

# AdStandards News

Edition Sixteen

# 1011



1. From the CEO's desk and FYI
2. Changes to Board bring new attitudes and experience
3. Government reviews roundup
4. A night to remember
6. New Independent Reviewers take over

The Advertising Standards Bureau manages the complaints resolution component of the advertising self-regulation system in Australia. AdStandards News provides our stakeholders – consumers, industry and government – with up-to-date information about advertising standards in Australia and overseas.

## FYI

### New Independent Reviewers

Ad Standards has two new Independent Reviewers – the Emeritus Professor Dennis Pearce AO and Ms Victoria Rubensohn AM.

### Information sessions

The Advertising Standards Bureau and the Outdoor Media Association have held several information seminars over the past month, highlighting to members the issues raised by the community. The ASB is happy to provide in house training and information sessions to industry and consumer groups.

## CEO comment

*While we appreciate the significant support industry provides in the complaints process and in complying with Board decisions, it is necessary that advertisers also provide financial support. At only \$350 per million dollars of media expenditure, it's a small contribution from all advertisers to keep advertising self-regulation in Australia effective. Go to [www.adstandards.com.au](http://www.adstandards.com.au) for more information.*

# FROM THE CEO'S DESK

## Welcome to AdStandards News.

**Over the past few months it's been a time of making difficult decisions and of making changes.**

We have welcomed new members to the Advertising Standards Board and have farewelled long serving and well-loved Board members.

Nine new members were appointed to the Board in August. They have already been put to work and along with the continuing Board members will continue to provide the community and business with a means of resolving concerns about advertising.

Our retiring Board members were given a rousing farewell during an evening at the Sydney Tower. Many inaugural and other former members of the Board also attended to share their memories. I was very pleased to see the pleasure that the night brought to all who attended.

I would also like to highlight the contribution to the self-regulation system made by recently retired Independent Reviewers, The Hon Deirdre O'Connor and Mr Mick Palmer, AO APM. Both Deirdre and Mick were an asset to the independent review process. Taking their places are Emeritus Professor

Dennis Pearce, AO and Ms Victoria Rubensohn, AM. I look forward to working with them.

Even in this time of change our commitment to self regulation has not wavered. We have been keeping a close eye on the Government's Convergence Review and the Australian Law Reform Commission Review. We have held firm on the view that self-regulation is the most appropriate and effective means for regulating advertising and marketing communications in Australia.

We hope you have all seen our outdoor advertisements created by GPY&R in Melbourne, which have been gracing Australia's streets, taxis, buses and billboards. The assistance from the Outdoor Media Association and its members has been invaluable, with \$1.6 million of advertising space provided to us as an industry gesture.

More changes are likely to come with the review of the AANA Code of Ethics soon to be released. We have been grateful for the opportunity to provide



ASB CEO Fiona Jolly

input to that process and will support any changes coming out of the review. We will continue to deliver information to industry, much in the same way that we have been working with the OMA and AANA in highlighting the concerns raised by the community through the complaints process.

I hope you enjoy the information and articles that follow.

Fiona Jolly, CEO  
Advertising Standards Bureau

There are currently 20 members of the Advertising Standards Board.  
Their profiles can be viewed at [www.adstandards.com.au](http://www.adstandards.com.au).

# CHANGES TO BOARD BRING NEW ATTITUDES AND EXPERIENCE



The new look Board met for the first time in mid-September, with 16 of the 20 members attending the meeting (rear from left) Nathan Hindmarsh, Craig White, Jaime Phillips, Jo Tiddy, JaneMaree Maher, Maria Cosmidis, Nigel Milan, Peter Phillips, Jack Manning-Bancroft, (front from left) Graham Rixon, Sophie Kowald, Karen Haynes, John Lee, Paula McNamara and Giuliana Baggoley.

## A new look Advertising Standards Board brings together a group of people who represent all sectors of the Australian community.

New members appointed to the Advertising Standards Board include a pastor, a rugby league star, a Young Australian of The Year, an optometrist, a Justice of the Peace, a dietitian, people with multicultural affairs, economic, regulatory affairs, and regional and remote experience and knowledge.

A public selection process began in April with a national advertisement, seeking people from diverse cultural

and professional backgrounds, who are active in their communities.

“We hoped to receive applications from Australians who represented the diverse cultural and professional backgrounds prevalent in Australia and also from younger adult members of the community,” Ms Fiona Jolly, Chief Executive Officer of the Advertising Standards Bureau said.

“The advertisement resulted in applications from people from across Australia and with wide ranging experience and background,” she said.

Applications were shortlisted by an independent agency and interviews held.

“A strong field of applicants made selection of new appointments difficult, but ultimately I believe the public selection process has helped to deliver a group of people who represent all sectors of the Australian community,” Ms Jolly said.

The first official meeting of the new Board was held in mid September.

The nine new Board members are Giuliana Baggoley, Maria Cosmidis, Karen Haynes, Nathan Hindmarsh, Jack Manning-Bancroft,

Nigel Milan AM, Jaime Phillips, Peter Phillips and Peter Williams.

The Board currently has 20 members, with membership of the Board on a fixed term basis. New appointments are staggered to ensure the Board retains a mix of corporate knowledge while introducing people with a mix of experience, views and skills.

“The diversity of the Board brings with it an understanding of the many different community standards which relate to decisions that need to be made by the Board,” Ms Jolly said.

The contribution of Board members is at the heart of Australia’s advertising self-regulation system, which is based on community standards.

The Advertising Standards Bureau’s previous appointment of new members to the Board was in 2008.

Among retiring Board members were inaugural members, Tom Keneally and Joanna Cohen, along with the Hon. John Brown who was appointed in 1998.

“Board members make a valuable contribution. Their role is difficult and we appreciate the wisdom and the outstanding contribution all retiring members made during their time on the Board,” Ms Jolly said.

“The Board is committed to its important role and provides the community with assurance that advertisements are legal, decent, honest and truthful and also provides advertisers with a valuable guide about community standards,” Ms Jolly said.

# RETIRING MEMBERS AS AT AUGUST 2011

## **Dr TANVEER AHMED**

**Appointed August 2006**

Dr Tanveer Ahmed is a psychiatrist and opinion columnist for the Sydney Morning Herald. A former SBS television journalist he is also a Governor of the Smith Family.

## **THE HON JOHN BROWN AO**

**Appointed May 1998**

Former Federal Tourism Minister John Brown was a member of the Commonwealth Parliament for 13 years. John's awards include the Olympic Silver Order of Merit and Australian Institute of Marketing Gold Medal. He was elected a Life Member of the Australian Institute of Sport and is a member of the President's Council of the Surf Lifesaving Association.

## **JOANNA COHEN**

**Inaugural Member - Appointed 1997**

Joanna Cohen is the editor of film reviewing website, Rotten Tomatoes and the Marketing Manager for three Fox

Interactive Media websites. For many years Joanna worked in marketing and communication at the University of Sydney and, reflecting her diverse talents, has also managed a Sydney rock band, run a small film festival and worked as a freelance writer.

## **ANN DRUMMOND**

**Appointed August 2006**

Ann Drummond, born in Scotland, raised in Canada and moved to Australia in 1975, has a degree in both theology and early childhood education, is a retired Uniting minister and has extensive experience in the fields of child education and children's services.

## **RACHEL GRANT**

**Appointed August 2008**

Rachel Grant grew up in Ballina, northern New South Wales, and now lives in Ipswich with her husband and two young sons. She currently works as a freelance public relations consultant.

## **THOMAS KENEALLY AO**

**Inaugural Member - Appointed 1997**

Thomas Keneally is a best-selling, multi award-winning author, playwright and scriptwriter. Tom has written more than 20 novels including *The Chant of Jimmy Blacksmith* and *Schindler's Ark*. He was the inaugural chairman of the Australian Republican Movement and is now a director of the organisation. He is married with two children and several grandchildren, and is widely-known as an obsessive rugby league fan.

## **PAUL McCARTHY**

**Appointed August 2006**

Paul McCarthy grew up in Queensland before moving to Sydney. A career public servant, Paul has worked in human services policy (health, disability, education, community services) arts policy, liquor and gaming policy, censorship policy and media regulation, and privacy and complaints handling.

## **GARY RICE**

**Appointed August 2008**

Formerly Managing Director and CEO of Seven Network Limited, Gary Rice had a career of nearly 30 years in the television and radio industries. Gary is also active in the tourism industry and has been a judge for the Queensland Tourism Awards.

## **HELEN WICKS**

**Appointed 2006**

Helen Wicks is a full-time mother of three children who has a long association with community organisations in professional and volunteer capacities. Helen lives in Armidale, NSW with her husband Dale and her children.

# GOVERNMENT REVIEWS ROUNDUP

After providing information and assistance to two government enquiries into advertising and classification, the Advertising Standards Bureau is now keeping an eye on two others – the Australian Law Reform Commission (ALRC) review of the National Classification System and a Convergence Review led by the Minister for Broadband, Communications and the Digital Economy, Senator the Hon Stephen Conroy.

“We provided comment on the Issues Paper released by the Australian Law Reform Commission (ALRC) in relation to its review of the National Classification System,” Advertising

Standards Bureau Chief Executive Officer, Ms Fiona Jolly said.

The ASB provided information to the ALRC about the self-regulation system applying to advertising and marketing communications in Australia and the Bureau's role within that system.

“We have encouraged the ALRC to consider our submissions to the Senate and House of Representatives Inquiries, which support our view that self-regulation remains the most appropriate and effective means for regulating advertising and marketing communications in Australia,” Ms Jolly said.

The Bureau has also made a submission in response to the Framing Paper for the Convergence Review, commenting on the appropriateness of the principles set out in the Convergence Review Framing Paper.

“We are broadly supportive of the principles set out in the paper as a starting point for the Convergence Review and will take a keen interest in the Committee's consideration of how to maintain an appropriate and achievable balance of media freedoms with community standards, which the Framing Paper suggests is a key issue,” Ms Jolly said.

She said in terms of the impact on industry and government revenue, we noted that any consideration of the proposed principles need to take into account the cost effectiveness and enforceability of any proposed changes to regulatory frameworks as against existing frameworks.

“We also support the Committee's consideration of international approaches to regulation. The Bureau already has close ties to international self-regulatory bodies including membership of the European Advertising Standards Alliance (EASA), which is the single authoritative voice on advertising self regulation issues in Europe and beyond,” Ms Jolly said.

In addition to the watching brief on the current enquiries, the Bureau is carefully considering the findings and recommendations of the Senate Legal and Constitutional Affairs References Committee Inquiry into the Australian Film and Literature Classification Scheme (report tabled 23 June 2011) and the House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into the Regulation of Billboard and Outdoor Advertising (report tabled 4 July 2011).

*Continued on page 6*

# A NIGHT TO REMEMBER



It was a night to remember when Advertising Standards Board members, past and present, gathered to celebrate the contribution of former and retiring Board members. Many memories and laughs were shared by (from left) Emma Tom, Joanna Cohen, John Konrads, Carmel Travers, The Hon John Brown, Catharine Lumby, Tom Keneally, John Bokor and Liz Wise.



Retiring inaugural member Tom Keneally (left) and continuing Board member Sophie Kowald were all smiles, taking time to remember some of the tougher decisions they had made during their time on the Board together.



Long serving Board member John Konrads (1998–2008) and inaugural Board member Mary Kostakidis (1997–2002) had a lot of catching up to do during the night.



Inaugural Board member, Liz Wise (centre) was excited to be in Australia to meet up again with her former colleagues Tom Keneally (left) and the Hon John Brown (right) along with former Board member John Bokor (rear).



Retiring Board members Paul McCarthy and Ann Drummond enjoyed the ambience of the Sydney Tower during a night held to celebrate and honour the contribution they had made during their years as members of the Advertising Standards Board.



The longest serving members of the Board, (left) Joanna Cohen 1997–2011, the Hon John Brown 1998–2011 and Tom Keneally 1997–2011 (right) were happy to share their stories with Ad Standards CEO, Fiona Jolly.

*During the night, retiring Board members were presented with gifts by Advertising Standards Bureau Chairman Mr Ian Alwill and Chief Executive Officer Ms Fiona Jolly. Although unable to attend, retiring Board member, Helen Wicks, who served on the Board from 2006 was also remembered on the night.*



Ann Drummond and Ian Alwill



Gary Rice and Ian Alwill



The Hon. John Brown and Ian Alwill



Fiona Jolly, Joanna Cohen and Ian Alwill



Ian Alwill and Tanveer Ahmed



Ian Alwill and Tom Keneally



Paul McCarthy and Ian Alwill



Rachel Grant and Ian Alwill



The Hon John Brown made a rousing retirement speech in which he made mention of the wisdom of his former and current Board colleagues.

Continued from page 3

## GOVERNMENT REVIEWS ROUNDUP

“We have already taken action on several of the recommendations. Our outdoor media campaign has been successfully implemented with invaluable assistance from the Outdoor Media Association and its members, and we have conducted information and education seminars across Australia for OMA members,” Ms Jolly said.

The Australian Law Reform Commission report is due by 9 December 2011, with the Convergence review final report due in the first quarter of 2012.

# NEW INDEPENDENT REVIEWERS TAKE OVER

Since introducing the Independent Review process in April 2008, there have been 14 reviews completed.

The Hon Deirdre O'Connor was appointed as the first Independent Reviewer in April 2008, with Mr Mick Palmer, AO APM, appointed as an alternate Independent Reviewer in September 2009. On their retirement, the positions were taken up by Emeritus Professor Dennis Pearce, AO, and Ms Victoria Rubensohn, AM, in August 2011.

### Dennis Pearce AO

Emeritus Professor Dennis Pearce is a consultant with HWL Ebsworth

Lawyers and a Visiting Fellow at the Australian National University (ANU) College of Law. Dennis was formerly the Dean of the Law School at ANU.

Dennis holds the degrees of Bachelor of Laws (Adelaide), Master of Laws and PhD (ANU). He is admitted to legal practice in South Australia, the ACT and NSW.

### Victoria Rubensohn AM

Victoria Rubensohn is the current Convenor of the Classification Review Board and since 1991 has been Principal of international communications consultancy Omni Media, which specialises in communications

regulatory policy. She is a consumer representative member of the Mobile Premium Services Code Review Panel and is a member of the Australian Communications Consumer Action Network Standing Advisory Committee.

Victoria holds a Bachelor of Arts (Sydney), Master of Arts [in Government] (Sydney), Bachelor of Laws (UNSW) and Master of Human Rights (Sydney).

More detailed information about the review process and our Independent Reviewers is available on our website.

## Ad complaint statistics

### June to August 2011 (1 June to 31 August)

Number of complaints received	810
Number of ads complained about	140

### Most common issues complained about

A range of issues were included in those complained about between 1 June and 31 August. The portrayal of sex, sexuality and nudity received the highest percentage of complaints in the three month period, with 49 per cent of all complaints – this higher percentage can largely be attributed to the high number of complaints about the Rip & Roll campaign. The high percentage of complaints (30 per cent) relating about discrimination and vilification was also affected by the same campaign. Complaints about violence were significantly lower at 8 per cent, closely followed by health and safety concerns at just 6 per cent.

### Most complained about ads

Outdoor and print ads for safe sex 'Rip & Roll' (case 176/11 and 177/11) received a total of 275 complaints. The Board noted the advertiser's response that a 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 was strongly in favour of the important health message the advertisement portrays and considered that while some members of the community would prefer not to see this issue advertised, the public health message overrides any social sensitivity.

A television advertisement highlighting the need to shop around for the best deal for energy suppliers which depicts Indian people as door knockers caused a high amount of community concern, receiving 75 complaints. The majority of the Board considered the depiction of the door to door salesman as an Indian man with a strong accent perpetuates a stereotype, and is one that would generally be considered to be a negative stereotype of a person from a particular racial background. The Board also considered that the subtle suggestion that the Indian man may not be completely honest was also offensive and that is vilifying Indian people. Complaints were upheld. The advertiser has withdrawn the ad.

A billboard from a group called My Peace stating "Jesus a prophet of Islam" also received a higher number of complaints – 60 complaints. The Board noted that the advertisement contains a statement about the beliefs of Islam. The Board considered that a statement about the beliefs of a faith or religion may be offensive to people who do not hold those beliefs but that such a statement does not, of itself, discriminate against or vilify people who hold different beliefs. Complaints were dismissed.

The Advertising Standards Bureau makes available a list of all advertisements considered by the Board at [www.adstandards.com.au](http://www.adstandards.com.au). Copies of case reports for all advertisements are also available on request by emailing [administration@adstandards.com.au](mailto:administration@adstandards.com.au).