



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0200/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Adventist Media Network</b>
<b>3</b>	<b>Product</b>	<b>Other</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/06/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A couple, looking sad, hold a photo of an ultrasound between them whilst a voiceover says, "There is a place, where grieving parents will be reunited with their lost baby". We then see a sick man, with oxygen tubes, holding a photo of himself healthy and the voiceover continues "where the terminally ill will be fully cured" followed by an elderly couple holding a photo of their wedding day and the voiceover says, "a place where love never dies. Where is this place? Phone this number or visit the beyond website at any time, to request your free Beyond Lost DVD, and start discovering the amazing facts about this wonderful place, and how to get there."

### THE COMPLAINT

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

*This commercial is extremely offensive and should be taken off air immediately. I cannot believe that channel seven programming would show an advert that promises parents that have lost a child to be reunited with them or if a person is critically ill they will find a place to have hope....I presume this is an advertisement for Jehovah witness. I have looked at the website [www.beyondlost.info](http://www.beyondlost.info) and have called the telephone number and it connects me to a freight company in Tasmania.*

*It is a disgusting, upsetting advert with a false telephone number? I would appreciate your feedback.*

## **THE ADVERTISER'S RESPONSE**

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

### *Response to Complaint:*

*Placement and Duration: This ad was broadcast as a pilot study in two areas for the purpose of evaluating the effectiveness of the ad through feedback received. It was broadcast in the; a) Wollongong; b) Sunshine Coast, regions during the dates of 27 April - 06 May 2012 only.*

### *Section 1 Response:*

*This ad does not fall under Section 1 as it is a film promotion and does not have competitors*

### *Section 2 Response:*

*2.1: This ad does not discriminate or vilify any person or belief*

*2.2: This ad does not employ sexual appeal as a promotion technique*

*2.3: This ad does not use any violence*

*2.4: This ad does not have any sex, sexuality or nudity*

*2.5: This ad does not use strong or obscene language*

*2.6: This ad does not portray material contrary to health and safety standards*

### *Section 3 Response:*

*3.1: This ad is not aimed at Children, it is aimed at parents people 25+*

*3.2: This ad does not advertise a motor vehicle*

*3.3: This ad does not advertise food or beverage*

### *Comments to Complaint:*

*The Australian legal landscape allows for the freedom of speech through advertising, within the framework of Communication Standards and Classifications. This includes the right to promote religion and theologies within its different forms. The "Beyond Lost" ad advertises the Christian theology of "heaven" and was created to promote the "<G> Classified Documentary Film" Beyond Lost. The ad does not try to indoctrinate or impose a belief on the viewer; it promotes a product that people can choose to receive, for free, if they want to know more. The 2006 Bureau of Statistics documents that at least 66% of Australians have a World View that includes the concept of heaven. This is the target market of the ad.*

*In regards to the telephone number being wrong on the website:*

*A - The telephone number is the main contact method promoted on the TV ad (1300 300 398) and was listed correctly, the website (beyondlost.info) and SMS (0459 12 13 14) were added to the ad as supplementary contact points.*

*B - The website's main contact method was an online form for those who did not want to phone. The website included a phone number in the footer of the website but unfortunately the web designer made a typo which has already been picked up and changed. The last digit was listed as 6 instead of 8. It is unfortunate the person who made the complaint viewed the website before this typo was picked up and changed.*

## **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 offensive in its promise to reunite parents with their lost child and the overall message is contrary to community standards.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that it is not clear what is being advertised and that there is a number provided to ring for more information. The Board noted that this number is answered by a member of a religious organisation called Beyond Lost.

The Board noted the complainant’s concerns over the advertisement’s claim that there is a place where parents can be reunited with their lost child and considered that whilst this claim could be upsetting to some members of the community it is not a claim which of itself is in breach of the Code. The Board noted that freedom of speech allows for religious organisations to air their beliefs and considered that the advertisement does not depict or present material which is contrary to prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did 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.