



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0383/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Mawarnkarra Health Service</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>12/10/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A man fishing and a voiceover discusses the benefits of wearing a condom if you are going to 'get your tackle out'. At the end of the advertisement a woman approaches the man and rests her arm and head on his shoulder whilst the voiceover states that "if it's not on it's not in".

### THE COMPLAINT

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

*I believe the advertisement content is valuable but has been put on at inappropriate times (including around 8.00pm and 8.30am when young children may be viewing the ads. I believe the ad is inappropriate for children to watch and may raise questions unsuitable for discussion with some age groups (referring to condoms 'if it's not on it's not in' etc.). I feel these ads could be valuable if they were run in a late night time slot or on alternative medias that are more specific to the target audience.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for raising the concerns regarding our Sexual Health Campaign telecast with the Golden West Network (GWN7) Western Australia. You will be pleased to be advised the campaign has been reviewed and the following action has been taken:*

*1. We have contacted the GWN7 Television Station and raised the concern received by your organisation. Mawarnkarra Health Service is working with the GWN7 Television station to arrange for the advertisement to be placed at a -suitable time where younger children will not be exposed to the advertisement.*

*2. Mawarnkarra Health Service has contacted the production producers and amended the final comments of the advertisement:*

*"If it's not on, it's not in" to "If it's not on, it's not on".*

*Mawarnkarra Health Service understands the sensitivity of the campaign and specifically worked with the production producers to develop a concept where the advertisement had a strong message without the use of a condom or other invasive sexual contents.*

*Sexually Transmitted Infection (STIs) is high within the Aboriginal Communities of the Pilbara Region of W.A. The advertisement was a preventative education and awareness initiative targeting young people (teenagers). The campaign also addresses unwanted and early pregnancy. The statistics for teenage pregnancy is high and our service is taking a proactive role in promoting protective sex. Mawarnkarra Health Service is working in partnership with the Family Planning WA Sexual Health Team to provide greater preventative programs to the community of Roebourne.*

*Mawarnkarra Health Service was advised the commercial was given a PG rating by CAD. GWN7 Television placed the commercial into time slots according to rating requirements.*

*The commercial message is aimed at sexually active "teens" hence the "Home & Away" placement - this fits with the program demographic, innuendo would go over the heads of sub teens.*

*Mawarnkarra Health Service intends to promote positive health messages through the media sector. The service welcomes and invites feedback from both the public and community for concerns regarding our media campaigns. Our service is committed to working with the community appropriately in achieving positive outcomes.*

## **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 contains sexual health material 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 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertisement encourages people to use condoms when having sex in order to prevent disease or unwanted pregnancies, and that the end line says, “If it’s not on it’s not in”. The Board noted that some people would not agree that this message is appropriate for teenagers but considered that the issue of safe sex is an important public health message for teenagers.

The Board noted that the references to sexual activity are discrete and that the language used throughout is very mild. The Board noted that the advertiser has now amended the line “if it’s not on it’s not in” to “if it’s not on it’s not on” and considered that even with the original wording the advertisement handles the issue of safe sex in a manner which is humorous and which treats the issue of sex with sensitivity.

The Board noted that the advertisement has been rated PG by CAD and considered that the content of the advertisement is appropriate for the relevant audiences of this timezone.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

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