



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0022/14
2	Advertiser	Johnson & Johnson Pacific Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV
5	Date of Determination	12/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a woman drinking coffee with a voice-over saying “Quitting smoking is tough...throw in fresh coffee and you’re smelling full-bodied temptation.” The camera pans to an ashtray on the table and the woman fiddling with a pen and visibly battling cravings. She then uses Nicorette Quickmist and following the passing of time she looks relaxed and in control. The advertisement then depicts similar circumstances where people may be craving cigarettes including a man in his car stuck in traffic and a woman having just finished eating dinner. In both circumstances the people visibly look like they are battling cravings and, after using Nicorette Quickmist, become relaxed and in control. The voice-over then says “Try Nicorette Quickmist. For fast craving relief. Acts fast to help you quit” followed by “Nicorette. Nicorette. You can beat the cigarette.”

THE COMPLAINT

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

Not appropriate to air during children's movie.

THE ADVERTISER’S RESPONSE

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

Thank you for your letter notifying us of the complaint you received in relation to the Nicorette Quickmist television advertisement (Advertisement). Please see below Johnson & Johnson Pacific's (JJP) detailed comments in response to the complaint. While JJP believes that the Advertisement is not in breach of the AANA Advertiser Code of Ethics (the AANA Code), we do not wish to cause any member of the public offence or concern and take the complaint seriously.

The Advertisement

The Advertisement is for Nicorette Quickmist, a smoking cessation aid. For a smoker to be successful in his or her attempt to quit smoking, they need to quickly satisfy their nicotine cravings. Nicorette Quickmist provides fast and easy relief from cigarette cravings as users spray the nicotine into their mouth which is quickly absorbed into their bloodstream through the mouth lining.

The advertisement depicts a woman drinking coffee with a voice-over saying "Quitting smoking is tough...throw in fresh coffee and you're smelling full-bodied temptation." The camera pans to an ashtray on the table and the woman fiddling with a pen and visibly battling cravings. She then uses Nicorette Quickmist and following the passing of time she looks relaxed and in control. The advertisement then depicts similar circumstances where people may be craving cigarettes including a man in his car stuck in traffic and a woman having just finished eating dinner. In both circumstances the people visibly look like they are battling cravings and, after using Nicorette Quickmist, become relaxed and in control. The voice-over then says "Try Nicorette Quickmist. For fast craving relief. Acts fast to help you quit" followed by "Nicorette. Nicorette. You can beat the cigarette."

The Complaint and the AANA Code

The complaint about the Advertisement is that promotion of Nicorette Quickmist during the commercial breaks for the movie 'Wizard of Oz' on 4 January 2014 is contrary to prevailing community standards on health and safety as it depicts smoking.

JJP is of the firm belief that the Advertisement does not breach the AANA Code for the reasons set out below.

Section 2.6 of the AANA Code provides that advertising "shall not depict material contrary to Prevailing Community Standards on health and safety." The Advertisement depicts the preferred approach of not smoking; i.e. the Advertisement depicts users tempted to smoke but find relief using Nicorette Quickmist. This is entirely consistent with prevailing community standards. Similar imagery and messages have been found to be consistent with Prevailing Community Standards in a number of previous Advertising Standards Board decisions involving smoking cessation where the complaint was dismissed, including:

- Complaint 245/07 in relation to an advertisement entitled 'Nicorette Cut Down & Stop' in which smokers are told to gradually cut down their smoking using Nicorette gum in the hope to quit smoking entirely within nine months;*
- Complaint 0031/11 in relation to an advertisement by the Cancer Institute of NSW which includes the voice-over "Willpower's like a muscle – the more you use your willpower the stronger it gets" which some children misinterpreted as meaning smoking makes you stronger;*
- Complaint 199/07 in relation to an advertisement by the Cancer Foundation of WA which included the voice-over "When you smoke inside...it's just like your children are smoking too" and included images of children with "ghosted" images of cigarettes in their own hands; and*
- Complaint 97/09 in relation to an advertisement for the Nicorette 16 hour patch in which a*

man is depicted smoking while sleeping and the voice-over “You don’t smoke 24 hours a day, so why use a 24 hour patch”.

In each of these cases, the Advertising Standards Board found that, despite the imagery or messages in question, the respective advertisements depicted the preferred approach of not smoking.

In any case, the Advertisement does not depict anyone actually smoking but merely has a brief image of a man holding an unlit cigarette between his fingers. In fact, in each scenario in the Advertisement, the user ultimately uses the Nicorette Quickmist product as an alternative to smoking. In no way does the Advertisement encourage smoking or glamourise smoking and the Advertisement should therefore be distinguished from advertisements which featured smoking and found to be in breach of section 2.6 of the AANA Code (see for example Complaint 0094/13).

Given the fact that Nicorette Quickmist is a smoking cessation aid, it is our view that the Advertisement would not be perceived by the reasonable viewing public as promoting smoking and we therefore consider that the Advertisement is consistent with prevailing community standards and does not breach section 2.6 of the AANA Code.

Further, the Advertisement has a W rating (CAD reference WWXNNPHF), and may therefore be broadcast at any time except during P and C programs or adjacent to P or C periods. Additionally, the W rating requires advertisers to take care when placing the advertisement in cartoons or other programs promoted to children or likely to attract a substantial child audience. It is our opinion that JJP has complied with the CAD rating requirements for the following reasons:

- The ‘Wizard of Oz’ was given a G rating by the Australian Classification Board, and is therefore not a P or C program.*
- Prior to the showing of the ‘Wizard of Oz’ was ‘Australia’s Funniest Home Videos’ which is similarly not a P or C program.*
- The Advertisement satisfies the requirements for commercials shown within or between G programs as set out in section 6.26 and 6.27 of Commercial Television Industry Code of Practice 2010.*
- The Advertisement was shown at the following times during the ‘Wizard of Oz’ on Saturday 4 January 2014:*

City Time

Brisbane 21:09

Brisbane 21:23

Brisbane 21:34

Adelaide 20:19

Adelaide 20:49

Adelaide 21:13

Adelaide 21:39

Perth 20:04

Perth 21:12

Perth 21:26

Perth 21:37

Given that the Advertisement was shown past 8:00pm and that it had a W rating, it is unlikely that the program was promoted to children or that it would attract a substantial child audience. If the movie did attract a substantial child audience, it is likely that the children will be in the presence of their parents or carers who would be able to explain the Advertisement and its message if asked by the child. Similar factors were pivotal in the Advertising Standards Board dismissing Complaint 0031/11, which also dealt with smoking imagery in an advertisement promoting smoking cessation.

While we regret any offence felt by the complainants as to the Advertisement, we ask that the Advertising Standards Board dismiss the complaint.

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 complainant’s concerns that the advertisement depicts people smoking and that this is not appropriate for airing during a children’s movie.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement depicts people in different real life situations such as driving in congested traffic and dining out with friends and overcoming their urge to smoke by using the Nicorette Quickmist spray.

The Board noted that Nicorette Quickmist is a product which is legally allowed to be advertised and that the Board had in the past dismissed a print advertisement for a similar product which featuring a man smoking (97/09):

“The Board considered that this image is not glamorising smoking and that it was able to be used in advertising this product.”

The Board noted that in this instance the only time a cigarette is seen is during a brief scene featuring a man holding an unlit cigarette. The Board noted that the voiceover in the advertisement makes references to smoking and considered that it is clear that the message is about not smoking and how the advertised product can help you to control your urge to smoke.

The Board noted that the issue of smoking is a serious community concern and considered that the advertisement does not encourage, condone or glamourise smoking but reinforces the idea of quitting smoking.

The Board noted that the advertisement had been rated ‘W’ by CAD and that its placement during a G rated movie was consistent with the airtime restrictions associated with this rating. The Board noted that the product would not be of appeal to children and considered that the overall message is clearly anti-smoking.

The Board considered that the advertisement does not depict any material contrary to Prevailing Community Standards on smoking.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

dismissed the complaint.