



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0384/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Genea</b>
<b>3</b>	<b>Product</b>	<b>Professional services</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

- 2.6 - Health and Safety      within prevailing Community Standards  
2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is filmed in black and white and is accompanied by a musical score only. It shows short sequences of a woman and her partner at various stages of her labour and ends with the woman cradling her newborn child.

### THE COMPLAINT

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

*It's very graphic. It shows too much. Child birth is beautiful to parents but not to children or even young adults. All of our children have commented after seeing this ad. It's been on before 8.30pm and it's just inappropriate.*

### THE ADVERTISER'S RESPONSE

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

*This response forms part of our Advertiser response to complaint.*

*The entire complaint to our commercial is: "It is too graphic [sic]. It shows too much, Child birth is beautiful to parents but not to children or even young adults. All of our children have commented after seeing this add [sic]. It's been on before 8.30pm and it's just inappropriate."*

*This commercial does show a real woman giving birth to a real baby. Genea is a fertility clinic and we wanted to express what we are about in a beautiful, respectful and tasteful way. For those members of the community who struggle to achieve this, we wanted to send a clear message that this is what Genea is all about.*

*The sequences are very brief and filmed in black and white, which does minimise the visual impact of the images of the birth. At all times the woman's state of dress or coverage is complete. The moment of birth shows the baby being lifted towards the mother and filmed at an angle from the side. We do not believe that it is 'too graphic' or 'shows too much', though we acknowledge that the overall effect is very powerful.*

*Section 2.3 of the AANA Code of Ethics mandates that the commercial must treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant programme time zone. The commercial does not portray sex, sexuality or nudity. For the reasons above, we believe that the commercial does treat the vision of the woman, and child birth, with sensitivity.*

*The commercial has been through the process of classification, was classified 'PG' and has been shown at times that allow commercials with such a rating.*

*We acknowledge the complainant's concerns, but disagree that the commercial is inappropriate or that it breaches the AANA Code of Ethics. We note also that the commercial has received much positive comment from parents who have responded very positively to the images.*

## **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 graphic imagery which is not suitable for viewing by a younger audience.

The Board reviewed 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 that the advertisement is promoting fertility treatment and features a woman giving birth.

The Board noted the advertiser's response that a real birth is featured in the advertisement. The Board noted that the advertisement is filmed in black and white and that the woman's modesty is preserved through the use of clever camera angles. The Board considered that the

overall effect is tasteful and that most members of the community would not find the advertisement to be graphic or distasteful.

The Board noted the advertisement had been rated PG by CAD and considered that most people would not consider it inappropriate for such images to be seen by children who are viewing PG programs.

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.