indicated that overall, the 2009 NSW STI campaign appears to have been quite successful with a high level of campaign recognition (71 %) amongst 16-24 year olds. The repeat campaign for 2011 featured the 15 sec TVC, but the Department re-introduced the 30 sec TVC for the last five weeks on on-air activity between May and the end of June. This was a strategic decision, based on the need to re-affirm that human face of STI campaign and to re-assert the creative treatment of this 30 sec TVC for future recall.*

#### *Response*

*The complainant's description of the advertisement is correct however the final assertion in the description is erroneous. As the TVC script shows, at no stage was there any direct reference to "having sex". At the opening scene of the TVC, the girl says "I had a really lovely night". While adults may conclude that the couple had engaged in some form of sexual activity, there is no subsequent element of the script that directly relates to 'having sex', as suggested in the complaint. NSW Health submits that the creative ambiguity within this TVC addresses the core message regarding sexually transmissible infections in a manner which is inoffensive and respectful to the audience. It is a necessary and effective 'hook' to engage the viewer to deliver that message.*

*The complaint refers to the appearance of the 30 sec TVC during the telecast of the 2011 Logie Awards on the NINE Network. The telecast commenced at 8.00pm and the STI 30 sec TVC appeared in the first advertising break. The 2011 Logie Awards telecast was rated as a "PG" program. The 30 sec TVC has been rated by CAD as "PG" and is therefore permitted for telecast within that program. During the production of the STI TVCs, NSW Health worked closely with the producers to ensure that the sensitivities of the community were respected and balanced against the demonstrable need to conduct this crucial public health campaign across NSW.*

*Should you require any additional information, please don't hesitate to contact me.*

## **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 concerns that the advertisement refers to sexual matters which are not appropriate for the time it was shown.

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

The Board 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 is for community awareness about sexually transmitted diseases, and that it has been rated PG by CAD.

The Board noted that there is no nudity in the advertisement and there are no sexual acts depicted or clearly described. The Board noted that whilst some members of the community may feel uncomfortable with the topic of the advertisement, the Board considered that the language used was relevant to the important community awareness message that the advertisement is attempting to convey.

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.

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