



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0340-19</b>
<b>2. Advertiser :</b>	<b>Repromed</b>
<b>3. Product :</b>	<b>Health Products</b>
<b>4. Type of Advertisement/Media :</b>	<b>Outdoor</b>
<b>5. Date of Determination</b>	<b>23-Oct-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement features a woman and baby sleeping with their faces near each other, and the text "You won't lose sleep over your decision (That'll come later)."

### THE COMPLAINT

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

*The advertisement depicts an unsafe sleeping arrangement that is against the safe infant sleeping guidelines. Co-sleeping with a baby is unsafe for the baby and increases the risk of SIDS. My concern is that parents may see the image and think that it is safe to co-sleep with their baby.*

### THE ADVERTISER'S RESPONSE

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



*We would like to advise that the campaign, as referenced by the above case number, has concluded and we are confident that the artwork is no longer within the public space.*

*However kindly find below requested information for the Community Panel's consideration.*

*Description of the Advertisement;*

*The campaign, called 'You Won't Loose Sleep' acknowledges patients' elevated stress levels when deciding between fertility clinics and provides assurance that they have made a strong decision when choosing Repromed for their fertility care.*

*Comprehensive comments in relation to the complaint;*

*The reason for concern raised in this complaint centres around 2.6 of the AANA Code of Ethics, Health and Safety.*

*The intent of the advert was not to endorse or encourage parents to co-sleep with their infant. Rather it acknowledges the stress that is often associated with fertility treatment and by removing this stress (ie selecting Repromed) they will be in a more relaxed position. The advert also playfully speaks to the future for these people as once they become parents they will have many sleepless nights with their new born.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts an unsafe sleeping arrangement that is against safe infant sleeping guidelines.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel considered that while the mother and baby's faces are depicted close together, the image does not depict the rest of their bodies and it is unclear whether they are lying in a bed sleeping. The Panel considered that the two could be lying on a lounge or cuddling and considered that closed eyes is not of itself a clear indication of sleep, particularly when babies are involved. The Panel noted that closing one's eyes when cuddling or smelling a baby is not uncommon.



The Panel noted that there is community concern around safe sleeping arrangements for infants, however considered that this advertisement did not clearly depict material contrary to prevailing community standards on safety.

The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.