



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0056/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Australian National Preventive Health Agency</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/02/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

‘The Eye’ television commercial details the link between smoking and macular degeneration, one of the leading causes of blindness in Australia. The advertisement simulates the damaging effects of tobacco smoke as it enters the body and moves to the back of the eye.

### THE COMPLAINT

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

*I have a three year old daughter. She loves watching the cricket. She also is aware that smoking is disgusting and refers to people who smoke as ‘dirty smokers’. I therefore, do not appreciate her being confronted by graphic images of smoke filled lungs and pried open eyes which I then have to rationalise to her. Put these adverts on after children are in bed, or not at all. I’m a non-smoker and don’t particularly like having to view these ads either.*

### THE ADVERTISER’S RESPONSE

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

*The Australian National Preventive Health Agency maintains that the National Tobacco Campaign advertising material is consistent with the AANA Advertiser Code of Ethics, particularly in relation to Section 2.*

*The Australian National Preventive Health Agency's National Tobacco Campaign licensed this commercial from the Department of Health and Ageing to include in the campaign's latest national media activity.*

*The objective of the 'Eye' television commercial is to motivate smokers to quit now rather than wait for a warning sign that smoking is damaging their health, to increase awareness of the health consequences of smoking, and to encourage smokers to reflect on their own smoking and health. The commercial also provides an avenue to quit smoking through the Quitline 13 7848 service.*

*Considerable care was taken to ensure depictions within the campaign are medically accurate and resonate with smokers. Prior to telecast, the 'Eye' television commercial was updated with the new graphic health warnings required on cigarette packs and underwent further research with smokers and recent quitters on its effectiveness prior to the commercial's inclusion in the National Tobacco Campaign media activity. The commercial is confronting and ensures that smokers receive this important health message.*

*The National Tobacco Campaign is relevant to the entire community. Tobacco smoking is the single largest preventable cause of death and disability in Australia, accounting for approximately 15,000 deaths per annum. All non-smokers are potential smokers or potential victims of passive smoking. The campaign aims to contribute to a reduction in the prevalence of daily adult smoking to 10% or less by 2018.*

*The commercial was submitted by the media agency to Free TV Australia who determined the General/Care in Placement classification rating. The classification allows the commercial to be broadcast at any time except during P and C programs or adjacent to P or C periods. ANPHA's master media agency, Universal McCann, worked with all television networks to ensure care was exercised in programs likely to attract a substantial child audience. Over the summer period, the National Tobacco Campaign ran national television across all networks, including within sports programming such as the cricket.*

*All Australian Government campaigns are subjected to a mandatory approval process and comprehensive research program to determine appropriateness, resonance and effectiveness of message with the target audience. Campaign materials are also reviewed by the Legal Services Unit, Department of Health and Ageing, to ensure the materials comply with all relevant laws in respect of broadcast and media.*

## **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 features graphic imagery which is not appropriate for broadcast when children could see it.

The Board viewed the advertisement and noted the advertiser's response.

The Board 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 not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement features a man lighting a cigarette and then a

voiceover describes the negative effect smoking can have on your eyesight with a close up of an eye being held open as if for surgery.

The Board noted that in the past it has considered complaints relating to advertisements of anti-smoking campaigns and road safety awareness campaigns, (such as 0336/12 and 0291/12) which have also contained confronting and sometimes graphic imagery. The Board has consistently stated that a higher level of graphic imagery is recognised as being justifiable in public education campaigns, because of the important public health and safety messages that they are intended to convey, and further, that such compelling detail and "shock" may be necessary to be effective in these types of advertisements.

The Board noted that in this instance, the visuals of the insides of a human body as well as of the eye being held open are graphic and could be upsetting to some viewers. However the Board noted that the graphic images were presented in a manner which was more scientific and considered that the message being delivered in the advertisement was extremely important to the community.

The Board noted that the advertisement had been rated 'W' by CAD and so could be viewed by children but in the Board's view the images are not confronting enough to warrant a more restricted audience.

The Board considered that the advertisement presents violence in a manner that is justifiable in the context of the service being advertised.

The Board determined that the advertisement 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.