

AdStandards News

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Thirteen



ADVERTISING
STANDARDS
BUREAU

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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

Reports available online

See the complete research reports on sex, sexuality and nudity, on violence and on discrimination and vilification on our website. The Review of Operations for 2009 is also available.

New look website close

We aim to launch our new website in the coming weeks. The new look website will be easier to use and will continue to provide access to vital information about our work and determinations made by the Advertising Standards Board.

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 for more information.

FROM THE CEO'S DESK

Welcome to AdStandards News.

This year is moving along rapidly and at the Advertising Standards Bureau we have continued to involve ourselves in the broader advertising self-regulation issues which impact on our work.

A highlight has been the release by Senator Conroy of the ASB's research into community perceptions of sex, sexuality and nudity in advertising. The results of this research have been proven to be of interest to the full spectrum of our stakeholders, from media to advertisers, community groups to government agencies.

The research has also given the advertising and marketing industry fresh information about community attitudes and should assist creatives and advertisers alike in continuing to support the self-regulation system through responsible advertising.

I have enjoyed several opportunities in the past months to speak and present findings about our research and our work in general. I always look forward to these opportunities and will continue to promote Australia's world-class advertising self-regulation system.

We have welcomed the opportunity to be involved in the AANA Code of Ethics review. Our work gives us a unique perspective of Australia's advertising self-regulation system and of the concerns people in the community have about advertising and the way the Code is interpreted and applied.

In line with the increasing numbers of complaints and complexity of cases we are continuing to streamline our processes. We recently introduced a new process to look at complaints commonly dismissed by the Board and have included information about this in this newsletter.

We have begun work on reviewing our Independent Review process. We hope that people who have sought a review will provide feedback about their experience with the process as well as receiving feedback from others interested in the process.

The launch of our new look website is very close. We have been working hard to make it user friendly and informative.



ASB CEO Fiona Jolly

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

COMMONLY DISMISSED COMPLAINTS NOW DON'T GO TO THE BOARD

The increasing number and complexity of cases has resulted in the Advertising Standards Bureau introducing a new process to look at complaints about issues which are commonly dismissed by the Board.

Chief Executive Officer, Fiona Jolly, explained that a constant increase in cases which needed to be considered by the Board each month had made the introduction of the new process necessary.

"The process is similar to processes used by our counterparts overseas in considering commonly dismissed complaints," Ms Jolly said.

"It takes time and funding to prepare a case for the Board and we are always looking for ways to streamline our processes and make sure the funding we receive to do our work is used in the best interest of the community and the industry," she said.

Ms Jolly said the Board considers between 30 and 60 cases each month. In 2009 the Board considered a total of 595 cases.

"While we don't want to dissuade people from making complaints about advertisements that offend them, we want to ensure that our resources are spent on resolving issues which are more likely to offend," Ms Jolly said.

Types of complaints consistently dismissed by the Board

1. Where concerns raised about advertisements involve an interpretation that is unlikely to be made by reasonable members of the community or is a matter that is particular to the complainant and, although offensive to the complainant, is not likely to be anything which in the light of generally prevailing community standards, is likely to cause serious or widespread offence.

For example: Case where boy bites bottom of cone - 76/09 - Drumstick.

2. Where concerns raised about an advertisement involves a depiction of behaviour, an activity or treatment of people, animals or objects that reasonable members of the community would be unlikely to be similarly concerned about.

For example: A bird depicted in a cage, a dog depicted in a kennel or on a leash.

3. Where concerns raised about the advertisement involves an issue that the Board has consistently considered to be not in breach of the Code.

For example: Emergency warning sounds used as part of ads. Ads for life insurance, funeral cover - 53/10 Real Insurance; 322/09 Insurance Line.

4. Where a complaint that the advertisement contains offensive language, and the language complained about is a phrase or word that the Board has consistently deemed to be not in breach of the Code.

For example: Australian colloquialisms (bloody, bugger) used in a manner that is consistent with generally accepted usage and not used in an aggressive, threatening or demeaning manner -

27/09 MLA; 303/09 Sidchrome tools; 542/09 Lynx. References to 'Poms' or 'pommies' generally - 499/06; 12/09; 25/10 - contrast upheld decision where the reference is demeaning 509/06.

5. Where a complaint that an advertisement contains expletives or has content which, when the advertisement is viewed, makes it clear that the expletive is not said or that the suggested content is not part of the advertisement. This can also include the situation where an expletive is not used but there is a mild suggestion of the expletive and the context or media placement would not make the advertisement unsuitable.

For example: A suggestion that a person is not wearing clothing when it is clear that the person is appropriately clothed- 567/09.

6. A complaint about an advertisement that contains depictions of the multicultural community.

For example: Complaints about the way people are treated in ads - 421/09; 296/01.

ACTIVE INVOLVEMENT ENCOURAGED

ASB is working to encourage advertisers to be active in promoting and supporting the advertising self-regulation system – through both compliance with Codes and initiatives and through financial commitment to maintain the services provided.

ASB Chief Executive Officer, Fiona Jolly, said the increased scrutiny of advertising, in particular the ongoing debate about 'junk food' advertising

and its relationship to obesity concerns, as well as the continuing concerns expressed about the sexualisation of children through the media, made it increasingly important that advertisers listen to community concerns and comply with the Codes that are in place.

"The advertising and marketing community is a responsible community. It needs to demonstrate it is willing to continue its support and promotion

of the system through responsible advertising as well as responding to changing community attitudes and concerns," Ms Jolly said.

"The current system supports creativity and does not restrict advertising of any legally available product or service – with the exception of tobacco related products.

"As a self-regulated system, issues and concerns about particular advertisements

and marketing initiatives can be resolved quickly," Ms Jolly said.

She said if the Australian Government were to step in and regulate advertising, resolution of issues could become slower and restrictions could be placed on particular products and services.

"The advertising and marketing industry in Australia has a robust regulatory system which is world-class," Ms Jolly said.

EFFECTIVENESS OF INDUSTRY INITIATIVES – A GOVERNMENT PERSPECTIVE

The release by Senator the Hon. Stephen Conroy, Minister for Broadband, Communications and the Digital Economy of the latest community research into sex, sexuality and nudity reconfirmed the Australian Government's commitment to monitoring the effectiveness of industry initiatives.

In releasing the research report Senator Conroy said the Australian Government recognises how important it is that advertising treat matters of sex, sexuality and nudity in advertising with sensitivity, and will monitor the effectiveness of industry initiatives such as:

- The Practice Guide on Managing Images of Children and Young People; and
- The AANA codes as they apply to sex, sexuality and nudity in advertising over the next 12 months.

He said he was pleased that the AANA had moved to ensure that the Codes cover internet advertising and websites and urged the AANA to work with relevant bodies, and online publishers, to ensure that self-regulation is as effective in the online space as it is in the traditional media.

"If the industry wants to avoid the imposition of government regulation in this space it must get behind the AANA and self-regulate online advertising as actively and effectively as it does all other forms of advertising," Senator Conroy said.

In releasing the research report, Senator Conroy said the research would allow the Advertising Standards Bureau to work with the industry to ensure ads on all media platforms meet community standards and values.

"The Advertising Standards Board has a tough job and I know that occasionally, it has faced criticism that its decisions are out of step with community standards and concerns," Senator Conroy said.

"The research the Bureau is releasing has considered how closely Board decisions are consistent with the perceptions of advertising in the community and overall, the research shows that Board decisions are broadly in line with community views," he said.

Ian Alwill, Chairman of the Advertising Standards Bureau, said the Advertising Standards Bureau is committed to undertaking research to assess whether the decisions of the Advertising Standards Board under the AANA Codes are in line with community expectations and community interpretation of the Code's provisions.



From left: Chairman of the Advertising Standards Bureau, Ian Alwill, Senator the Hon. Stephen Conroy, Minister for Broadband, Communications and the Digital Economy and Advertising Standards Bureau Chief Executive Officer Fiona Jolly, at the release of the latest research into community perceptions of sex, sexuality and nudity in advertising.

Advertising Standards Bureau Chief Executive Officer, Ms Fiona Jolly, said the results gained from the 1200 people surveyed showed that irrelevant nudity or sexual imagery used to promote products was a common factor which made ads unacceptable.

Ms Jolly said although a number of the Board's decisions appear to be more liberal than community expectations suggest they should be – the information provided in the survey gives a clear indication that there is a higher acceptance of sexual themes or content where the product has a connection with sex.

"What is most offensive to the community is when sexual themes are explicit or they are strongly sexualised images. The community believes these images should be less available to children," Ms Jolly said.

She said humour, relevance to the product and artistic treatments of sexual concepts were found to make an ad more likely to be acceptable.

This research is available in hard copy and on line and builds on previous work exploring general community attitudes to advertising (2007) and a similar topic-specific study into violence in advertising (2009).

CODE REVIEW – ASB'S UNIQUE PERSPECTIVE

The Bureau plays an important role in the self-regulation system and has welcomed the chance to provide input and assistance to the review of the AANA Code of Ethics.

Chief Executive Officer, Fiona Jolly, said the Advertising Standards Bureau is in a unique position in Australia's advertising self regulation system.

"Through our administration of the advertising self-regulation system, we gain first-hand knowledge of both the community's and advertisers' concerns in relation to the AANA Code of Ethics and other associated Codes and industry initiatives," Ms Jolly said.

"We take care to note issues and have compiled these into our submission to the AANA Code of Ethics review," she said.

WOMEN IN MEDIA SUMMIT

Advertising Standards Bureau Chief Executive Officer, Fiona Jolly was invited to speak at the recent annual Victorian Premier's Women's Summit, attended by more than 200 representatives from the media, business and community. The summit focused on women in the media and explored the complexities around the portrayal of women.

During the summit, Victorian Minister for Women's Affairs Maxine Morand said it was vital that the issue of gender stereotyping in the media is tackled and that everyone works to ensure there is fair and accurate portrayal of women and the reporting of women's issues.



From left: Victorian Minister for Women's Affairs, Maxine Morand MP; Premier of Victoria, the Hon John Brumby MP; Dr Louise North, Head of Journalism, Monash University; Fiona Jolly, CEO, Advertising Standards Bureau; Lynne Haultain, former ABC radio presenter; Luke Waldren, Managing Partner, Grey Group Melbourne.



Photos courtesy of Victorian Department of Planning and Community Development/Vicki Jones Photography.

Ad complaint statistics

	April 2010 to August 2010 (1 April to 15 August)
Number of complaints received	1224
Number of ads complained about	214
Most common issues complained about	Portrayal of sex, sexuality and nudity received almost 50 per cent of all complaints during this period, followed by complaints about discrimination and vilification at almost 30 per cent of complaints. Complaints about issues relating to violence were the next highest at just 8.5 per cent.
Most complained about ads	A television advertisement for a relationship service – Ashley Madison (257/10) – topped the list of most complained about in the period between April and August, with over 115 complaints. The advertisement, which states <i>Life is short. Have an affair</i> was reclassified after initially being able to be screened in prime time viewing. It can now only be shown in the late night time slot. On advice the advertisement had been reclassified, the Board dismissed complaints.

The Advertising Standards Bureau now makes available a list of all advertisements considered by the Board at www.adstandards.com.au. Copies of case reports for all advertisements are also available on request by emailing administration@adstandards.com.au.