



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0467/18</b>
2	<b>Advertiser</b>	<b>National Pharmacies</b>
3	<b>Product</b>	<b>Health Products</b>
4	<b>Type of Advertisement / media</b>	<b>Poster</b>
5	<b>Date of Determination</b>	<b>24/10/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Exploitative OR degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features the image of a young boy in swimwear bottoms scratching his bottom.

## THE COMPLAINT

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

*The fact that they had a close up of a small child just in his underwear scratching his bottom. With the amount of paedophile around, having a massive poster of this seems quite offensive and exploitative. They could have shown the child scratching his bottom through clothing, not half naked. Photos of small children in underwear were taken out of catalogues for precisely this reason.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*Complaint Reference No. 0467/18*

*We refer to your letter dated 15 October 2018 addressed to National Pharmacies regarding a complaint received by Ad Standards in respect of an advertising poster for National Pharmacies (Current Complaint).*

*On instructions from the advertising agency for National Pharmacies, we provide this response to the matters raised in your letter.*

*Previous Correspondence*

*The issues raised in the Current Complaint were previously the subject of a complaint to Ad Standards (Complaint Reference No. 0308/18) (Previous Complaint). The Previous Complaint related to the same image which appears in the advertising poster which is the subject of the Current Complaint but the previous use of that image was in the context of television advertisements.*

*A detailed response to the Previous Complaint dated 5 July 2018 was provided to Ad Standards (Previous Response). A further copy of the Previous Response is enclosed for your reference. A letter dated 12 July 2018 was received from Ad Standards (copy enclosed). A further letter dated 20 July 2018 was received from Ad Standards confirming the dismissal of the Previous Complaint and attaching a copy of the Case Report reflecting the determination of the Advertising Standards Community Panel (Previous Determination) (copies enclosed).*

*As the same issues were addressed and determined in respect of the Previous Complaint, we refer to and rely upon all of the contents of the Previous Response and the Previous Determination in respect of the Current Complaint. We note, in particular, the findings of the Panel in respect of Sections 2.2 and 2.4 of the Code as set out on pages 10-12 inclusive of the Previous Determination.*

*For the reasons set out in the Previous Response and the Previous Determination, we submit that the Current Complaint should be dismissed. However, some additional submissions in respect of the Current Complaint appear below.*

*Campaign*

*The advertiser is National Pharmacies. Details of National Pharmacies are set out on page 1 of the Previous Response.*

*The advertising agency is blackbocks Jamshop. Details of blackbocks Jamshop are set out on page 2 of the Previous Response.*



*The Current Complaint relates to an advertising poster (Poster) being displayed in a National Pharmacies pharmacy in Port Lincoln, one of the main regional centres in South Australia. A copy of the Poster is enclosed with this letter for your reference.*

*The Poster is one part of a more significant campaign conducted by National Pharmacies since 10 June 2018 (Campaign).*

*The Campaign highlights the important role played by pharmacies (and, in particular, National Pharmacies) in providing health and wellbeing services and information to the community. It identifies a number of common queries, complaints and conditions with which a pharmacy can assist and encourages customers to ask for help. The Campaign has employed a number of related taglines including "If you have the wonder, we have the wisdom" and "National Pharmacies. Where wonder meets wisdom". This latter tagline appears on the Poster.*

*The Campaign is targeted at individual and families who encounter health and wellbeing issues in their daily lives and who would be assisted by information and guidance from a pharmacist. It is aimed at adults not children.*

*The Campaign is comprised of a number of elements including television commercials, advertising livery on trams and posters including the Poster. The television commercials were all rated "G".*

#### *Response to Complaint*

*The image in the Poster which is the subject of the Current Complaint is of an unidentified boy (shown from the back). He is wearing a swimming costume (not, as suggested, underwear) as he is about to run through a garden sprinkler. He scratches his bottom (from outside his swimming costume). The inference is that the boy has worms or some similar condition causing itchiness. It is an ordinary, everyday scene and reinforces the ordinary, everyday nature of the boy's condition.*

*The Poster includes the words "Wonder how to solve that? Ask us." and "National Pharmacies. Where wonder meets wisdom". These captions reinforce the purpose of the Campaign (and of the Poster), ie, to ensure that customers feel comfortable seeking advice and assistance regarding a whole range of medical and health issues.*

*National Pharmacies sell approximately 12,000 worm products a year. It is one of the most common family health issues and the subject of requests for information and guidance in National Pharmacy stores on an almost daily basis. In the context of the message in the Campaign and the other images used in the Campaign (eg, pimples, sunburn), the image in the Poster is an example of another everyday health and wellbeing issue which is the sort of issue which National Pharmacies can assist with, by*



*providing answers to questions or delivering other services.*

*The inclusion of the image in the Poster is not gratuitous in any respect. It relates directly to the typical symptoms of the condition in question so that parents might be prompted to ask at the pharmacy if they have noticed their child is experiencing those symptoms. It is one of a number of examples used in the Campaign, all of which are common issues addressed by pharmacists. However, the image is also entirely appropriate for use in the Poster in its own right.*

*AANA Code of Ethics (Code)*

*We have had regard to all of the relevant advertising standards and, in particular, the Code. It is respectfully submitted that the Poster does not breach any of the relevant standards. The Current Complaint relies on sections 2.2 and 2.4 of the Code. You also invite our response in relation to the other sections of the Code.*

*The Previous Response set out submissions in respect of each of sections 2.1, 2.3, 2.5, 2.6 and 2.7 of the Code. We refer to and rely upon the submissions in the Previous Response in respect of each of those sections as they relate to the Current Complaint. Having said that, we do not believe that the Current Complaint gives rise to any issues in respect of any of those sections and submit that the Poster is fully compliant with those sections. We note there was no suggestion in the Previous Determination that the image in question gave rise to any concerns under any of those sections.*

*The Previous Response also addressed any potential issues arising under sections 2.2 and 2.4. Once again, we refer to and rely upon the submissions in the Previous Response and the findings in the Previous Determinations in respect of those sections.*

*However, to be absolutely clear:*

*In respect of section 2.2:*

*This section prohibits advertising from employing sexual appeal in a manner which is exploitative or degrading of any individual or group of people.*

*The image in the Poster is not exploitative or degrading in any sense. It does not objectify children or portray them as objects of sexual appeal. It is a static image of an anonymous child with a common ailment and is entirely consistent with other images used in the Campaign and the theme of the Campaign more generally.*

*While the child is not fully clothed, he is wearing a normal swimming costume. The AANA Practice Note makes it clear that the use of images of persons who are not fully clothed will only be problematic if the use of those images is exploitative or degrading. That is plainly not the case in this situation.*



*The image in the Poster which is the subject of the Current Complaint is displayed in a pharmacy and invites customers to seek advice and assistance regarding a common ailment. The image is illustrative of the ailment and its symptoms and is perfectly appropriate for display in a pharmacy.*

*In respect of section 2.4:*

*This section requires advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*There is nothing in the image in the Poster which is of a sexual nature. There is nothing which is sexually suggestive or inappropriate. There is no sexual innuendo. There is no nudity. The child in the image is not fully-clothed but that is because he is wearing a swimming costume as he is about to run through a garden sprinkler. The child is shown from the back and his swimming costume fully covers his bottom.*

*There is nothing sexual about the swimming costume or the child's pose. The image is self-evidently about worms and the assistance National Pharmacies is able to provide with everyday conditions like that.*

*The Poster is being displayed in a pharmacy in a regional centre in South Australia. The "relevant audience" will be adults and families entering the pharmacy seeking advice and assistance regarding certain medical/health issues. It is appropriate to display the image to that audience in conjunction with an invitation to seek advice and assistance regarding the symptoms associated with worms in children.*

*The image is sensitive to the relevant audience in that it merely depicts a boy scratching his bottom from outside his clothing and does not contain any shocking or graphic images of any kind.*

*In any event, as there are no issues of "sex, sexuality and nudity" arising in respect of the image, the question of sensitivity to the relevant audience does not arise.*

*In the circumstances, the image in the Poster is fully compliant with both sections 2.2 and 2.4.*

*We do not understand there to be any suggestion of concerns arising in respect of any other part of the Code or other applicable standards.*

*Next Steps*

*We trust that this letter and the various enclosures address all of the issues which need to be addressed in this matter. If further responses or information would assist*



*the Panel, please let us know.*

*On the grounds outlined in this letter, we respectfully submit the Current Complaint should be dismissed.*

## **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 features an inappropriate image of a young boy scratching his bottom.

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

The Panel noted this poster advertisement depicts an image of a young boy in swimwear bottoms scratching his bottom through his swimwear.

The Panel noted that it had previously considered this image as part of a television advertisement in case 0308/18.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or Marketing Communication shall not employ sexual appeal:

(a) where images of Minors, or people who appear to be Minors, are used; or  
(b) in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the complainant's concern that the advertisement features child exploitation by focussing on his bottom.

The Panel noted that the young child is depicted scratching his bottom through his swimwear while text above reads "wonder how to solve that? Ask us". The Panel noted the advertiser's response that the boy is wearing swimwear, not underwear.

The Panel considered that in the context of an advertisement for pharmacies, depicting a child with a medical condition is not inappropriate and does not sexualise the child.

The Panel considered that there was no sexual appeal present in the advertisement and determined that the advertisement did not breach Section 2.2 of the Code.

The Panel 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 Panel noted the complainant’s concern that the advertisement focusses on the child’s bottom in a way that was inappropriate and could attract the wrong viewer.

The Panel acknowledged that the sexualisation of children is prohibited.

The Panel noted that it is common to see a child scratching their bottom when they have worms and that there was a clear link between the ailment and the product being advertised.

The Panel considered that the boy is wearing swimwear and is not naked, and the brief depiction of the child scratching his bottom is not a sexualised action.

The Panel considered that the advertisement did not include nudity or imagery that could be considered sexual in nature and therefore did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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

