



Case Report

1	Case Number	0355/16
2	Advertiser	Harvest Education Technical College
3	Product	Education
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	24/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement for a Diploma in Community Service features images of children and women and includes the text, "Australian Women are being sexually assaulted at twice the rate of women worldwide. There is never a good excuse for rape but there is help and now you can be the one to give them the help they need in order to survive. Study a Diploma of Community Services now!"

THE COMPLAINT

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

As a sponsored advert, Facebook users such as myself haven't opted in to viewing HETC's content meaning this horrific image. HETC have no control over who sees this image in the sense that it could be shown to children or, even worse, women who have been abused themselves. The risk of upsetting or triggering women here are huge, which HETC clearly don't care about. Given domestic violence is hurting or killing 1 in 3 Australian women, the gaudy misuse of violence images is revolting.

Moreover, the Diploma product being advertised is not specifically a domestic violence related course. HETC are thus using domestic violence imagery as a cheap way to sell a

product, with no benefit to victims of violence themselves.

The image used is inappropriate, triggering and manipulative. It is not acceptable to use an image of someone's suffering for financial gain. This advertisement is extremely graphic and is triggering not just to those who have experienced domestic violence, but to all women who face the reality that one in four women have or will experience some form of physical violence in their lifetime.

-The use of a highly sensitive topic to market a product. This is demeaning to the victims of sexual assault.

-The use of sexualised images of women to portray assault victims- whose sexual attractiveness should not be a factor in their victim status. The sexy images are being used to attract viewers to market the product.

- The highly misleading statement that Australian women suffer higher rates of assault than other women in other nations, which is used as an emotional appeal.

THE ADVERTISER'S RESPONSE

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

Our intent was never ever to upset anyone who may have experienced this type of evil in their personal lives, but more so to gain cut through to get those people willing to enrol in a diploma and ultimately help others through the trauma of this invasion to go onto to careers that empower people, both men and women. Although the imagery can be confronting, again it was not our intent to upset any persons who may have experienced the blight that is rape.

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 images of women to portray victims of sexual assault which is not appropriate.

The Board noted the complainant's concern that the advertisement is misleading and considered that complaints about misleading fall under Section 1 of the Code and are best addressed by the Australian Competition and Consumer Commission.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted that this Facebook advertisement promoting a Diploma in Community Services features images of women with bruising to their faces and the text, “Australian women are being sexually assaulted at twice the rate of women worldwide. There is never a good enough excuse for rape but there is help and now you can be the one to give them the support they need to Survive. Study the CHC52015 Diploma of Community Services”.

The Board noted the complainants’ concerns that using images of women subjected to violence is inappropriate and could cause alarm and distress to women who have themselves been victims of assault.

The Board acknowledged that the images of women with facial bruising could be confronting to victims of violence but considered that in the context of raising awareness of a serious social issue and offering a solution to allow victims to be helped, the level of violence portrayed is justifiable in this context.

The Board noted that the advertisement is a Facebook post which would appear on a person’s Facebook feed, as well as on the advertiser’s Facebook page, and considered that in the context of the relevant audience of adults looking to undertake educational courses, the advertisement is not inappropriate.

The Board considered that the advertisement portrayed violence in a manner which was justifiable in the context of the product or service advertised and determined that the advertisement did not breach Section 2.3 of the Code.

The Board then 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 complainant’s concern that the advertisement uses sexualised images of women to portray assault victims.

The Board noted that the images show women with facial bruising and considered that their poses are not sexualised or inappropriate in this context. The Board noted that the images are relevant to the advertised product and considered that the complainant’s interpretation of the images as sexualised is an interpretation unlikely to be shared by the broad community.

The Board considered that the advertisement did not depict sex, sexuality and nudity and determined that the advertisement did not breach Section 2.4 of the Code.

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

