



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0458/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Cancer Council Australia</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/11/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a variety of people asking questions relating to cancer such as, "What starts it?" "How do I know if I've got it?" "Is it ok to have sex?" and "Does it run in families?"

We then see the Cancer Council's 13 11 20 Helpline number on screen and some of the cancer nurses from this helpline explain that you can call them with any questions you may have about cancer.

### THE COMPLAINT

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

*My 10 year old son was sitting with me as he was watching 'Around the world in 80 days' and this advertisement came on. One of the 'questions, presented is 'Can I still have sex?' The question is presented so loudly and distinctly in the advertisement and I do not think this is appropriate for the viewer time period. It is not unusual to have even younger children than mine watching television at this time, and the manner in which the question is presented, to me, does not seem appropriate or natural, thereby highlighting it even more. Yes, this is a valid question for cancer sufferers, but do children really need to hear about*

*this particular aspect of the illness?*

## **THE ADVERTISER'S RESPONSE**

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

*We acknowledge receipt of your letter dated 21 October 2014 enclosing a copy of the complaint received by the Advertising Standards Bureau in relation to our 13 11 20 masterbrand television commercial (TVC) (complaint reference number 0458/14).*

*We are disappointed that this TVC has caused offence to a member of the community. In our view, however, the content of the TVC is in line with prevailing community standards. Moreover, it provides information about an important public health service – namely, the Cancer Council Helpline, which exists to answer questions from members of the public about a range of cancer issues. It is in this context that we provide the following responses to the ASB's queries.*

*As noted above, the 13 11 20 masterbrand TVC carries a serious and important public health message, and creates awareness of the 13 11 20 Helpline service provided by Cancer Council. With 350 people diagnosed with cancer in Australia every day and an estimated 360,000 Australians currently living with cancer, we believe it is essential that these people are aware of our services, and will not be hesitant to pick up the phone to call us. We therefore need to be very clear with the community, educating them on the types of calls we receive and encouraging those most in need to contact us. Through this campaign, Cancer Council is encouraging cancer patients who are often experiencing high levels of distress, to feel open to ask any questions they may have regarding the illness without fear of judgement or stigma.*

*In the development of the TVC, a number of conversations with professionals including counsellors and healthcare workers took place to determine what were the most common and prominent questions asked when dealing with a cancer diagnosis. 'Is it OK to have sex?' was one of these commonly occurring questions, which led to its inclusion in the TVC. We felt (and continue to feel) that it is important that everyone dealing with cancer in life feels that there is no 'stupid' question and can access Cancer Council at all times.*

*Preliminary research surrounding the 13 11 20 masterbrand TVC demonstrated that it was likely to be effective in carrying this message. Using real people with real questions and concerns that most people could relate to, it has had a far more immediate and person-to-person impact on the cancer patient.*

*Research findings (conducted by Millward Brown in January 2013) showed that when shown the TVC, 59% of respondents 'enjoyed watching it a lot'. Also, 64% of respondents indicated the TVC is 'my kind of ad' (compared to research norms of 50%). The same research showed that 90% of respondents indicated that 'the points made were believable' (vs research norm of 69%) and 59% of respondents advised 'the points [made in the TVC] are relevant to me' (vs research norm of 51%).*

*Happily and importantly, the TVC (which aired for the 1st time in Queensland (Qld) between June and October 2014) has had remarkable success. As at 29 October 2014, there has been a 7.5% increase in call volume to Cancer Council Qld's 13 11 20 Helpline service. Since the campaign started airing, the average call duration in Qld has increased from 8 minutes (June) to 12 minutes (October), a 50% increase in length of calls, demonstrating the people who are needing it most are calling for support. Additionally, the level of distress of the callers is rated at 7+ (out of 10). As a consequence of the increased call volume to Cancer Council Queensland's 13 11 20 Helpline service, there has also been an 18.5% increase in referrals to cancer counselling services, indicating that through the increased awareness generated by the TVC, we are able to direct those in need to vital support services.*

*Furthermore, the number of page views of the 13 11 20 Helpline page on Cancer Council Queensland's website has increased by 23%. Qld calls specifically related to the topic of relationships/sexuality have increased by 300% versus last year, demonstrating the ability to foster a safe environment where these real questions can be answered.*

*South Australia (SA) is the only other state where the 13 11 20 masterbrand TVC has recently aired. In FY14, 9% of calls to our SA Helpline were generated from the 13 1120 TVC compared to 7% in 2012-13 proving the importance of airing the TVC and creating awareness of this vital service.*

*This success is relevant to our response to this complaint for two key reasons. Firstly, and most importantly, it demonstrates that the campaign is achieving its goal of communicating a critically important public health service to the community.*

*Secondly, the positive response from both the community (through the increase in calls and website visits) clearly demonstrates that it is in line with prevailing standards and morality. All anecdotal and direct feedback we have received from the community has reflected overwhelming positive support for both the campaign and its message.*

*Response to sections of the AANA Code of Ethics*

*Discrimination or vilification*

*Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*We do not believe that the 13 11 20 masterbrand TVC is discriminatory or vilifying of any person or section of the community. Conversely, it embraces all demographics of Australians living with cancer.*

*Exploitative or degrading content*

*Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*We do not believe that the 13 11 20 masterbrand TVC is exploitative or degrading of any person or group of people.*

#### *Violence*

*Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*The 13 11 20 masterbrand TVC does not contain any violence.*

#### *Sex, sexuality and nudity*

*Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The 13 11 20 masterbrand TVC contains a single reference to sex. However, we believe this element of the campaign is presented respectfully and with sensitivity, and is in step with prevailing community norms and standards.*

*As per section 2 of the AANA Code of Ethics: “the use of the word “sex” does not, of itself make an advertisement unacceptable. However, such advertisements must not contain images that are highly sexualised”. We submit that the use of the word is not accompanied by any images that are highly sexualised and is spoken by a gentleman in a non-sexual manner.*

*Furthermore, we submit that it is important that the natural aspects of the illness, including the potential impact on sex and sexuality, not be treated as ‘off limits’ or inappropriate. Encouraging participation in the Helpline service and reducing stigma by fostering open discussion of cancer symptoms is critical to reducing distress and increasing patient wellbeing. With regard to modern day community standards, we believe it is not sexually explicit or potentially offensive to promote the discussion of real issues concerning sexuality and cancer.*

*We appreciate the concerns raised by the complainant with regard to the timing of the TVC. However, with around 360,000 Australians currently living with cancer and more than 350 Australians diagnosed with cancer every single day, we believe that it is important that this message is spread as widely as possible. Allowing the TVC to be screened at different times of day increases the likelihood that this important public health message is conveyed to as wide an audience as possible.*

*Finally, we submit that the presentation and context of this question is in no way sexualised – it is presented as a medical issue only. There is no accompanying imagery or footage that creates an erotic or sexual atmosphere. As noted above, the TVC has received a G rating. On this basis, we respectfully submit that it is not insensitive, provocative or offensive in the context of prevailing community norms and standards.*

#### *Language*

*Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or*

*obscene language shall be avoided.*

*The 13 11 20 masterbrand TVC does not contain any coarse language (please refer to the appended script).*

*Health and safety*

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*The 13 11 20 masterbrand TVC does not depict material contrary to prevailing health and safety standards. On the contrary, it aims to promote an important public health service with relevance to a broad range of people with cancer and their families.*

## **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 concern that the advertisement features a reference to sex which is not appropriate for children to hear.

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 that this advertisement features a variety of people asking questions about how Cancer can affect them and that one of these questions is, “Can I still have sex?”

The Board noted the advertiser’s response that the questions featured in the advertisement are questions that the Cancer Council hotline is commonly asked.

The Board noted the complainant’s concern that the question regarding sex is not appropriate for children to hear.

The Board noted that the advertisement had been rated ‘G’ by CAD and considered that the use of the word ‘sex’ in its correct form in the context of a question is not inappropriate for the relevant broad audience which would include children. The Board noted that the person asking the question is depicted in the same manner as the other people in the advertisement and considered that each question is given equal consideration in the advertisement with no emphasis or focus on the question about sex.

The Board considered that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach section 2.4 of the Code. The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only

use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted it had previously dismissed the use of the word ‘sex’ in an advertisement in case 0313/14 where:

“The Board noted the complainant’s concern that the word “sex” should not be used. The Board acknowledged that some members of the community may feel uncomfortable about the use of the word ‘Sex’ in an advertisement but considered that its use in the context of a name of a movie is not of itself inappropriate in the circumstances.”

In the current advertisement the Board noted that the question. “Can I still have sex?” is one of a number of questions featured in the advertisement and considered that the word ‘sex’ is being used in a manner which is otherwise factual and is not emphasised in the context of the advertisement.

The Board acknowledged that some members of the community would be uncomfortable with the use of the word ‘sex’ but considered that the advertisement used language which was not strong or obscene in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

