



**ADVERTISING
STANDARDS
BUREAU**

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Mr Paul Martin
PO Box 1372
EAGLE FARM QLD 4009

10 June 2011

1. Complaint reference number: 0176/11
2. Advertiser: Queensland Association for Health Communities

Dear Mr Martin ,

Thank you for supporting the Australian advertising self-regulation system by responding promptly in this matter.

The complaint was considered by the Advertising Standards Board at its recent meeting. The Board viewed the advertisement and also considered your response.

The Board determined that the advertisement does not breach the AANA Advertiser Code of Ethics, the AANA Code for Advertising & Marketing Communications to Children or the AANA Food & Beverages Advertising & Marketing Code and dismissed the complaint. We will notify the complainant/s accordingly.

A copy of the case report reflecting the Board's determination is attached for information.

Please note that a complainant may request a review of a Board decision with which they are dissatisfied. Information which outlines the Independent Reviewer process is available on our website at

<http://www.adstandards.com.au/process/theprocesssteps/independentreviewofasbdeterminations>

Please feel free to contact me if you have any questions or would like further information about the Advertising Standards Board.

To assist in assessing and reviewing the advertising complaint adjudication system, we would value your feedback on the work of the ASB. Your cooperation in completing a short survey would be greatly appreciated. The survey link is <http://www.surveymonkey.com/s/WSSJXYZ>

With regards,

Daniela Gray/Nikki Paterson

Case Managers

Advertising Standards Bureau

complaint@adstandards.com.au



Case Report

1	Case Number	0176/11
2	Advertiser	Queensland Association for Health Communities
3	Product	Health Products
4	Type of Advertisement / media	Billboard
5	Date of Determination	08/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

The words "Rip & Roll" are written in large letters across the centre of the Billboard. Underneath in smaller writing it reads, "A safe sex message from Health Communities. 1800 155 141 qahc.org.au." To the left is a large image of a red condom in its wrapper, and to the right is a large image of two men: one man is embracing the other man from behind whilst holding a red condom wrapper in his right hand.

THE COMPLAINT

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

I object to an advertisement campaign that pushes a sexual orientation agenda in the guise of a health product. I do not deny that there is a need for people to practice safe and healthy practices but to put the message of sexual orientation into the public domain (where 'G' is the only acceptable rating standard) takes away of the innocence of children and the role that 'family' has in addressing these issues.

Showing gay people hugging with a picture of a condom conjures up images in my head that I don't want to know about. Advertising and encouraging safe sex is one thing but the words "Rip & Roll" with the picture of the condom is offensive. There are other more discreet ways of creating awareness.

There are two issues here that I am complaining about. Firstly the obvious sign that there are two homosexual men posted largely on the billboard which I do not and never will agree with. Homosexuality apart from being a sin it is just wrong and uncomfortable for most people and we don't need homosexuals advertising sex related products on large posters/billboards that just de-moralises relationships. Secondly anything advertising condoms even if it were a male and a female embracing with the safe sex above them still shouldn't be shown on advertising. It is an issue that is private and again shouldn't be de-moralised or so used that we become desensitised to it. Plus there is the issue of young kids being exposed to these sorts of issues that should be addressed first by their parents not an advertisement with 2 male holding each other about to go "wrap and roll" with each other. This is disturbing and gross. This just shows how messed up some people are and how slack governments can be.

I would like to tell my kids about sex and sexual products at an age that I feel is appropriate. Not when the media forces it on them.

It promotes homosexuality. Disturbing to children.

I want to feel safe to go outside and drive down the road without being confronted with this sort of stuff. It also frightens me to think of my grandchildren being exposed to this. I think it is very damaging to social value. The images of masculinity it shows are ones I find abhorrent. Where are the images of men we can admire and want our families to be modeled on. Not these.

This billboard and advertising at bus shelters do not give parents the option of not allowing their children to see them. The only place this message should be seen would be to practicing homosexuals

Where is his other hand? Very confronting image of two people in very explicit embrace.

Though clothes are on we are led to believe that there is other activity in progress. I think it is very inappropriate to expose children to these ideas.

I am offended by this sexual perversion being (pardon the pun) rammed down my throat on every type of media platform. I can't watch television with my children without seeing homosexuality being promoted and now I can't even walk down the street or catch a bus without being confronted with this filth.

I am a Christian (and have no alliance with ACL - but applaud them on their stand) and am offended by these gay images being promoted in the public domain.

It portrays a pre-sexual embrace which infers that sex will be there shortly. The condom looks like a lollypop and the ad was visible from the car where my children age 8 to 11 could see it.

I do not care about political correctness. I care about my kids and they should not be subjected to any sexual matter of any type at their ages.

The TV and radio can be turned off one cannot avoid billboards and bus stops.

It appears to me that it was rather promotion of homosexual love and lust for male adolescents than alleged ad promoting use of condoms.

Advertising safe sex isn't a problem and I seriously don't have a problem with gay men or women. But I was offended by the picture of the two men. It's like the ad was promoting safe sex between homosexual men.

This advertisement is encouraging sexual behavior between homosexuals through the use of the condoms. As two men cannot fall pregnant it is simply to prevent STD's. The public encouragement of two men having sex is offensive to me and my family and should not be something that is publicly displayed for children to see.

You are allowing advertising of Gay men cuddling on public Billboards and children should not have to be confronted with such things. Homosexuality is and always will be the minority so why are we allowing them to shout so loud??

While I appreciate that the company is advertising safe sex I don't think it should be displayed in a public place where young children are going to be viewing it as it is content they do not need to be exposed to.

Homosexuality portrayed which is not acceptable when children pass by daily- no objection about conveying a safe sex message but not this way please.

THIS BILLBOARD has two homosexual men in an act of foreplay – one kissing the other's neck – the promotion is for them to use condoms. The billboard tells us this is a HEALTHY COMMUNITIES and a SAFE SEX message. It features a huge image of a condom in a packet and the words RIP & ROLL. The only reason for homosexual men to need condoms is because their sexual intercourse carries with it a very high risk of serious disease. To promote this lifestyle to our youth is NOT in the interests of HEALTHY COMMUNITIES. The only place this message should be seen would be to practicing homosexuals NOT to impressionable youth in our general public spaces. Those practicing homosexuality are in a minority. The majority of parents are seeking to prevent their children from being pre-sexualised. ANY CONDOM AD IN PUBLIC SPACES TO CHILDREN IS UNACCEPTABLE! THIS BILLBOARD IS COMPLETELY CONTRARY TO PREVAILING COMMUNITY STANDARDS AS IT INTRODUCES SEXUALITY TO OUR YOUNG CHILDREN – THIS IS UNACCEPTABLE AND MUST BE REMOVED. It is situated at a set of lights where parents are forced to stop with their children in the car. IT IS ALSO IN BUS SHELTERS ALL AROUND BRISBANE WHERE YOUNG CHILDREN STOP AND SIT TO CATCH PUBLIC TRANSPORT. WE AS PARENTS AND CONCERNED CITIZENS DEMAND THAT THIS BE STOPPED.

These billboards purport to be advertising safe sex between gay men however the main subject of the billboards is the photograph of the gay men. These advertisements are in fact an advertisement for gay sex.

Children or adults for that matter do not need to see these images as they go about their day to day life.

The image of the gay men does nothing to promote the message of safe sex and is superfluous. Whether you agree or disagree the family is the building block of society and the promotion of promiscuous sexual practices whether homosexual or heterosexual leads to the breakdown of marriage and family. Ultimately children pay the price. I was one of those children many years ago. I am still married and I believe in staying married as that is how we build a strong and healthy society.

Ultimately the advertising company and the Government is a participant in this breakdown of society and a contributor to the need by government to impose laws and restrictions to try and control the spiralling breakdown and lawlessness. As such the Government and the advertising company have culpability in the type of advertising that they have chosen to place in the public space.

May they all have a moral epiphany and cease this advertising.

Depicting gays as lovers exposed to my grandchildren and other children. Comments from children such as "look dad a man kissing another man on the neck and cuddling him that's strange isn't it". I can explain this to mine but what about those who see it but just take it in but say nothing. It sends the wrong message and could have been depicted with a straight couple and still conveyed the correct message. To uphold decent values these ads must go. I can understand the need to protect homosexual men from getting aids from unprotected sex however the visual of men embracing is sending a message to our children that being homosexual is like a third choice and can send them confusing messages. Children are vulnerable and what they see so enlarged visually by this poster gives them the message that this is ok and that there is a 'third sex' so to speak. This in turn promotes curiosity to explore where they wouldn't have previously imagined and can entice children to think they can

decide to be homosexual when in fact that would not be their leaning. I don't see this at all protecting our vulnerable children in this already over stimulated society.

The material on this advertisement is totally inappropriate to be displayed on public billboards.

Two adults displaying sexual themes is inappropriate for children to see. Showing a condom is inappropriate to be glaring you in the face every time you pass that sign which we have to do as it is on a main road.

The ad is in full view of young children and I do not believe that this type of advertising is needed to be seen in such public areas. The fact that it features two men indicates that this is the target audience and the purpose of the advertising is for the prevention of STIs. Whilst I understand that the message of the ad is to educate about 'safer sex' it promotes an environment of sexual promiscuity.

My complaint would be the same if this featured a heterosexual couple.

Most 'healthy' parents do not want the early sexualisation of their children which this advertisement promotes. It is not 'normal' for such explicit advertisements to be exposed to the developing minds of children.

More harm than good will be produced when these children's core beliefs become distorted through the effects of such advertisements.

As a Christian I object and am most offended that our sacred symbols being used by such a way. As well as having to explain to my young children why two men would take up such a pose. This is R Rated. NOT for public display.

Most Queensland parents do not want the early sexualisation of their children which this ad promotes.

THE ADVERTISER'S RESPONSE

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

About Healthy Communities

The Queensland Association for Healthy Communities is a not-for-profit health promotion charity for the lesbian, gay, bisexual and transgender (LGBT) communities in Queensland. Formed in 1984 as the Queensland AIDS Council, we broadened our role to wider LGBT health issues and changed our name in 2006.

Healthy Communities receives the majority of our funding for HIV prevention and sexual health promotion from Queensland Health and the Australian Government Department of Health and Ageing (Office for Aboriginal & Torres Strait Islander Health). We also receive one-off funding for other issues from Queensland Health, other government departments and philanthropic grant providers. Healthy Communities also receives donations and bequests from the community.

HIV in Queensland

In 2010 the highest number of people tested positive for HIV in Queensland than at any time since testing became available in the mid 1980s. There are more people living with HIV in Queensland currently than at any time before. HIV remains a non-curable disease that is usually transmitted through unprotected sex and sharing drug injecting equipment. Around 65% of new infections are among gay and other men who have sex with men.

Healthy Communities has been providing HIV prevention education and health promotion since 1984, and since 1988 with Queensland government funding.

'Rip & Roll' Campaign

'Rip & Roll' was originally developed by Healthy Communities in 2010 as a social marketing campaign reinforcing condom use as a community norm among gay men. It is funded through our main HIV prevention and sexual health promotion funding from Queensland Health.

*A second version of the campaign was launched in 2011. The campaign consists of a series of black & white images of gay men, holding a condom wrapper (in colour). The phrase 'Rip & Roll' signifies ripping open a condom packet and rolling on a condom. The 'Rip & Roll' logo features a picture of a non-branded condom in its wrapper. The advertisements also feature the phrase 'a safe sex message from healthy communities *logo+' our website and phone number.*

In 2011 one version of the campaign, 'couple,' has been placed as bus shelter and billboard adverts.

It features a gay male couple in an affectionate embrace, with one man holding a condom packet.

In designing this advert to appear in general settings we were careful to ensure:

- ?the models are fully clothed*
- ?the picture does not depict or imply a specific sex act*
- ?there are no rude or offensive words used*
- ?the men are depicted in a non-discriminatory way*

Gay men exist in all parts of Queensland, not just limited to inner city ghettos. Gay men are part of families, workplaces and neighbourhoods right across Queensland. Some gay men are highly 'attached' to the gay scene (meaning they use gay commercial venues, publications and social groups), while others live with little connection to the organised gay scene.

Healthy Communities nominated suburbs for the bus shelters and billboards to appear in conjunction with a media purchasing company 'Ikon', but placement in specific locations was done by AdShel based on availability of advertising space. Billboards are in the following locations:

- ?Fortitude Valley*
- ?Southport*
- ?Virginia*
- ?Rocklea*
- ?Cairns*
- ?Townsville*
- ?Toowoomba*

Bus shelter adverts are in various locations across Brisbane and the Gold Coast.

The 'RIP & Roll' campaign appears as targeted executions:

- ?in gay press (e.g. Q News, Qld Pride)*
- ?in mainstream press (e.g. Time Off)*
- ?in gay commercial venues*
- ?at gay social events (e.g. Pride-type festivals)*
- ?in gay and mainstream community services*
- ?as online advertising*
- ?on promotion give-a-ways*
- ?as a branded old-fashioned photo booth with hard copy print out and uploading to 'Rip & Roll' Facebook page.*

We find it interesting that images of shirtless men on their own or with a woman with a similar or same message did not attract complaints. However an advert that features a male couple in an embrace has.

We can only conclude that the objections are based on discriminatory and homophobic attitudes towards gay men. It should be noted that homosexuality is not illegal in Queensland and that it is illegal to discriminate against or vilify people on the basis of their sexual orientation. We do not accept stigma or discrimination against gay men to be legitimate grounds of complaint against the 'Rip & Roll' advert.

Young People and Sexual Health

While the target group for the adverts is not young people, we recognise that young people may see them. Sexuality is a normal part of human development, including homosexuality. To promote good sexual health in the population, people need to be able to talk openly and honestly about sexuality, without shame or fear.

Research demonstrates¹ that sex and relationship education programs are more effective when given before young people become sexually active and when the programs emphasise social norms and skill development. It is also important to acknowledge that sex and relationships education does not encourage increased or early sexual activity.

Comprehensive sexuality education programs have been shown to help delay first intercourse, and increase the adoption of safer sexual practices in sexually active youth

In a study of secondary school students and sexual health², the majority (78%) had experienced some form of sexual activity, with 27% of year ten students and 56% of year 12 students having had experienced sexual intercourse. 6% of students were attracted to people of their same sex or opposite sex and 1.8% weren't sure. 49% of sexually active students sometimes or never used condoms in the previous year.

1 Grunseit, A. & Kippax, S. (1997). Impact of HIV and sexual health education on the sexual behaviour of young people. New York: UNAIDS. Mueller, T., Gavin, L. & Kulkarni, A. (2008).

The association between sex education and youth's engagement in sexual intercourse, age first intercourse, and birth control use at first sex. Journal of Adolescent Health, 42, 89-96.

2 Smith A, Agius P, Mitchell A, Barrett C, Pitts M. 2009. Secondary Students and Sexual Health 2008, Monograph Series No. 70, Melbourne: Australian Research Centre in Sex, Health & Society, La Trobe University.

Condoms are a health enhancing and at times life-saving device, preventing STI and HIV transmission and unwanted pregnancies. Denying young people knowledge of life saving devices threatens the health and wellbeing of young people.

Condoms are sold openly in supermarkets, chemists and at service stations. Young people will encounter images and discussion of condoms in many different settings. The promotion of condom use on the 'Rip & Roll' advert will unlikely be the first and certainly won't be the last time young people are exposed to condoms and sexual health messages. This campaign can be an important opportunity for parents to talk to young people about condoms, sexual health and sexuality.

Most parents want their young people to be educated about sex and relationships. A summary of research on parent's views on sex and relationships education³, prepared by Family Planning

Queensland shows that:

- ?98% of Queensland parents agreed that young people need to be provided with information about sexual relationships before they engage in sexual relations*

- ?a majority of parents believe sex & relationships educations should begin from kindergarten onwards*

- ?97.4% of Australian parents overall supported the provision of sex & relationships education in the school curriculum*

- ?79% of Queensland parents would be concerned if sex & relationships education was not taught at school*

Discussion of sexual health with young people is a normal and expected part of life.

Community Attitudes to Homosexuality

Some of the complainants claim that representations of gay men are not suitable for viewing by the general public.

Representations of gay and lesbian people and relationships are common place in Queensland society. Soap operas (e.g. 'Home & Away' and 'Neighbours') have had story lines with gay or lesbian characters. Popular television dramas (e.g. 'Glee') feature prominent, out gay and lesbian young people. Reality shows (e.g. 'Australian Idol') have out gay or lesbian contestants. Sporting heroes (e.g. Matthew Mitcham) are out and proud. A telephone survey of the general population in Queensland by Galaxy Research in 2008 found that

96% of people agreed that schools should actively try to prevent bullying of lesbian and gay young people (100% among 16-24 year olds), 60% agreed that same-sex couples should be able to enter into a civil union (74% among 16-24 year olds) and 67% of people believed that both parents in same-sex headed families should be recognised by the law (84% among 16-24 year olds).

3 FPQ (2011) Evidence briefing: Parent's views on sexuality and relationships education. Brisbane, Family Planning Queensland.

This research clearly shows that the majority of Queenslanders support lesbian & gay rights, and the vast majority of young people support them. Queensland's young people are leading the way in accepting lesbian & gay people and in some cases have a greater and more sophisticated understanding of sexuality than their parents do.

It should be recognised that young people may themselves be gay, have gay or lesbian family members and friends or have friends who have gay or lesbian parents. Young people will be exposed to homosexuality in a variety of settings. Featuring a male couple on the 'Rip & Roll' advert will unlikely by the first and certainly won't be the last time young people are exposed to gay people.

Being gay is not something to be ashamed of and is not something to be hidden away behind closed doors. These stigmatising attitudes do more harm to LGBT people, those exploring their sexuality and their families.

In summary:

- ?HIV prevention social marketing is needed now more than ever with high rates of HIV transmission.*
- ?Gay men remain the group most affected by HIV and hence the major target of HIV prevention campaigns.*
- ?Gay men exist in all parts of Queensland and outdoor advertising is an ideal way to reach them (especially those not strongly attached to the gay community).*
- ?The 'Rip & Roll' adverts feature fully clothed men, in a non-sexual position and don't use rude or offensive words.*
- ?Previous HIV or STI prevention campaigns targeting gay men using a single male figure have not attracted complaints.*
- ?Stigma and discrimination against gay men is not acceptable grounds for a complaint about the advert.*
- ?Many young people are sexually active and in need of sexual health messages. The overwhelming majority of parents support and expect their young people to receive sex and relationships education.*
- ?The general Queensland community is accepting of lesbian & gay people and representations of gay men are common place.*

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 is offensive to Christians in its use of Christian symbols and its promotion of homosexuality, is promoting a product and a lifestyle which is not suitable for children to be aware of, and is sexual.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board recognised that some members of the community may be offended by the depiction of a same sex couple in an advertisement but in the Board’s view this image should be treated no differently to an image of a heterosexual couple.

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...religion...'

The Board noted that some complainants were concerned that the use of a same sex couple wearing wedding rings and a Christian cross is offensive to Christianity. The Board considered that the image was not in any way discriminatory towards any religious groups.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement does not contain any nudity and considered that the image of the two men hugging was not sexualised and that the advertisement is very subtle in its handling of the issue of safe sex. The Board considered that the overall tone of the advertisement is clearly that of a medical issue and not of a sexual issue.

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 discreetly.

The Board noted the advertiser’s response that the number of people infected with the AIDS virus is increasing and that 65% of new cases involve men who have had sexual relations with other men. The Board is strongly in favour of the important health message this advertisement portrays and considered that whilst some members of the community would

prefer not to see this issue advertised, the public health message overrides any social sensitivity.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did 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.