



CASE REPORT

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| 1. Complaint reference number | 592/09 |
| 2. Advertiser | Ansell Healthcare |
| 3. Product | Toiletries |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 20 January 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement from Ansell Healthcare for its condom includes the words: Australia's thinnest condom on the left of the billboard in white writing on a black, stellar background and a picture of a silver box on the right which has the word Zero written on it. A small descriptor at the bottom of the billboard reads: "Natural rubber latex meeting ISO 4074:2002 requirements. Always read the label. Use only as directed."

THE COMPLAINT

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

The billboards are 'in your face', offensive and disgusting and why should I have to expose my grandchildren to such filth; and why should Melbourne be degraded by this horrible and cheap advertising.

I find it not only offensive but ridiculous to have to be subjected to so many sex related advertisements and to continually have to explain them to my 8 year old twins. WHY and HOW are such advertisements so prominent and justified??!??

It contravenes Section 2.3 of the AANA Code of Ethics, since the billboard is clearly visible to children who pass it while either walking in the street or driving past in a vehicle.

I object to the highly sexual nature of the advertisement, being for condoms, placed in an area where people including children are forced to view it. It is a highly inappropriate location and should not be advertised in such an open location. it should be advertised in magazines etc only, where the market for sale is more age appropriate.

THE ADVERTISER'S RESPONSE

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

In all instances, the complaints were in regards to section 2.3 of the code: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

Ansell does not believe the creative execution portrays any sex, sexuality or nudity in any way. While adults may think of sex when they think of condoms, it is not portrayed in this advertising.

Ansell was mindful that the nature of outdoor advertising means that from time to time it would be viewed by children, and with this in mind, Ansell did not include any images or words that may be inappropriate. In any case, Ansell requests that it's outdoor condom advertising is not placed in

close proximity of schools.

Ansell further believes that it is socially responsible to be promoting condoms to the general public, in response to escalating incidences of sexually transmittable infections, particularly in young adults.

In specific response to the reasons for complaint received, Ansell has the following comments:

Complainant 1: Objects to the highly sexual nature of the advertisement Response: Ansell contends that there is nothing of a sexual nature in the advertisement.

Complainant 2: Finds it not only offensive but ridiculous to have to be subjected to so many sex related advertisements and to continually have to explain them to my 8 year old twins.

Response: Ansell does not feel responsible for other advertisements related to sex, and feel this complaint may be in relation to other advertisements for other products. As the advertisement in question does not mention the word sex, a young child would not understand that this product is in any way related to sex. It would be entirely the complainants choice/discretion as to whether and how to explain the meaning of this advertisement.

Complainant 3: Believes it contravenes Section 2.3 of the AANA Code of Ethics, since the billboard is clearly visible to children. Response: Ansell does not believe there is any reference to sex, sexuality and nudity and cannot therefore contravene the code. Ansell further believes there are no words or images that are inappropriate for children to see.

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' concern that the advertisement is offensive, inappropriate for viewing by children and highly sexual in nature.

The Board considered whether the advertisement met clause 2.3 of the Code which requires that advertisements treat sex, sexuality and nudity with sensitivity to the relevant audience.'

The Board noted that some concern relates to the fact that the product itself - condoms - can be advertised rather than specifically to the content of the advertisement. The Board noted that it is not its role to determine whether particular products can be advertised. The Board's role is to consider whether the content of the advertisement complies with the requirements of the Code.

The Board noted that the advertisement consists primarily of the word's Australian's thinnest condom.' The Board considered that although this is a product for sex, there is no mention specifically of sex and there are no sexually suggestive images or text. The Board noted that the Billboard is available to a broad audience and is available for viewing by children. The Board considered that the mention of the word 'condom' is not of itself likely to be considered sexually inappropriate for a broad audience and determined that the billboard did not breach section 2.3 of the Code.

The Board also considered whether the use of the word 'condom' complied with clause 2.5 of the Code which requires that advertising and marketing communications 'shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.' The Board considered that the word 'condom' is not strong or obscene. The Board noted that the advertisement is for condoms and that although viewable by a children, the use of the name of the product 'condom' is not language that is inappropriate. 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.