



CASE REPORT

1. Complaint reference number	169/09
2. Advertiser	Glaxo Smith-Kline
3. Product	Health Product
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Thursday, 14 May 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television commercial promotes a website providing information about genital herpes. The voice over outlines issues relating to Herpes, identifies that herpes can affect any person and includes a description of symptoms to be aware of. It includes a statement 'you can catch it even if you have only had a few sexual partners'. The voice over is supported by the advertisement showing pictures of an array of male and female underwear. Voice over encourages any person with the symptoms of herpes to contact their doctor. Final image shows a pair of men's briefs, with the website thefacts.com.au in the band.

THE COMPLAINT

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

The wording of the add has an implicit message.

Instead of stating 'even if you have only had a few sexual partners' it would be better to state 'if you have had more than one'.

'Even if you have only had a few' implies that a person who is normal should have more than a few sexual partners. The words 'even if' infer that a person should have more than a few sexual partners.

This gives the message that it is expected that everyone will have at least a few. It is irresponsible of a health agency to encourage promiscuity. I have no complaint about highlighting awareness of herpes but I object to the extra message of 'even if' implying that it is more normal to have more than a few sexual partners. Please ensure that our tax dollars are not spent giving the message that promiscuity is an expected behaviour.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

GlaxoSmithKline (GSK) has taken this matter very seriously. We have extensively considered the complaint and reviewed the Advertising Standards Code. Given that the primary objective of the campaign is to raise awareness that if people are having recurrent symptoms 'anywhere inside their underwear' they should see a doctor, the advertisement aims to remove the stigma surrounding genital herpes and does not aim to promote promiscuity as suggested by the complainant.

The concern outlined by the complainant is one that we discussed at length when developing the advertising campaign. We are aware that raising a sensitive issue, such as genital herpes, with the adult population must be carefully approached. We needed to balance the following factors:

Communicating the message that herpes doesn't discriminate as illustrated by the variety of underwear depicted in the advertisement and that you have to have had sex to acquire genital herpes; Ensuring that we do not cause undue distress or concern by suggesting that only one sexual encounter could lead to acquisition of the genital herpes infection. Whilst we want to raise awareness and diligence regarding the symptoms of genital herpes infection, we felt that instilling fear was counterproductive to what we are trying to achieve, and potentially misleading and deceptive.

Based on the above factors, our decision was to use the term 'a few sexual partners' rather than 'one sexual partner' to ensure that the campaign would not scare the target market, but rather raise awareness of genital herpes symptoms.

With this in mind, we believe that we comply with Section 2.3 of the Australian Association of National Advertisers Code of Ethics. Specifically our advertisement treats sex and sexuality with sensitivity to the adult audience through our choice of script, visuals and placement in the following PG rated timeslots, Monday to Friday, 8.30am - 4pm and 7pm - 6am, weekends from 10.00am. It is also important to note that the genital herpes advertisement was developed by GlaxoSmithKline, a private company, with our logo clearly displayed at the end of the advertisement and not a Government Health Agency. The complainant's tax dollars are not being spent on this advertisement.

Thank you for the opportunity to respond to this complaint. As previously stated, GSK takes this complaint very seriously and as such I would be pleased to discuss this further should you require clarification on any matters in assessing the merits of this complaint. If so, please feel free to contact me to arrange a suitable time to discuss.

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 complainants' concerns that the advertisement promoted promiscuity and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that no explicit images are featured in the advertisement. The Board noted the reference to people who have had more than a few sexual partners. The Board considered that most members of the community would not consider this reference as endorsing or promoting promiscuous behaviour, but simply informing viewers about the issues surrounding genital herpes. The Board therefore found no inappropriate treatment of sex, sexuality and nudity and no breach of Section 2.3 of the Code.

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