

COMPLAINT NUMBER	22/369
ADVERTISER	Sex Outside the City
ADVERTISEMENT	Sex Outside the City, Billboard
DATE OF MEETING	12 December 2022
OUTCOME	No Grounds to Proceed

Advertisement: The billboard advertisement in New Plymouth for Sex Outside The City promotes rectal swab testing. The Billboard has an image of two cartoon males from behind, holding hands. The text on the billboard says, 'Finish the job with a Rectal Swab'. Under this statement there is wording about testing for gonorrhoea and chlamydia and a logo and website address for Sex Outside The City.

The Chair ruled there were no grounds for the complaint to proceed

Complaint: Why is this being advertised on the main road that my children travel on regularly. This sort of advertising is for a very small minority and shouldn't be pushed on everyone!

This ad is truly disgusting and should be removed.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(e);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

About Advocacy Advertising under the Advertising Standards Code

The Chair confirmed the advertisement from Sex Outside the City, a campaign to improve the sexual health of the LGBTQIA+ community living in rural areas was advocacy advertising under the Advertising Standards Code.

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

The Chair observed that in a free and democratic society, issues should be openly debated without undue hindrance or interference from authorities such as the Advertising Standards Authority (ASA), and it should not unduly restrict advocacy groups role in communicating public health information to the public.

Under Rule 2(e) Advocacy advertising in the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

Application of the identity requirements of the Advertising Standards Code

The Chair confirmed the Advertiser's identity was clear. The advertisement included a logo for the Sex Outside the City organisation, as well as the website address, sexoutsidethecity.org.nz. The position of the Advertiser was also clear. The advertisement was an educational message highlighting that gonorrhoea and chlamydia testing needs to include a rectal swab before the test is complete. The Chair said the advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code.

Application of the Advertising Standards Code to this advocacy advertisement

The Chair noted the Complainant was concerned the advertisement was placed where children could see and the message was inappropriate and unnecessary for general viewing.

The Chair carefully reviewed the advertisement and while she acknowledged some consumers would find the general subject matter distasteful, she did not consider the advertisement contained anything which was gratuitous or explicit. The advertisement used a light-hearted approach to a sensitive subject with cartoon characters and rhyming language in order to normalise the sexual health message.

The Chair acknowledged the unrestricted nature of the advertisement's placement, but said most children were unlikely to understand the nature of the advertisement.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the advertisement was likely to cause serious or widespread offence in light of generally prevailing community standards. She said that the advocacy advertisement promoted the treatment of sexually transmitted diseases which was an important health message. The Chair did not consider the advertisement met the threshold to breach Rule 1(c) of the Advertising Standards Code.

The Chair said the advocacy advertisement had been prepared and placed with the due sense of social responsibility and was not in breach of Principle 1, Rule 1(c) Principle 2, or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [Appeal Process](#). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.