



## CASE REPORT

1. Complaint reference number	407/08
2. Advertiser	Tell The Truth Coalition
3. Product	Community Awareness
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1 Health and safety – section 2.6 Other - Causes alarm and distress
6. Date of determination	Thursday, 30 October 2008
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement by Tell the Truth Coalition shows several stages in the development of a human foetus. The voice over states that human life is precious and that the Victorian Government is considering removing legal protection for children until the moment of birth. It then states that this will not help protect women or children and ends by asking viewers to say no to legalising abortion in Victoria.

## THE COMPLAINT

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

*I find this ad unethical and quite confronting. It is very upsetting and I was disappointed that scare campaigns designed to insight (sic) hatred against families that choose family planning are still permitted.*

*Its insensitive, sickening, and insensitive and inappropriate for children and pro abortionists.*

*I don't feel it's right to show this commercial due to it's sensitive nature. I feel as though there are many people who saw that commercial and felt the same as I did. Not because I agree or disagree with abortion - it made me think of the baby I lost due to no fault of my own some time ago and has left me feeling quite distraught. I feel that people who have had a termination would be affected by such a commercial. A feeling of guilt is what they would (sic) people who have been in this situation would feel.*

*I strongly object to this ad, for many reasons, but first and foremost I object to the graphics, as a woman who has lost a baby, although not recently, the last thing I would've wanted to see when I came out of hospital was that ad. Women lose babies for many reasons, whether it be through miscarriage, stillbirth or abortion, I could almost guarantee that if I had of seen this ad it would have taken me over the edge. I don't normally object to advertising, as I can always turn the channel, but I find this ad extremely disturbing and upsetting.*

*This ad is designed to be sensationalist and cause distress to the viewer ... The imagery and statements in this advertisement are completely offensive to many groups of people, those who have had an abortion, those who have suffered the loss of a baby, children and the vast majority of the community who do not share the radical views of the group supporting this advertisement.*

*This advertisement is not only extremely disturbing to mothers considering aborting a child but also to others like myself, who have had miscarriages during the timeline shown. This advertisement was shown ... during family viewing hours and again this morning. This greatly*

*upset my 8 year old daughter who is home due to school holidays and is aware of my miscarriage. I am highly disgusted about this advertising.*

*On an issue with an unresolved ethical and moral position in Australian society, it is likewise unethical and immoral to allow advertising to take place in mainstream broadcast media ... I am deeply offended on ethical principles that this advertisement ever aired on national television.*

*I do not believe such political and overtly moral messages should be broadcast on free to air television ... Such images may cause distress and emotional harm to people who have been effected not only by abortion, but also by miscarriage.*

*I think it may psychologically effect those women who have had an abortion and who are watching it, possibly triggering guilt etc.*

*This is offensive viewing, it can be potentially disturbing to women who have experienced this personally and those that have not. The photos themselves are medical and alone are not the problem, coupled with the voiceover it becomes horrific viewing. Increased discussion of the topic at hand is important to those who created the ad. However it is at the cost to those who have already suffered. Victims of rape, abnormalities, miscarriages, stillborns and abortions will potentially all suffer and experience severe discomfort and emotional stress after viewing this ad. If the advertiser wishes to make the information available, advertise a website or a number people can call to learn more. Do not force feed it to the public during the dinner hour when people are not prepared or warned about the content.*

## **THE ADVERTISER'S RESPONSE**

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

*The advertisement is part of a broader campaign to raise public awareness about the plans of the Victorian government to legalise abortion up to birth.*

*Most of the complainants are "alarmed" or "distressed" by the fact that we are advertising at all.*

*There are claims that the advertisement is "designed to ... cause distress". As noted above, it is designed to stop the plans by the Government to legalise abortion.*

*Other claims are made that the commercial is "insensitive". The advertisement does not show what happens to an unborn child after an abortion. All it shows is an image of an unborn child, asking that this child be protected by law. That is quite mild in the context of abortion.*

*Other complaints are that it is "unethical" or "imbalanced". These claims are vexatious in seeking to ban an advertisement that the complainant does not agree with.*

*The advertisement does not incite hatred against anyone. As already noted, the advertisement seeks to gain public support against the abortion Bill. It makes no mention of anyone who has had an abortion and does not attack or denigrate any individual or any class of persons.*

*Abortion is always a controversial and polarising issue. Whenever we discuss it, some people are provoked to outrage. That does not mean that we should not have the discussion. The outrage that abortion supporters feel is being directed at us. Their views on abortion are challenged by the advertisement, so they claim that it is "unethical" or will upset women who have had an abortion or a miscarriage.*

*It is well known that seeing a picture of a baby in the womb helps a pregnant woman to connect with her own unborn child. When this happens, she is less likely to succumb to the pressure to have an abortion. Other advertisers, such as Elevit, use the same technique to sell their product which helps reduce neural tube defects ...*

*Even if the Board were to find that some members of the community were distressed by the Tell the Truth Coalition advertisement, that would not be sufficient grounds for banning it.*

*Even if the Board were to ignore the community sentiment against this Bill, it would still have to recognise our right to try to sway opinion using advertising media. For even if most people were*

*in favour of abortion, most would not object to someone who is pro-life putting facts before the public to win people to their side. It is certainly in line with community sentiment to try to win people over to your viewpoint, even if you are in the minority. That is a fundamental principle of free speech in a democratic society that the majority of people would support.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Sections 2.1, 2.2 and 2.6 of the Code, relating to discrimination and vilification, the portrayal of violence and prevailing community standards on health and safety.

The Board noted that it had considered similar advertisements by the advertiser and that the images portrayed in this advertisement were mild in comparison.

The Board recognised that the advertisement may be distressing to some people, as expressed in the complaints received. However, as the advertisement did not depict violence, but only images of a baby at various stages of its development, the Board considered it would not be inherently distressing to the broader community. In particular, the Board considered that the depictions were not of a particularly graphic, shocking or distressing nature and that the concerns raised by complainants were directed more towards the issue raised in the advertisement rather than its actual content.

The Board also noted that the advertiser has a right to put forward their views on this issue, as do supporters of women's rights to access termination services.

Having regard to the mild nature of the images and information presented in the advertisement and the advertiser's right to advertise its views on the issue, the Board determined that the advertisement did not portray violence under Section 2.2 or contravene community standards on health and safety under Section 2.6.

The Board also determined the advertisement did not discriminate against or vilify any section of the community in breach of Section 2.1 of the Code.

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