



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0326/13
2	Advertiser	ACON Inc.
3	Product	Community Awareness
4	Type of Advertisement / media	Outdoor
5	Date of Determination	25/09/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The banner which is the subject of this complaint is a 4.5m x 1.5m rectangular banner that was fixed to a light pole 5 metres above street level. The banner features the text 'Oh Yeah' with a coloured condom graphic covering the O. The campaign uses other iterations ranging from fun ('Oh Yeah'), culturally specific ('Party On'), more intimate messages ('Love', 'XOXO') through to a call to arms ('Come On', 'Carry On').

All the banners utilise Ending HIV black and white livery and feature 'Ending HIV' at the top of the banner and the Ending HIV website address at the bottom.

THE COMPLAINT

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

Giant condoms, eye catching nature, appeal of the graphics to children and general content of the ad is inappropriate for the placement of the advertisement. They are unavoidable as they are everywhere and are particularly inappropriate for viewing by children and will be yet another risk factor for early sexualisation of children which is a health risk in itself. . My 7 year old has already asked me about the ads.

THE ADVERTISER'S RESPONSE

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

Established in 1985, ACON is one of NSW's leading community-based HIV and lesbian, gay, bisexual, transgender and intersex (LGBTI) health organisations. ACON works to reduce HIV transmission, support people with HIV and enhance the health and wellbeing of the LGBTI community.

DETAILS OF ADVERTISEMENT

The HIV prevention social marketing banner and poster executions that are the subject of the complaint are part of a condom reinforcement campaign developed by ACON with funding from the NSW Ministry of Health. Pre-publication approval of all Ministry of Health-funded print resources is a standing requirement of the Ministry's funding and performance agreements with non-government agencies.

The display ran from 2 - 16 September, mounted across 195 street furniture and bus shelter panels and City of Sydney light pole banners.

The banners and posters which are the subject of the complaint are part of ACON's I'm On condom reinforcement campaign, which has been developed by creative agency Frost Design as an integral component of ACON's broader Ending HIV campaign (also a Frost Design concept) which was launched in February 2013.

Ending HIV is an interactive social marketing and education engagement platform that incorporates communication, campaign and community mobilisation initiatives aimed at ending the transmission of HIV among gay men in NSW by the end of the decade. The campaign emphasises three key messages: 'Test More', 'Treat Early' and 'Stay Safe'. I'm On is specific to the 'Stay Safe' component of the equation.

Dependent on initial evaluation results, the I'm On OOH display may be utilised again in the lead-up to the Sydney Gay and Lesbian Mardi Gras Festival and Parade in late February 2014.

RESPONSE TO COMPLAINT

Context

As the HIV epidemic has evolved, prevention with gay men has become more complex and increasingly requires engagement with a growing diversity of risk reduction strategies, without eroding the levels of safe sex practice which gay men have sustained to date.

ACON's key campaign work, informed by its recently released strategies (ACON Strategic Plan 2013- 2018 and ACON HIV Action Plan 2013-2018), is aligned to the NSW HIV Strategy 2012-15 A New Era.

In December 2012, the NSW Ministry of Health approved the Ending HIV campaign, the first large scale campaign to embody the goals and targets of the NSW HIV strategy.

Through the Ending HIV communication platform, ACON is working to encourage HIV negative men to test more frequently and for those living with HIV who are not on treatment, to consider treatment options sooner rather than later.

In addition, the campaign messaging is working to maintain a strong safe sex culture among all gay men, in which the use of condoms continues to remain central.

The launch phase of the Ending HIV campaign in February (designed to develop awareness on the possibility to end the HIV epidemic by 2020) evaluated exceptionally well across a range of key indicators.

An increase in annual HIV notifications recorded in NSW in 2012 indicates a need for strengthening the condom reinforcement messaging within Ending HIV campaign parameters. Design agency Frost was asked to explore a new design concept; a standalone condom reinforcement campaign leveraging the Ending HIV design concept and currency, and for it to be positioned as an extension of the Ending HIV campaign.

Campaign Objectives

1) Key objectives of the Ending HIV campaign:

- To inform gay men about recent research findings, new prevention approaches and technologies that make the Ending HIV goal attainable.*
- To update gay men's knowledge about significant advances in HIV treatment, resulting in simpler regimens, far fewer side effects and much greater health and prevention efficacy benefit.*
- To encourage all sexually active gay men to test for HIV more frequently.*
- To support and encourage gay men to sustain safe sex and condom use to ensure goal attainment.*
- To ensure that gay men diagnosed with HIV are able to access treatment and care as soon as possible.*
- To achieve a dramatic decline in community viral load sufficient to attain the overall reduction in transmission goal.*
- To refresh and reposition the role of condoms as the safest and most assured means of preventing HIV transmission.*
- To reinforce the importance of regular HIV/STI testing for all gay men.*
- To update knowledge and awareness about the prevention benefits accrual from optimally suppressed HIV, sustained over time (Undetectable Viral Load or UDVL).*

2) Key objectives of the I'm On condom reinforcement campaign:

The objectives of the condom reinforcement campaign are to prioritise and centralise

condom use within the Ending HIV campaign parameters in order to demonstrate that we can't bring HIV transmission to an end without sustained commitment to maintaining safe sex.

The condom reinforcement campaign I'm On is designed to expand on the dialogue established between ACON and gay men within the Ending HIV framing. The message design elaborates on the Ending HIV community engagement platform and provides further detail on a tangible call to action for the 'Stay Safe' component of the framework.

The design builds on the template that made the initial creative material so impactful – a bold, straightforward, simple, yet precise and sophisticated black and white font-based approach. Colour is added strategically to help depict condoms and drive the eyes to the main message: condoms remain central to end the HIV epidemic. It gives the campaign a very specific, fresh, contemporary look while leveraging the strength of the Ending HIV design.

Concept focus group testing was conducted by the market research agency Stokes Mischewski in accordance with ACON's Focus Group Guidelines and the NSW Health Educational Resources Approval Policy.

Four focus groups were conducted - HIV negative gay men, HIV positive gay men, younger and older gay men – and the campaign was very positively received in each group. Clinical content has been reviewed and endorsed by Dr Chris Bourne, Senior Staff Specialist, Sydney Sexual Health Centre.

Given the success of the Ending HIV media strategy, a similar media strategy has been used for I'M ON to maximise our reach and frequency.

It uses a mix of outdoor billboards (150 JC Decaux panels, 200 City of Sydney banners); online (interactive web banners on gay sites; Facebook ads, search); social media (update of the Ending HIV Facebook page, daily posts) and outreach (venue blitz, forums, community events). Our branded collateral (posters, safe packs, drink coasters, t-shirts, stickers, tattoos and tote bags) will be distributed at gay venues, events, clinics and ACON branches.

The campaign was launched on 2 September 2013 (commencing with two weeks of outdoor advertising running until 16 September 2013) and will run until the end of 2013 through online, social media, outreach and print execution.

Along with the NSW Ministry of Health, the Outdoor Marketing Association and the Advertising

Industry Board approved all messages before the campaign was released.

The Complaint

We understand the complaints will be considered by the ASB in relation to:

1) Section 2.3 of the AANA Code of Ethics:

“Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time

zone.”

We believe the campaign complies with the sensitivity and appropriateness requirements.

2) *Section 2.4 of the AANA Code of Ethics:*

“Advertising or Marketing Communications to Children shall comply with the AANA’s Code of

Advertising & Marketing to Children and section 2.6 of this Code shall not apply to advertisements to which AANA’s Code of Advertising & Marketing to Children applies.”

We believe the campaign does not market to children either directly or indirectly.

Response

1) *The content of the advertisement.*

Education and prevention measures continue to be the most appropriate and effective public health response to HIV/AIDS in Australia.

To be effective, such measures need to be in the form of clear and concise health messages that are accessible and culturally appropriate to their target audience.

As nearly 80% of new HIV infections in Australia are amongst homosexually active men, it is important that information is made available to these men to help them look after their health and avoid HIV transmission.

While the O may appear phallic-shaped it is certainly not deliberately configured to be a phallus.

Graphic depiction has in fact been deliberately avoided given the public nature of the display setting.

The aim is for an experienced/informed adult eye to detect a condom emerging from the design thus emphasising the central condom reinforcement message.

We do not believe that a young child would have an experienced/informed eye in the context of this campaign.

ACON is sensitive to general community expectations and would never deliberately seek to provoke age-inappropriate engagement with our campaign material.

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 an image of a

condom which is inappropriate 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 the advertisement is a large outdoor advertisement that has text in black and white that reads "Oh yeah!" The letter "O" has a red condom over it.

The Board noted the complainant's concerns that children would see this advertisement and that it was not appropriate to bring the attention of children to matters of sex and HIV.

The Board noted the advertisement is part of a community awareness campaign to reduce instances of HIV. The Board noted it had previously dismissed a community awareness advertisement which featured an image of a condom (0177/11) where it noted that "it is not its role to determine where a legally available product is advertised – rather its role is to determine whether the manner in which a product is advertised is consistent with the relevant Codes. In the present case the Board noted that the advertisement features a picture of a condom in its wrapper and that one of the men is also holding a wrapped condom in his hand. The Board considered that younger children would not understand what a condom is and that the advertisement handles the issue of use of condoms discreetly"

The Board noted that in this instance the condom is not in a wrapper but is covering the letter "O". The Board considered that younger children would not understand what the condom is and that whilst some older children would understand, many older children would most likely be receiving education about safe sex at school or from their parents and this advertisement is treating that issue in a manner which is discreet and 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.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.