



10 DOWNING STREET

*From the Principal Private Secretary*

6 March 1986

AIDS

The Prime Minister has seen your letter of 5 March in which you provide answers to her questions about the proposed advertisements concerning the prevention of the spread of AIDS.

The Prime Minister has emphasised that she still remains against certain parts of the advertisement. She thinks that the anxiety on the part of parents and many teenagers, who would never be in danger from AIDS, would exceed the good which the advertisement might do. In her view it would be better to follow the "VD" precedent of putting notices in doctors' surgeries, public lavatories, etc. But to place advertisements in newspapers which every young person could read and learn of practices they never knew about would, in her view, do harm.

BFI  
Your Secretary of State will now wish to consider how to proceed in the light of the Prime Minister's firmly held views. He may wish to consider showing the Prime Minister an amended advertisement which omits the parts which, in the Prime Minister's view, would be likely to offend. Another possibility is for your Secretary of State, and others from your Department, to discuss the matter with the Prime Minister.

I should be grateful for your further advice as soon as possible.

N. L. Wicks

Tony Laurance, Esq.,  
Department of Health and Social Security.

BFI

CCBG



DEPARTMENT OF HEALTH & SOCIAL SECURITY  
Alexander Fleming House, Elephant & Castle, London SE1 6BY  
Telephone 01-407 5522  
From the Secretary of State for Social Services

Mark Addison Esq  
Private Secretary  
10 Downing Street

*I remain yours*

5 March 1986

*certain parts of this advertisement. I think the anxiety on the part of parents and many teachers who would never*  
*Dear Mark, he is dangerous -*

*Prime Minister ①*  
*Content on the basis for the DHSS to go ahead with the advertisement?*

AIDS

*Aids - exceeds the good it may do*  
*It would be better in my view to follow the 'VD' precedent of putting notices in surgeries,*

*MEM 5/3*

You sent me a copy of your letter of 3 March to Joan MacNaughton. The answers to the Prime Minister's Questions are as follows.

We have consulted the Advertising Standards Authority. They consider that, given the purpose of the advertisement and the fact that the advice in it is given by the Chief Medical Officer, the text shows a reasonable respect for commonly held standards of decency and propriety. They are confident that this view would be shared by their Council should any complaint be received.

*public notices in surgeries, London etc. But*

We had checked the possibility of the advertisement being caught by the Obscene Publications Act, and we have consulted the Home Office again. In order to secure a conviction under the Act, it would be necessary to prove that the material tended to "deprave and corrupt" those who were likely to see it. The courts have held judicially that these words impose a stiff test. In practice, prosecutions in respect of the written word are rarely undertaken and even more rarely successful. The expectation, therefore, is that the proposed advertisement would not be found obscene. In the unlikely event that it were, Section 4(1) of the Act provides a relevant defence of the "public good" on the ground that the material is in the interests of "learning, or of other objects of general concern". The Home Office have little doubt that, even if a court considered material in the advertisement obscene, it would share their view that the overwhelming public interest requirement to provide factual information to the public to prevent the spread of AIDS provided a full "public good" defence.

*adverts where every young person will need to hear 1*  
*prohibit they never (had) about will do*  
*Learn*

*ms*

**E.R.**

It must, therefore, be virtually certain that the proposed advertisement would not fall foul of the Act although, of course, with legal matters it is never possible to be entirely sure.

Officials here are in close touch with the Home Office on any implications for public education in AIDS of Mr Winston Churchill's bill.

*Yours sincerely*

*A. Laurance*

A Laurance  
Private Secretary

NAT HEALTH AIDS: Aug. 1985

