



CASE REPORT

1. Complaint reference number	92/09
2. Advertiser	Aboriginal Health & Medical Research Council
3. Product	Health Products
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

Roadside Billboard displays the message “Use condoms and Enjoy the freedom from STI’s.” The background to the wording is a range of various coloured condoms.

THE COMPLAINT

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

The reason for the complaint is the inappropriateness of this type of advertising in such a public location. My children will be travelling past this billboard twice every day for school. There are many young children on this and many other buses that travel this route daily, some as young as 5yrs. They will be subjected to seeing this ad daily and hearing the related gossip of some of the older students, at an age unable to maturely discern for themselves the content of the advertising! I strongly believe the ad is in breach of 2.3 of the Code of Ethics! Please have it removed for the sake of my children and many others being subjected to it without a choice.

THE ADVERTISER’S RESPONSE

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

The Aboriginal Health & Medical Research Council of New South Wales (AH&MRC) is the peak body for Aboriginal health in NSW. The role of the AH&MRC is to support Aboriginal community controlled health initiatives, liaise with non-Aboriginal agencies and evaluate, develop and advise on the wide range of health programs, policies, strategies and appropriate educational courses in Aboriginal health.

For more information about the AH&MRC, please visit our website www.ahmrc.org.au

In 2008, the AH&MRC was funded by NSW Department of Health to develop and deliver a state-wide multi-media STI/HIV social marketing campaign aimed at young people aged 16- 30 years old. To meet this objective the social marketing campaign Use Condoms and Enjoy Your Freedom was developed. The campaign was funded inline with the following NSW Health strategies:

- *NSW Sexually Transmissible Infections Strategy (2006 – 2009)*
- *NSW HIV/AIDS Strategy (2006 – 2009)*
- *NSW HIV/AIDS, Sexually Transmissible Infections and Hepatitis C*
- *Strategies: Implementation Plan for Aboriginal people (2006 – 2009)*

The complaint made above refers to one aspect of this multimedia social marketing campaign.

Use Condoms and Enjoy Your Freedom Campaign

The NSW Health Department approved the Use Condoms and Enjoy Your Freedom Campaign in October 2008.

The Campaign has two key objectives.

The first key objective is to increase NSW Aboriginal communities' awareness and knowledge of STI/HIV and their transmission, the importance of using condoms with casual sexual partners and testing and management issues and services for STI/HIV.

The second key objective is to improve the quality of Aboriginal HIV and STI health promotion programs through community engagement, strengthened planning and workforce development. This objective will not be discussed in this paper.

The campaign materials include:

- Billboards across NSW with the slogan "Use Condoms and Enjoy Your Freedom"*
- Posters (for health services and youth services)*
- Brochures (for health services and youth services)*
- Give-aways (condoms and music CDs).*

The campaign also had a media component. Examples of these materials are available on our website: www.ahmrc.org.au

The Key Messages

The key messages of the *Use Condoms and Enjoy Your Freedom* campaign were identified through examining epidemiological data on STIs amongst young people and Aboriginal communities in NSW, and focus testing amongst the target group. The key messages are:

- Condoms are your best protection against HIV and STI's*
- Always use a condom with new or casual partners*
- HIV and STI's are on the increase for men and women in NSW*
- Protecting yourself and your partners is everyone's responsibility*
- STI's sometimes have no symptoms and can be spread to people without knowing*
- STI's can be easily treated and managed and regular testing is essential for all sexually active people.*

The campaign is fun, positive and designed to be appealing to young people, and young Aboriginal people in particular. The main message in the tagline on the outdoor billboards is that using condoms helps you to enjoy freedom from STIs and HIV. To continually reinforce our message to the target audience, this same message is on the various campaign materials.

Focus on young Aboriginal people (16 – 30 years).

STIs have risen sharply amongst the overall population in NSW. For example, Chlamydia notifications increased from 3,509 cases in 2000, to 12,382 in 2007. The increase in notifications is primarily amongst young heterosexual people under the age of 30. The rise in STIs amongst young people in NSW is a serious public health concern as STIs often have no symptoms and if left untreated can cause infertility. The Aboriginal population is generally younger in comparison to the non-Aboriginal population. Almost 50% of the Aboriginal population in NSW is aged under 25 compared with 32% of the non Aboriginal population. In addition, Aboriginal people experience the poorest health status of any identifiable group within Australia, including STIs. Nationally,

Aboriginal people experience higher rates of STIs and blood borne viruses due, in part, to limited access to services. There is good evidence to suggest that regular promotion of safe sex messages encourages more sexually active young people to use condoms, and therefore prevent transmission of sexually transmissible infections including HIV.

Impact on young people (under 14 years).

Research from the Australian Study of Health and Relationships found that although many young people (aged 16 – 19) had no partners, those who are sexually active are more likely to have multiple partners. The Use Condoms and Enjoy Your Freedom campaign is aimed at encouraging young people who are already having sex to use condoms for casual sexual partners and to get tested for STIs. The campaign does not encourage young people to be sexually active.

Response in relation to the Code of Advertising & Marketing Communications to Children

The Code in relation to advertising to Children applies to advertising directed primarily to children (ie. up to 14 years old). The Use Condoms & Enjoy Your Freedom campaign is aimed at young people 16 – 30 years old, and thus fall outside the Code. The Outdoor Billboard component of the campaign does not include direct mention of sex or sexual activity.

2.1 – Prevailing Community Standards

The AH&MRC believes that this campaign does not convene Prevailing Community Standards in relation to sexual health amongst young people.

2.2 – Factual presentation

The information on the Use Condoms & Enjoy Your Freedom billboards is factual. It is not designed to target children (ie 14 years or under), and uses the term “STI” rather than the explicit ‘sexually transmissible infections’.

2.3 – Placement of outdoor billboards

The outdoor media component of the campaign is only one aspect of the campaign. It consisted of 17 billboards throughout New South Wales funded from January 5th to March 1st 2009 . The placement of each board was selected against three criteria:

- at least one billboard should be in each AH&MRC region (the 12 AH&MRC regions are on our website www.ahmrc.org.au)*
- the billboard must be in close proximity to large populations of Aboriginal people*
- the billboard is to have high visibility.*

*The billboards were planned to be on display at the locations listed below from **5th January until 1st March 2009**.*

Location Medium

Blacktown, 10 days, 2 x 5 day bursts) Wedgetruck

Picton, Old Hume Highway 12.61 x 3.3

Port Macquarie, Pacific Highway 12.61 x 3.3

Wyong, F3 Expressway (Mardi) 12.66 x 3.35

Wollongong South, F6 Freeway 12.61 x 3.3

Lake George, Federal Highway 12.61 x 3.3

Wagga Wagga West, Sturt Highway (Galore) 12.61 x 3.3

Tocumwal, Newell Highway 6.28 x 3.3

Buronga, Silver City Highway 12.61 x 3.3

Dubbo East, Mitchell Highway (Wongarbon) 8.28 x 2.2

Gunnedah CBD 6.28 x 3.3

Kempsey North, Pacific Highway (Frederickton South) 6.28 x 3.3

Moree East, Gwydir Highway 6.28 x 3.3

BONUS ACTIVITY

Gunnedah, Oxly Hwy (Sommerton) 6.28 x 3.3

Gundagai North Hume Hwy 6.28 x 3.3

Scone North, New England Hwy (Wingen) 6.28 x 3.3

Holbrook South, Hume Highway 6.28 x 3.3

The complaint was made about the billboard at Gunnedah (Somerton). This billboard meets all the criteria in the selection process. It is on the Oxley Highway, and therefore has a high visibility. The Gunnedah Shire also has a high proportion of Aboriginal people living in the Area (10.2% of the population is Aboriginal compared to the NSW average of 2.2%) (Gunnedah Community Portrait 2006). Gunnedah falls within the AH&MRC regional boundaries.

2.4 Sexualisation

There is no sexual imagery in the ‘ Use Condoms & Enjoy Your Freedom’ campaign (see attachments for more information).

2.5 Safety

The campaign does not depict usage of condoms, and therefore does not depict unsafe uses.

2.6 Social Values

The campaign does not portray images or events that are frightening or distressing to children. The campaign is aimed at young people, and young Aboriginal people in particular, however the outdoor billboards do not name or demean any person or group.

2.7 Parental Authority

The campaign does not undermine authority or responsibility of parents, does not appeal to children to buy a product, does not imply that owning condoms makes children superior to their peers, does not imply that people who use condoms are more generous.

2.8 Price

There is no price mentioned in the campaign.

2.9 Qualifying Statements

There are no qualifying statements in the campaign.

2.10 Competitions

There are no competitions in the campaign.

2.11 Popular Personalities

There are no personalities used in the campaign, or the outdoor billboards.

2.12 Premiums

There are no premiums used in the campaign.

2.13 Alcohol

This campaign is not about Alcohol.

2.14 Privacy

No personal information is collected as part of the campaign.

2.15 Food & Beverage

This campaign is not about food or beverages.

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 complainant's concern that the advertisement is inappropriate for children to see.

The Board noted the advertiser's response and the important social and public health message that the advertisement is promoting. The Board considered the advertisement, billboards available in country locations in New South Wales. The Board considered that the advertisement is bright and colourful and suggestive of balloons and that the words and images used in the campaign are discreet and unlikely to be understood by young children. While the Board agreed that older children would have some idea of the meaning of the billboards, the Board considered that the campaign treats the issue of sex sensitively for the broad audience that will be able to access it. The Board considered that the billboards have an important public health message and that their sensitive treatment of the issue means that the advertisement does not breach section 2.3 of the Code.

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