



CASE REPORT

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| 1. Complaint reference number | 93/08 |
| 2. Advertiser | Tell The Truth Coalition |
| 3. Product | Community Awareness |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Health and safety – section 2.6
Other - Causes alarm and distress |
| 6. Date of determination | Wednesday, 9 April 2008 |
| 7. DETERMINATION | Upheld – not discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement for an anti-abortion organisation features graphic photographs of aborted fetuses, details of the development of a foetus, comments from women who have had counselling after abortions, and of health and psychological problems encountered by women who have had abortions.

THE COMPLAINT

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

The images were far too graphic for young people. The images were far too graphic for some adults (eg:those who may have experienced and abortion, miscarriage, pregnancy complications etc) Young children may open the envelope unknowingly (reading the warning may not be possible) There is no choice in receiving the information, it was just delivered.

As it was not obvious on the envelope that graphic images were inside,my 13 yr old Daughter opened the envelope.It was addressed to the adult of the household but like all other junk mail, we receive, the kids are allowed to open it. My Daughter was disgusted, as I was, on looking at the pamphlet.We should not be subjected to such images ,especially when it is sent without our consent. I also do not feel it's appropriate to be sending info' on abortions ,photos or not, unless people request it.

The explicit use of images is forced onto everyone who was delivered the letter. The fact that it states 'view discretion advised' only fuels curiosity regarding what the flyer contains. These are images that no-one should be forced to see especially if you have recently suffered a miscarriage, this could cause much distress (sic).

The images are extremely graphic and disturbing. They would cause distress to anyone who has had an abortion or who has suffered a miscarriage. They imply that women who have had abortions are murderers and state that women who undergo abortions suffer a range of mental illnesses and even claim they have a higher risk of breast cancer.

Whilst I support everybody's right to present political views, I do not support the use of graphic, violent and extremely distressing images in what is essentially a political campaign. I do not believe these images make a constructive contribution to the public debate, yet they risk a very negative impact on some sections of the community who view them.

The extreme graphic content of the ad that was delivered to my house is a complete affront to human decency. Both my partner and I almost vomited upon seeing the images, unaware of what the ad was about as it was delivered in an envelope addressed "to the adult householder". The ad is highly insensitive. I just hope that no kids opened the mail today and found that.

As a woman, a mother, that had a missed miscarriage at 10 weeks. To see graphic images of fetuses of around the same gestation that are bloody and dismembered is inhumane.

No one should have to be reminded of their pain, grief and loss like I am today. And in such and graphic manner (sic).

You don't have to be a brain surgeon to know that if something is labelled basically... 'not for kids' guess who ends up reading it. It is far too graphic to be sent as unsolicited mail and having opened the letter to be subjected to pictures that are not only unnecessary but objectionable. I object to some organisation's beliefs being 'rammed down my throat' via this very sneaky method of distribution.

I am truly disgusted and shocked that this mailout arrived in my letter box, as I certainly did not ask for this to be forced upon me. It is also amazing that this "organization" believes that they are permitted to distribute, and force such shocking and disgusting material into my private residence, let alone force their political and religious beliefs on me.

This add was to (sic) graphic and offensive especially to women who may have had an abortion for medical purposes.

The information is very distressing to adults especially couples who have experienced miscarriages and the information is completely inappropriate especially for children.

It contains offensive, traumatising and graphic colour photos of either aborted or miscarried fetus. These images are available to children who can collect and open the mail at home and are unable to read, or simply did not comprehend the warning on the envelope that stated "viewer discretion advised"... The potential for a traumatic exposure such as this to a small child cannot be allowed for the same reasons that pornography or violence or any extreme exposure is restricted for the protection of children. I am surprised that in the media the perpetrators are said to have justified their method of shock tactics. These hypocrits (sic) say they "protect unborns", while they potentially harm existing children..they can't be serious!!

This leaflet not only causes great distress to those who have, or are going to have, an abortion but also brings to the surface the grief and emotions of those many people who have been touched by miscarriages. There may be no logical reason for those touched by miscarriage to feel guilty, but I know from personal experience that the inability to carry a pregnancy to term is a cause of great shame and guilt to many women affected by miscarriage. This advertisement would be accutely distressing to these people. This leaflet aims to cause as much distress as possible to those who don't believe abortion should be illegal - this is a very emotional and usually religiously based belief. To villify those with different religious beliefs is wrong. The object of the code is that all people be treated decently, even people who don't agree with the advertiser. This leaflet does not treat those involved with abortion and miscarriage decently.

THE ADVERTISER'S RESPONSE

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

This letterboxing is part of a human rights campaign and to our reading falls completely outside the jurisdiction of your bureau which is concerned with advertising for profit.

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 about that the images portrayed in this print advertisement were *graphic, frightening and distressing*.

The Board viewed the advertisement and agreed that the images were extremely graphic and had 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.

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 further noted the possibility that the images could be viewed by young people or children and that this would cause alarm and distress to these viewers.

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 on health and safety.

Finding that the advertisement breached Section 2.6 of Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

No response has been received from the advertiser as at time of printing this report. The matter has been referred to the Victorian Police's Industry Crime Theme Desk for consideration and action.