



Case Report

1	Case Number	0291/16
2	Advertiser	Hero Condoms
3	Product	Toiletries
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This advertisement features images of condom wrappers and the text, all of it spoken by a female voice over and some of it replicated on screen: "What if we told you, that you could make love...and change the world? Well you can with HERO Condoms, who donate a condom to a developing country for every one sold, to help stop the spread of HIV and save lives.

No wonder HERO is the #1 condom of choice for women in Australia. So give her what she really wants and help change the world in the process. Buy a pack of HERO Condoms and share the love!"

THE COMPLAINT

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

A condom vending machine in the male toilets in Sydney airport Terminal 2 near gate 38 has a video and audio advertisement panel attached that advertises condoms and condom use by talking about prevention of HIV and AIDS. It also uses words such as "sex".

This advertising is totally inappropriate for minors and while not directed to minors, it is

reasonable to expect that minors would be exposed to this advertisement.

THE ADVERTISER'S RESPONSE

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

Please accept the following as our formal response to the complaint made in reference to our advertising content, within Powder Room Interactive Vending Machines, located in airport bathrooms nationally.

Section 2 of the AANA Code of Ethics

2.1 - Discrimination or vilification

HERO Condoms is a socially responsible condom company, whereby for every condom sold, one is donated to a developing country to help fight the spread of HIV/AIDS and save lives.

We exist to improve the lives of others, whilst always looking to communicate the importance of the safe sex message. We understand the sensitivities that accompany our category and therefore work very carefully to ensure that we do not offend or discriminate.

2.2 - Exploitative and degrading

HERO Condoms is the only condom brand that focuses their communication on the female audience, so much so, that our product, packaging, website, social channels and branded content are all skewed toward women. We do not understand why in the 21st century, that condom brands only talk to the male audience, let alone try and sell sexual performance by using misogynistic images and language.

2.3 – Violence

HERO Condoms does not condone, support or portray violence of any kind or nature.

2.4 - Sex, sexuality and nudity

As a brand, we do not utilize any nudity or sexual imagery to communicate our brand or product. Please see response 2.2.

2.5 – Language

Sexual Health is more important now than it ever has been, especially as people have become complacent and as a result, STI's and HIV are the highest they are have ever been right now in Australia. Therefore communicating the importance of safe sex should not be criticized or condemned but rather supported and embraced, however as we operate on a 1 for 1 model, whereby a condom is donated for every condom sold, it is paramount to our very existence that we are able to articulate why we offer the donation of these condoms to developing countries i.e – to help develop a best practice model for prevention in the fight against the spread of HIV/AIDS. This language has been very carefully articulated and used within the

current branded content. It is our 1 for 1 business model, which proved in a national survey that up to 78% of Australian women preferred HERO Condoms to other brands, due to our socially responsible nature. This language has also been very carefully articulated and used within the current branded content.

2.6 - Health and Safety

HERO Condoms advertising, displayed within vending machines, was supplied to Powder Room Media who obtained pre-approval of content from the airports as well as confirming the content themselves to be satisfactory for display.

Specific advertisement

Please see below copy of the script that was advertised on Radio (Austereo)

"What if we told you, that you could make love...and change the world? Well you can with HERO Condoms, who donate a condom to a developing country for every one sold, to help stop the spread of HIV and save lives.

No wonder HERO is the #1 condom of choice for women in Australia. So give her what she really wants and help change the world in the process. Buy a pack of HERO Condoms and share the love!"

Complaint Received

It is important to note, that the complaint received is completely inaccurate. The HERO Condoms advertisement does not live on a condom ONLY vending machine, but actually on a machine that provides deodorants and several other impulse products, all of which have the same 30-second advertising placement. This placement runs on a continuous loop of 8 or so brands OR is activated if a specific product is selected.

The ad does address HIV & AIDS but only in the reference to the company's business model and not in any other context i.e. for every condom we sell, we donate one to a developing country to help fight the spread of HIV/AIDS and save lives.

The ad does NOT mention the word 'sex' nor does it contain any language or reference that may cause concern to minors.

Given the script was approved and run on national radio, as well obtaining approval from both Powder Room Media and the corresponding airports; we felt that we did everything possible to ensure that we had followed all possible processes required to abide by all advertising policies and standards.

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 features sexualised

language and is not appropriate for 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 this out of home television advertisement is on a condom vending machine and features a female voiceover asking, "What if we told you that you could make love and change the world? Well you can" while these words also appear on screen. The voiceover then goes on to explain that for every condom bought, Hero Condoms donate one condom to a developing nation to help stop the spread of HIV and to save lives.

The Board noted the complainant's concern that the advertisement features sexualised language including the words, 'sex', 'HIV' and 'AIDS'.

The Board noted the complainant's concern that the advertisement is played on a condom vending machine and is not suitable for children.

The Board noted the advertiser's response that the advertisement is played on a TV screen on a vending machine which sells numerous products, including deodorant and condoms, and that each product has a corresponding advert which plays either on a continuous loop or is activated upon purchase.

The Board noted that the actual words used in the advertisement for the Hero Condoms are 'make love', not 'sex' and considered the most members of the community would not find the phrase, "make love" to be strongly sexualised. The Board noted the reference to HIV is made in a factual manner with no explicit information on how sexual diseases are transmitted and considered that the advertisement does not mention AIDS. The Board noted the complainant's concern about children being exposed to this sexual information. The Board noted that children would most likely be accompanied by an adult or responsible carer when using public toilets and considered that younger children would not know what this product is and older children would be most likely receiving education at school or from their parents regarding safe sex.

The Board noted the advertisement does not contain any images of people or sexual activity and considered that overall the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "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 Board noted the complainant's concern that the advertisement uses the word 'sex' and makes reference to HIV and AIDS.

The Board noted that the actual words used in the advertisement are ‘make love’, not ‘sex’, and that although the advertisement makes reference to stopping the spread of HIV there is no mention of AIDS.

The Board acknowledged that some members of the community would prefer that sexual health products and messages not be advertised outdoors where children can view them but considered that in this instance the sexual references in the advertisement are factual and informative and in the Board’s view the advertisement uses sex-related language in a manner which is not strong, obscene or inappropriate in the context of an advertisement for a sexual health product.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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