



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0308/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Department of Health South Australia</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>08/08/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.4 - Sex/sexuality/nudity S/S/N - sexualization of children

### DESCRIPTION OF THE ADVERTISEMENT

The 'Protect your loved ones' television advertisement depicts a woman in her 50's and three generations of her family.

The voiceover says to image seeing your friends and family suffering and that the decision to not have a regular breast screen doesn't just affect you.

The commercial then focuses on the woman who is upset and concerned for her family. It then cuts to an image of the whole family with their hands over their chest in support of the hero mother who has breast cancer.

The final scene is the hero mother looking directly to camera.

### THE COMPLAINT

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

*I find it disturbing that what appears to be a naked male place his arm around a naked young girl of around 12 years of age. It suggests paedophilia.*

*Whatever the intention of Breast screening is meant to be by putting 'half naked' people in their ad to encourage women over 50 to have screenings done is lost.*

*The advert whilst its intention is to get women to have a breast screen includes a voiceover that effectively says if you get breast cancer then you are causing suffering to your family and it's your fault because you didn't have a breast screen. (My paraphrasing). As you know this is not the case – breast screening simply shows that there is breast cancer it doesn't stop it happening. It may prevent it getting worse because something is done about it before it gets worse but it doesn't prevent breast cancer. Your advert is basically saying if you have breast cancer it is your fault.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for your email of 17 July 2012 (complaint reference number 0308/12) regarding SA Health's BreastScreen SA 'Protect your loved ones' 30 second television commercial. The BreastScreen SA 'Protect your loved ones' campaign was launched on 1 July 2012. The campaign aims to increase the number of women screened in South Australia by 23,000 women, with a target to raise the participation rate from 56.4% to 65.4% by June 2015. The advertisement is aimed at females aged 50 to 69 years, as this target group is at higher risk of developing breast cancer and as such, is eligible for a free screening mammogram under the national breast screening program.*

*The television commercial is shown on selected free-to-air television stations across South Australia (7, 7TWO, 9, 99GEM 10, SBS, GTS-4, WIN Mt Gambier and WIN Riverland). In developing the campaign, extensive research showed that while our target audience was aware of the risk of breast cancer and of the importance of regular breast screening (86%), 46% still chose not to have a regular breast screen.*

*The research revealed many and varied reasons for this non-participation, however a common element emerged: 'I seemed to preface most of the barriers cited - 'I don't have enough time', 'I'll deal with it if it happens', 'I'm scared of what they might find' etc. This insight provided the basis of the campaign creative which demonstrates that the decision not to have a regular breast screen doesn't just affect the individual, but all those who are near and dear to them.*

*The television commercial is designed to be deliberately confronting, motivating women to think about those around them when deciding not to have a breast screen. It is also hoped that family members and friends will also encourage those women not currently undergoing screening to do so.*

*Addressing the AANA Code of Ethics Section 2*

*SA Health believes that the BreastScreen SA 'Protect your loved ones' advertisement is consistent with the AANA Advertiser Code of Ethics, particularly in relation to Section 2. In developing this campaign, due care has been taken to present the images in an appropriate and sensitive manner. Our goal was to develop a communication that would deliver our message on an intellectual and emotional level.*

*Much thought was given to language, musical composition and visual style to ensure that the television commercial would connect with our audience in a resonant and purposeful way - a way that would compel them to change their attitudes and behaviour with respect to breast screening.*

*The decision to have our cast appear in the nude from the waist up was not reached lightly. After much consideration we came to the conclusion that it was a critical visual element. One of our principal objectives in the commercial was to demonstrate clearly and succinctly to our target audience that their decision not to have a breast screen 'exposed' their entire family to the risk of suffering. Our cast's collective nudity served as a literal demonstration of this point.*

*And while the resultant images are stark and powerful, their intent and purpose is always clear. The message is one of shared experience and vulnerability, of deep family bonds. This aesthetic decision focuses attention on the performance and the emotional connections being explored, rather than superficialities like what people are wearing or what social class they belong to.*

*Similarly, interactions between the cast, with respect to facial expressions and physical gestures, were intended to reflect the care and compassion that family members extend to one another during difficult times.*

*With all this in mind, we were determined to ensure that levels of nudity never went beyond what was needed for, or relevant to, our communication.*

*We believe absolutely that SA Health has been as measured and sensitive as possible in the creation of this television commercial. Every effort was made to ensure the comfort and dignity of our cast and that the final commercial was entirely appropriate for its PG rating. Addressing the AANA Code of Advertising for Children*

*The AANA Code of Advertising for Children states that advertisements to children must not include sexual imagery in contravention of Prevailing Community Standards or imply that children are sexual beings.*

*SA Health does not believe that the image of the young girl is sexual or implies that she is a sexual being. She is represented in context to other members of the cast and the overall creative execution.*

*We were particularly sensitive to how she was portrayed in the television commercial, and made every possible effort to ensure that her appearance could only be regarded as considered and appropriate. The child's mother was present and supervised the filming of the commercial.*

*In the first instance she is visible from the top of her chest up. She is looking down and away from the camera as a female hand, her mother's, extends over her shoulder to provide her with support and comfort.*

*In the second instance, she appears with the full support cast. She is being held by her 'mother' with her back to the camera. Her mother's hands have been strategically placed to ensure that only a small section of her left shoulder is visible.*

*In both instances only a small section of her bare shoulders are visible. From an interactive perspective, she is being consoled by the woman, her mother, in the commercial. If this particular aspect of the performance isn't clear in her first appearance, it becomes clear at the conclusion of the commercial when she appears in her mother's arms.*

*Addressing the specific concern*

*The scene highlighted by the complainant is not intended to have sinister undertones or to cause distress by suggesting paedophilia.*

*The scene is simply an interaction between the child and her mother and is intended to reflect the care and compassion that a mother shares with her child and that family members extend to one another during difficult times.*

*It is clear that the hand that comforts her is that of her mother's in the opening scene and this is further reinforced later in the commercial when she appears in her mother's arms.*

*SA Health does not condone child abuse or paedophilia and works closely with the Department for Communities and Social Inclusion to ensure there are coordinated,*

*comprehensive, accountable and responsive services for child protection across South Australia.*

*While it is too early to determine the impact of the campaign, SA Health is optimistic it will encourage women in the target audience to undertake regular breast screening.*

*SA Health will complete a comprehensive independent evaluation of the campaign to assess the effectiveness before proceeding with future media buys in 2012-13. All feedback and complaints will form part of this analysis.*

*We trust the Advertising Standards Bureau members will support our assessment that the 30 second 'Protect your loved ones' commercial does not breach the AANA Advertiser Code of Ethics. On these grounds we request that the Advertising Standards Bureau dismiss these complaints.*

## **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 features inappropriate and sexualised images of young girl and is unsuitable for viewing by 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 the advertisement depicts a woman in her 50’s and three generations of her family. The voiceover refers to seeing your friends and family suffering and that the decision to not have a regular breast screen doesn't just affect you. The images then focus on the woman who is upset and concerned for her family.

The Board considered that the opening images, of the young girl show a hand coming around her shoulders. The Board noted the complainants concerns that the hand appears to be that of a man and that the next image shown is of a man. The Board noted the advertisers response that the hand that comforts the child is that of the mother and that this is further reinforced later in the advertisement as she appears in her mother’s arms.

The Board considered that the advertisement is a clear depiction of a family unit showing care and compassion to one another during difficult times. The Board considered that the nudity in the advertisement was intended to represent the vulnerability of all members of the family in matters of poor health and was not sexualized in nature.

The Board noted the Practice Note to the Code which states in part ‘Advertisements with appeal to younger people which contain sexualised images or poses are to be used with caution. Models which appear to be young should not be used in sexualised poses.’

The Board considered that the depiction of the naked girl in the advertisement was not of itself a sexualized portrayal of the girl and that the complainants concerns regarding inappropriate sexual behaviour was not an interpretation that would likely be shared with the majority of the community.

The Board considered that most members of the community would not consider the advertisement overtly sexualised and determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.4 of the Code.

The Board then 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 considered in particular the potential impact on the physical or mental health of viewers of the advertisement on the grounds of “alarm and distress”.

The Board considered that the showing of such images combined with the voiceover was confronting and could be distressing to some viewers. The Board considered that the images gave the advertisement greater impact, and that this was justifiable by the significant message being advertised.

The Board considered that the broadcast of this advertisement in a television environment was not inappropriate considering the important public health message that the advertiser is endeavouring to communicate.

The Board determined that the advertisement did not depict material that was 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.