



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 46/09   |
| 2. Advertiser                 | Cancer Council NSW  |
| 3. Product                    | Community Awareness   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Health and safety – section 2.6<br>Other - Causes alarm and distress<br>Other - Causes alarm and distress to children |
| 6. Date of determination      | Wednesday, 11 February 2009   |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from the NSW Cancer Council features "Albino" a hot new artists for summer. Albino is introduced along with his debut single "It's a lovely day for cancer". Albino is seen in a white tracksuit near a beach while other teenagers are shown in swimwear and other white clothing dancing to the new song. A spot with a face and teeth (representing a skin cancer) appears on some of the people's skin also singing the song. Viewers see a person being rushed along a street on a stretcher by a nurse and doctor and then the same person is seen in a coffin. An image of the new CD is seen and a voice over tells viewers to 'check it out now'.

## **THE COMPLAINT**

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

*I think to trivialise cancer is totally appalling. My daughter has just been diagnosed with ovarian cancer and to have this offensive ad thrown in my face all the time is very upsetting.*

*The singing tumour on the skin is frightening for young children and and have (sic) gone past what I believe to be 'shock factor' for cancer awareness. The tumour's appearance and its placement on the skin is too much for young children to cope with.*

*It is highly offensive. It treats extremely sensitive subject matter with no respect, regard or discretion. The content is confronting in terms of the way it depicts/persinifies (sic) skin cancer. It appears to depict the contraction of skin cancer as comedic, frivolous and to some degree almost glorified. It seems less about the education of skin cancer, and more about creating a publicity frenzy. It is an unashamed ploy to gain notoriety for the artist while appalling the viewers who have a conscience, or worse still, those who are touched by cancer.*

*The song is tasteless and not suitable for normal free to air TV. Much quality and better songs are on the market but not promoted on commercials but it appears the use of this offensive material is used to creat shock and or to somehow promate (sic) sale. If i was suffering skin or any form of cancer i would be totally offended emotionally (sic). Let alone can i imagine loved ones whom i know suffering at this time.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The Al Bino advertisement is a skin cancer prevention initiative aiming to keep skin cancer top of*

*mind with young people. One in two Australians will develop skin cancer at some time in their lives. 1600 people die of this preventable disease each year and, critically, it is on the increase. Further, skin cancer is the most common cancer in young people. We know young Australians are aware of skin cancer issues but the issue is low on their radar. Research also tells us that young people don't like being told what to do and prefer to discover and own things themselves. It was therefore important to develop a creative and novel way of encouraging young people to talk and learn more about skin cancer.*

*Addressing the specific complaints:*

***Uses shock value to promote sales of the song. Would totally offend me if emotionally attached***

*The track is not commercial and no revenue will be raised by the artist, the agency or the Cancer Council from sales of the song. It is available for download at no cost. When compared to other approaches such as tobacco campaigns, research shows the graphic imagery and fear based messages showing the outcome of risk behaviours provide the necessary 'shock value' to motivate behavioural change among viewers. To attract the attention of young people, it was important to engage with teens in a way that feels relevant, in their language and on their 'wavelength'. The song uses dark, subversive humour and irony that research tells us resonates with this group.*

Sensitive subject matter is treated with no respect. Depicts skin cancer as comical. Less about education of skin cancer than creating public frenzy to gain notoriety for the artists while appalling viewers who have a conscience or are touched by cancer

*Please be assured that the Cancer Council takes the issue of all cancers seriously and with respect, and have invested significant research, focus testing and development into this new approach. The song lyrics tell a story of what happens to a tan-seeking young male who did not practice sun protection. The song does not intend to make light of the seriousness of cancer.*

*Whilst, we take on board all complaints and acknowledge that we may have offended a small segment of the population with this project, we would like to hope that the general audience, including those touched by cancer, understand this is targeted towards young people and is about the importance of sun protection. We believe the vast majority of those touched by cancer would support a cancer prevention message, wouldn't want others to face their experience of cancer and would understand the need to take action on this very serious health issue. Further, the Cancer Council has received a significant amount of positive feedback from cancer patients, commending this new approach to communicating with a hard to reach target group. The song title "It's a Beautiful Day...for cancer" is a deliberate play on language. It uses irony to hijack one of the most common everyday phrases ("Wow...it's a beautiful day") and draws attention to the fact that what is often considered as the perfect Australian day, is in reality the perfect pre-condition for skin cancer.*

Frightening for young children and goes past the 'shock factor' for cancer awareness – too much for young children to cope with

*The clip has been classified as W by FreeTV Commercial Advice as being suitable for viewing at any time.*

## **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 concerns of complainants' that the advertisement used shock tactics that may cause alarm and distress, including for children. The Board considered whether there had been any breach of Section 2.6 of the Code, relating to prevailing community standards on health and safety by causing unnecessary alarm and distress for the community.

The Board noted that, based on the advertisement's style and presentation, some complainants had mistakenly believed the advertisement to be for a real artist promoting a commercial single and had considered this distasteful and disrespectful to cancer sufferers.

The Board noted that the song lyrics and visual images, including the animated skin cancer, used in the advertisement could be distressing for some viewers, including children. However, the Board

considered that most members of the community would recognise that the advertisement was intended as a cancer awareness message and would be in support of the message being advertised in this manner, having particular regard to the advertiser's response about its target youth market. The Board therefore determined that the advertisement was justifiable in the context of the important public health message and found no breach of prevailing community standards on health and safety.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.