



## CASE REPORT

1. Complaint reference number 211/08
2. Advertiser Tell the Truth Coalition
3. Product Other
4. Type of advertisement TV
5. Nature of complaint Discrimination or vilification Gender - section 2.1  
Violence Other – section 2.2  
Health and safety – section 2.6  
Other - Causes alarm and distress
6. Date of determination Wednesday, 18 June 2008
7. DETERMINATION Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins with background music, and ticking, setting a tone of suspense or drama - the pace of the music quickens throughout the advertisement adding to a sense of urgency. Text appears layered over a skull and cross-bones on a black background. The text reads: 'Where is the most dangerous place in Victoria?' The advertisement continues to intersperse text and related images. Text: 'It isn't in a factory.' A red cross appears over an image of a factory. Text: 'It isn't in a car.' A red cross over the image of a car that has been involved in a severe motor vehicle accident. Text: 'It isn't on the street.' A red cross over the image of a male figure lurking in a dark alley. Text: 'The most dangerous place in Victoria is...'. Again this image appears with a skull and cross-bones in background. The background ticking reaches a crescendo as several graphics are quickly flicked on the screen. Bright red blood dripping. An ultrasound picture of a baby. A needle. A bloody hand print. Text: 'a mother's womb.' A black and white image of a young child smiling at the camera as it hugs a woman's heavily pregnant belly. This image fades out and is replaced by a colour image of a floating embryo. Text reads: 'Say NO to legalising abortion in Victoria. [tellthetruthcoalition.org.au](http://tellthetruthcoalition.org.au)'

## THE COMPLAINT

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

*As a mother of a 10 month old infant who is currently expecting another child, I was at first alarmed that my womb could be a dangerous place for my unborn child. When I saw their final line, I was deeply offended at the generalisation that all mothers wombs were dangerous to their unborn child due to legalised abortion. The great majority of women would not even consider aborting their child and would do absolutely everything in their power to protect their baby - both before it emerges into the world and after afterwards. My opinions on abortion aside, I think it is grossly unfair to effectively portray every woman as being a danger to her baby.*

*I found the ad most disturbing. I believe women have the right to choose who's baby they wish to give birth to. I believe pregnancy is a complicated issue and should be carefully considered. Termination is appropriate if all other options are not possible.*

*It is potentially upsetting and damaging to women who have had an abortion, who are currently faced with the decision to have an abortion, who know someone who has had an abortion. It is potentially upsetting and damaging to the anyone in the broader community to have opinions on the matter. By describing a woman's womb as an unsafe place to be, it completely denigrates a woman's right to make choices about her own body, a woman's right to be self determining and a couples right to make choices about their own future.*

## **THE ADVERTISER'S RESPONSE**

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

No response was received at the time of printing this report.

## **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 complaints' concerns that the images portrayed in this advertisement were alarming, frightening and graphic.

The Board viewed the television advertisement and considered it to be graphic, alarming and violent with the potential to cause alarm and distress.

The Board then considered whether the images depicted were in line with prevailing community standards on health and safety, depictions of violence and the portrayal of women.

The Board considered that the context of the medium was very important in their determination of the complaint.

The Board agreed that television has a much higher impact than a billboard or pamphlet and that it is more invasive and easily accessed by a large percentage of the community.

The Board considered that by comparing a woman's womb to other dangerous locations in the community the advertisement carried the implication that a woman's body was an inherently dangerous object or weapon.

The Board agreed that this discriminated against all women not just those who were pregnant or had been pregnant.

The Board further agreed that the advertisement also discriminated against a sector of the community who had sought an abortion by portraying them as violent murderers.

The Board further considered that this was a provocative advertisement that over stepped the boundaries of what the community would consider acceptable in advertising.

The Board then considered the images of violence in the advertisement. They were of the opinion that these were unacceptable and not justifiable in the context of the product being advertised.

The images of the blood splattering over the screen were particularly frightening as these were coupled with the image of a young child and her heavily pregnant mother.

The Board acknowledged that while the Code does not extend to matters of truth and accuracy they found the advertisement to be misleading in its presentation of the womb as an unsafe environment and as such it would be in breach of prevailing community standards on health and safety and would alarm and distress many members of the community.

The Board considered that the content of the advertisement had the potential to affect the mental health of women who have had an abortion or women who are pregnant and not happy with their situation. The images could also impact negatively on the mental health of women who have experienced a miscarriage.

The Board considered the advertiser's right to free speech and their right to share their views. However the Board considered on balance that the images depicted were contrary to prevailing community standards.

Finding that the advertisement breached Sections 2.1, 2.2 and 2.6 of Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*At this stage we do not intend to appeal the outcome of this complaint so this document is being placed under further consideration, along with positive feedback we have received in regard to the TV commercial cited.*

*However, we wish to make the following observations:*

*We believe there are a number of flaws and bias in your report. First of all, the report does not give due weight to the context of the commercial which is clearly about abortion and not about women's pregnancy in general, as clearly indicated by the tag "Say NO to Legalising Abortion in Victoria".*

*The report also does not note that this is a political commercial which expresses the concerns of a majority of Australians (and indeed Victorians) who believe that there are currently too many abortions in our country and that the number of abortions exceeds the number of deaths in other areas of concern for Victorians.*

*The pregnant woman depicted hugging her daughter in the commercial is a positive image that reinforces the traditional role of women in our society - that of a nurturer and protector. The blood symbolises the danger that abortion represents to women, children and families in general. We believe that the commercial does not portray women as "violent murderers" as interpreted by the board.*

*As a political commercial, it is of course provocative, but on balance, it is no more "graphic, alarming or violent" than lengthy advertising campaigns, in a wide range of mediums, by the TAC or the Anti-Cancer Council.*

*We also wish to inform the ASB, that at this stage, there are no definite plans to continue airing this particular television commercial.*