



Case Report

1	Case Number	0508/14
2	Advertiser	ACON Inc.
3	Product	Community Awareness
4	Type of Advertisement / media	Outdoor
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Safe sex message as part of a broader HIV prevention campaign displayed on a large bright pink condom on the Obelisk in Hyde Park Sydney.

THE COMPLAINT

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

It is totally inappropriate to have an oversized large sex object shown in public where thousands of underage children cross the park to head to school. I was asked by a friend's child how gays even have sex with that pink thing. How do you explain that to a 12 year old? There are things that should be left in gay clubs and not be taught freely to minors without supervision. Being an engineer as well I would be disgusted if someone had used my work which was designed artistically for a park only to be used as a sex object for someone's advertisement purposes.

While I support HIV awareness and prevention I do not think it is appropriate to advertise it in such an explicit way with an 18 metre high condom - in pink!! It is an extremely public area, and if you are travelling up Bathurst street or walking down Elizabeth Street there is simply no way to avoid it. I found it offensive, and the fact it was covering the obelisk somehow made it more sexually explicit.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for your letter of 13 November, advising ACON of two complaints related to ACON's I'm On Campaign (Complaint Reference Number: 0508/14). As required by your correspondence, please find below information further to your request for a response by 20 November 2014.

ACON understands the complaints raise issues under Section 2 of the AANA Advertiser Code of Ethics, and our response will be considered at the next meeting of the Advertising Standards Board of the Advertising Standards Bureau.

You have requested that ACON provide specific information about the advertisement – including: description, advertising agency and media buyer, digital copy of the advertisement, and comments in relation to the complaints. Further you've requested we respond under the specific section 2.4 under Section 2 of the AANA Code of Ethics, which relates to sex, sexuality and nudity. ACON will also provide a response to the complaints on the issue of advertising and marketing to children.

DETAILS OF ADVERTISEMENT

Established in 1985, ACON is NSW's largest community-based HIV and lesbian, gay, bisexual, transgender and intersex (LGBTI) health organisations. ACON works to reduce HIV transmission, support people with HIV and enhance the health and wellbeing of the LGBTI community. HIV is a serious chronic disease, with between 350 and 400 people annually being diagnosed with the virus each year in NSW. On average, approximately 80% of those diagnosed are gay men, or other men who have sex with men.

The subject of the two complaints being addressed relate to the placement of a large condom branded with ACON's ENDING HIV equation on the obelisk for one week – as part of a broader campaign to promote safe sex which ran for 8 weeks.

This broader campaign featured outdoor banners and street posters in various locations throughout Sydney. For this reason, ACON's response will include discussion of the overall ENDING HIV campaign, the banners and posters, and also the condom.

• ENDING HIV

ACON launched its communication platform called ENDING HIV in February 2013.

ENDING HIV is an interactive community mobilisation, social marketing and education engagement platform that incorporates communication, campaign and community engagement initiatives aimed at ending the transmission of HIV among gay men in NSW by the end of the decade. The campaign emphasises three key messages that make up an 'equation' – they are: 'Test More', 'Treat Early' and 'Stay Safe'.

ACON's major HIV prevention campaigns are social marketing banner and poster executions are developed by FROST Design, in partnership with ACON with funding from the NSW Ministry of Health. Pre-publication approval of all Ministry of Health-funded campaigns is a standing requirement of the Ministry's funding and performance agreement. ACON's standard process for campaign development includes focus testing and post campaign evaluation. The launch phase of the Ending HIV campaign (designed to develop awareness on the possibility to end the HIV epidemic by 2020) evaluated exceptionally well across a range of key indicators.

• I'm On – 'Stay Safe' Campaign

As mentioned above, ENDING HIV includes three critical messages – one of which is 'stay safe'. The I'm On condom reinforcement campaign was developed by creative agency Frost Design as an integral component of the broader Ending HIV campaign (also a Frost Design

concept) was launched in February 2013. ACON ran the 'I'm On' campaign in September last year. The campaign generated a complaint to the Advertising Standards Bureau (ASB), which was considered and dismissed with notification of the outcome notified to ACON in October 2013 (ASB Complaint Reference Number: 0326/13).

This year, ACON re-ran the 'I'm On' campaign using a combination of outdoor advertising utilising the City of Sydney light pole banners, as well as street posters in other locations around Sydney.

The poster and City of Sydney light pole banner Campaign ran from 13 October to 16 November.

The key difference in this year's execution of the outdoor advertising component of 'I'm On' is that ACON worked with Sydney Water, the City of Sydney, NSW Police and the Roads and Traffic Authority to install a large condom over the Obelisk that stands at the intersection of Elizabeth and Bathurst Streets in Sydney, on the edge of Hyde Park.

Given the two complaints relate directly to the condom installation, further information about the details for the condom is provided below.

- *Further Details about the Condom Installation*

The condom was designed and installed by a company 'Revolution360'. ACON engaged this company to design, manufacture and manage all aspects of the installation of the condom, including the prominent placement of the ENDING HIV equation and ACON logo. Approvals were sought and obtained from Sydney Water – the owners of the obelisk, which is a sewer vent, built in 1857. The dimensions of the large condom structure are as follows: 18 meters high, 2.4 m circumference and elevated off the ground. The condom installation was flanked by ACON's 'I'm On' street banners along Elizabeth Street. The condom was in place from 7 November to 12 November (6 days).

The intention of the condom installation was to draw attention to the safe sex message using a prominent, time limited and bold strategy; and to engage with the community via social media through the use of photographs being shared on Facebook, Instagram, Twitter and other mediums. ACON also ran a photographic competition to encourage members of the community to share their pictures and engage with the safe sex message.

CONTEXT FOR THE COMPLAINTS

As the HIV epidemic has evolved, prevention with gay men has become more complex and increasingly requires engagement with a broad cross-section of men – including importantly young gay men. ACON's work is informed by its Strategic Plan 2013- 2018, HIV Action Plan 2013-2018, both of which are aligned to the bold targets set out in the NSW HIV Strategy 2012-15 A New Era. The implementation of the NSW HIV Strategy has seen Government and Non-Government Organisations (NGOs) working in partnership to promote HIV prevention using increasingly public messaging and awareness raising strategies, such as rapid HIV testing services being offered on Taylor Square, Oxford Street.

A critical element within the Ending HIV communication platform is working to maintain a strong safe sex culture among all gay men, in which the use of condoms remains central. While ACON has a specific focus on gay and homosexually active men, this sexual health message has saliency across the population. The second highest population diagnosed with HIV in NSW is the heterosexual population.

Data suggests that while condom use remains high among gay men compared with their heterosexual counterparts, there have been some concerns raised about an apparent reduction in condom use in certain contexts by gay men over the past ten years.

Media articles on this subject have called for a stronger focus on condom reinforcement messages and engagement with the community. The peer-reviewed literature published by the Centre for Social Research in Health at the University of NSW is replete with this kind of data and recommendations to increase messaging to promote consistent condom use.

- *Campaign Objectives*

Key objectives of the overall ENDING HIV campaign include a focus on informing gay men about recent research findings, new prevention approaches and technologies that make the virtual elimination of HIV attainable. The objectives also extend to increasing knowledge about the critical need to be tested for HIV more regularly, and encourage those diagnosed with HIV to consider treating earlier. Evidence shows that early treatment assists in lowering the community viral load sufficient to attain the overall reduction in transmission. Crucially, the campaign promotes the centrality of gay men taking decisions to reduce their risk of HIV transmission, which relies on gay men sustaining a safe sex culture.

More specifically, the objectives of the condom reinforcement campaign 'I'm On' are to prioritise and centralise condom use in order to demonstrate that we can't bring HIV transmission to an end without sustained commitment to maintaining safe sex.

The condom reinforcement campaign 'I'm On' is designed to expand on the dialogue established between ACON and gay men within the Ending HIV framing. The message design elaborates on the Ending HIV community engagement platform and provides further detail on a tangible call to action for the 'Stay Safe' component of the framework. Colour is added strategically to help depict condoms and drive the eyes to the main message: condoms remain central to end the HIV epidemic. It gives the campaign a very specific, fresh, contemporary look while leveraging the strength of the Ending HIV design.

For the original 'I'm On' campaign, concept focus group testing was conducted by the market research agency Stokes Mischewski in accordance with ACON's Focus Group Guidelines and the NSW Health Educational Resources Approval Policy. Four focus groups were conducted - HIV negative gay men, HIV positive gay men, younger and older gay men – and the campaign was very positively received in each group. Clinical content has been reviewed and endorsed by Dr Chris Bourne, Senior Staff Specialist, Sydney Sexual Health Centre. The campaign evaluated very strongly with excellent reach and recall.

The use of the large condom builds on the template that made the initial creative material so impactful – a bold, straightforward, simple approach. In addition to the outdoor advertising, ACON engaged with social media (posts on the ENDING HIV Facebook page,) and used outreach approaches to ensure gay venues promoted the campaign through posters, safe-sex packs, and drink coasters.

ACON's RESPONSE

ACON believes the campaign complies with the sensitivity and appropriateness requirements under Section 2.4 of the AANA Code of Ethics, and that the campaign does not market to children either directly or indirectly, as required by the AANA's Code of Advertising & Marketing to Children.

Education and prevention measures continue to be the most appropriate and effective public health response to HIV/AIDS in Australia. To be effective, such measures need to be in the form of clear and concise health messages that are accessible and culturally appropriate to their target audience. As mentioned previously, 80% of new HIV infections in Australia are amongst homosexually active men, so it is important that information is made available to these men to help them look after their health and avoid HIV transmission. Also, almost 20% of HIV transmissions occur in the heterosexual population – making the public health message one that is applicable to a broad audience.

The intent of the large condom was to be eye catching and to draw attention to the public health message that relates to promoting sexual health. The aim is for an informed adult eye to understand instantly that the installation was a large condom, thus emphasising the central condom reinforcement message almost immediately. We do not believe that a young child would have an informed eye in the context of this campaign. ACON is sensitive to general community expectations and would never deliberately seek to provoke age-

inappropriate engagement with our campaign material.

ACON notes that in the ASB's previous determination on the 'I'm On' campaign, the Board noted the advertisement is part of a community awareness campaign to reduce HIV. ACON's view about the large condom is consistent with the Board's determination in the previous complaint, that is: that "younger children would not understand what the condom is and that whilst some older children would understand, many older children would most likely be receiving education about safe sex at school or from their parents".

While ACON understands the context of the comment, ACON does not agree with the complainant's remark that we used the Obelisk as a 'sex object'. There was no imagery to suggest sexual acts, nor were their depictions of nudity inherent in the installation.

Condoms are legally available and have continually been demonstrated over decades to be the safest and most cost effective means by which to prevent sexually transmitted infections. The public health interest is served by a greater awareness of safe sex and in the pursuit of promoting sexual health; messages need to be clearly understood by the overwhelming majority of the target audience.

The 'I'm On' campaign is evidence based, was developed and focus tested with the main target audience, and approved by Government. The evaluation results showed the campaign achieved excellent results in terms of reach and recall.

In the context of concern about data indicating a decline in condom use and commensurate calls for condom reinforcement messages, and in the context of implementing the NSW HIV Strategy using increasingly bold public awareness raising strategies, the brief installation of the large condom has created a renewed public dialogue around the importance of safe sex. As indicated earlier, these are messages that are not only critical for ACON's community, but the broader community. ACON is only aware of these two formal complaints, along with an email which we responded to directly. The vast majority of the response ACON has had to this installation has been very positive.

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' concerns that the advertisement features an over-sized pink condom in a public place and is offensive and inappropriate.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the advertisement features an 18 metre high pink condom which has been placed over an obelisk in Hyde Park, Sydney.

The Board noted it had previously considered an advertisement for the same advertiser in case 0326/13 where:

“The Board noted the advertisement is a large outdoor advertisement that has text in black and white that reads “Oh yeah!” The letter “O” has a red condom over it.

The Board noted the complainant’s concerns that children would see this advertisement and that it was not appropriate to bring the attention of children to matters of sex and HIV.

The Board noted the advertisement is part of a community awareness campaign to reduce instances of HIV. The Board noted it had previously dismissed a community awareness advertisement which featured an image of a condom (0177/11) where it noted that “it is not its role to determine where a legally available product is advertised – rather its role is to determine whether the manner in which a product is advertised is consistent with the relevant Codes. In the present case the Board noted that the advertisement features a picture of a condom in its wrapper and that one of the men is also holding a wrapped condom in his hand. The Board considered that younger children would not understand what a condom is and that the advertisement handles the issue of use of condoms discreetly”

The Board noted that in this instance the condom is not in a wrapper but is covering the letter “O”. The Board considered that younger children would not understand what the condom is and that whilst some older children would understand, many older children would most likely be receiving education about safe sex at school or from their parents and this advertisement is treating that issue in a manner which is discreet and not inappropriate.”

In the current advertisement the Board acknowledged that some members of the community would prefer that this type of product not be advertised but considered that consistent with its previous determination its role is not to determine whether the product should be advertised but rather whether the manner in which it is advertised is consistent with the relevant Codes.

The Board noted the size and colour of the condom and that it contains a message written down the side which reads, [Test More] + [Treat Early] + [Stay Safe] = [Ending HIV]. The Board noted the important community health message the advertisement is conveying and considered the wording is not sexualised or inappropriate for a broad audience which would include children. The Board noted the size and colour of the condom and considered that whilst it is very prominent and would attract the attention of all who passed it, in the Board’s view younger children would not know what this product is and older children would be most likely receiving education at school or from their parents regarding safe sex. The Board acknowledged that some members of the community would be uncomfortable about the prominence and visibility of a sex related product but considered that in the context of an important community health awareness campaign, which is applicable to all sexually active males and not just the gay community, the use of a condom is not inappropriate for a relevant broad audience which would include children.

The Board noted that the obelisk the condom is covering is a sewer vent and not a memorial and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

