



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0036/16</b>
<b>2</b>	<b>Advertiser</b>	<b>NPS Medicinewise</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/02/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a scenario where a man walks into a bar and meets a very attractive woman called Gonorrhoea. They converse and flirt, but when the man realises the woman personifies an antibiotic-resistant disease—which, as she explains, are becoming more and more difficult to treat—he loses interest and exclaims, “Jesus!”.

## THE COMPLAINT

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

*The male actor has been asked to use God and Jesus in a way that offends and should offend all Christians. many words can be inserted to exclaim surprise or shock- why this consistent use of names which are holy to us, especially the tone of voice this actor uses when saying Jesus sickens us enough to contact this site.*

*The problem I have with this advertisement, is that the name of my Lord Jesus Christ is used in a blasphemous way. I am deeply offended.*

## THE ADVERTISER’S RESPONSE

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

*NPS MedicineWise is a not-for-profit health organisation that works nationally to improve the way medicines and medical tests are used.*

*We are largely funded by the Federal Government and support both health professionals and consumers to make better health decisions. For many years NPS MedicineWise has run campaigns to reduce inappropriate use of antibiotics which has been described by the World Health Organization as one of the biggest threats to human health today.*

*'The Pick Up'—screened on television as a 45-second Community Service Announcement (CSA)—was the winning film of an internationally recognised short film competition held in 2015 as a partnership between NPS MedicineWise and short film festival Tropfest.*

*This CSA was scripted by filmmakers as their creative response to the challenge of raising awareness of the serious health issue of antibiotic resistance. It was selected by a panel of experts from the film and health industries as the winning film in this competition, after being shortlisted from over 100 entries.*

*There has been a tremendous international response to this CSA, with no complaints received by NPS MedicineWise via any other channels, including social media where comments and discussion are welcomed. The chair of the UK's Review on Antimicrobial Resistance, Jim O'Neill, has stated that "we need campaigns like the one introduced by the Australian [organisation] NPS MedicineWise, which held a competition for videos promoting public awareness of antibiotic use. The result was a series of short, witty films explaining simply and humorously how antibiotics can be misused".*

*The CSA contains claims based on scientific evidence, as outlined in the attached 'substantiating claims' letter, which provides academic references for each of the main scientific claims made in the advertisement, such as that antibiotics are losing their power.*

*One complaint suggests that the male character in the CSA uses the word 'Jesus' as an expletive, and another complaint suggests the word is used in a blasphemous way. We recognise that it would be the preference of some groups that the word 'Jesus' is not used outside of a religious context. However we believe the language within this advertisement falls within the guidelines of Free TV Australia that 'commercials only use language which is appropriate in the circumstances and strong or obscene language should be avoided'.*

*In the context of the narrative of this advertisement, the word 'Jesus' is not used as an expletive but rather as an exclamation or cry for help upon learning the seriousness of diseases becoming resistant to antibiotics.*

*The expression is made in a context that is not aggressive, threatening, sexual or demeaning.*

*The character is not directing this exclamation towards any individual or group, nor using it as an insult or as a curse, but in such a way he is expressing shock as he realises the enormity of the problem of antibiotic resistance. There is no religious tone or narrative to the*

*ad, but rather it is an engaging story to raise awareness of the very serious health issue of antibiotic resistance.*

*It was certainly not the intention of NPS MedicineWise to offend any person or section of the community. Instead, we want to portray a realistic response to a serious health problem with gentle humour to an audience who we previously had difficulty reaching with our more straightforward and scientific messages.*

*With regard to the other components of the Consumer Complaints Section of the AANA Code of Ethics:*

*? While the advertisement employs sexual appeal, it is not in an exploitative or degrading manner to any group or individual. It is a clever way of spreading and engaging viewers with an important health message. Through her dialogue, the woman in the advertisement is describing what antibiotic resistance is and thus explaining a serious health message.*

*The advertisement does not portray violence in any way.*

*The advertisement uses an example of an antibiotic resistant sexually transmitted infection, this is based on evidence as failure of the last resort antibiotic treatment for gonorrhoea has occurred in Australia. This is in the context of our intention to communicate a serious health message about a sensitive health topic using gentle humour and language to appeal to those who otherwise may not listen.*

*The advertisement does not depict material contrary to Prevailing Community Standards on health and safety.*

*As a not-for-profit organisation with limited funding for promoting awareness of issues such as antibiotic resistance, engaging filmmakers through a competition has been an excellent and innovative way to reach new audiences. The nature of the way this advertisement came to be means that we would not be able to edit or re-shoot it to remove the language in question.*

*We are delighted that Southern Cross broadcasting has been supporting this CSA by screening it during and after the global Antibiotic Awareness Week which was held in November 2015.*

*It is currently classified by CAD as PG, so one outcome of this process may be that the advertisement is reclassified as MA15+ - Mature Adult "A", to be broadcast after 8:30pm or before 5:00am on any day.*

*In summary, we recognise that it is the preference of some groups that the word 'Jesus' is not used outside of a religious context. However, we feel that the word 'Jesus' considered in context of the narrative of this advertisement, is not used as an expletive is not strong or obscene but is used in a manner of exclamation or a cry for help upon learning that certain diseases are now resistant to antibiotics.*

*The expression is made in a context that is not aggressive, threatening, sexual or demeaning.*

*And therefore we believe the language within this advertisement falls within the guidelines of Free TV Australia which states 'commercials only use language which is appropriate in the*

*circumstances and strong or obscene language should be avoided’.*

*We thank you for considering our response.*

*Attachments:*

*1. ‘The Pick Up’ – Letter of substantiating claims*

*2. Media release: ‘‘A man walks into a bar ... and picks up a superbug’ - Tropfest and NPS MedicineWise present the winning films taking a creative lead on a serious health issue’’, 25 June 2016*

## **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’ concern that the advertisement uses the name ‘Jesus’ in vain which is offensive to Christians and not appropriate language to use in a television advertisement.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.’

The Board noted this television advertisement features a man chatting to an attractive woman at a bar then exclaiming, ‘Jesus!’ when she advises him that she is the personification of Gonorrhoea and that this disease is antibiotic resistant and difficult to treat.

The Board noted that the man exclaims, ‘Thank God for antibiotics’ and ‘Jesus!’ and considered that there is no religious context or focus for these phrases. The Board acknowledged that some members of the community with very strong Christian beliefs could find the use of the Lord’s name to be offensive to their faith but considered that most members of the community, including Christians, would find that using the phrases, ‘Thank God’ and ‘Jesus’ as expressions of relief and disbelief is not aggressive and is not attacking or discrediting the Christian faith.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their religion.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that it had previously dismissed a similar complaint about an advertisement for Red Bull in case 0079/12 where:

“The Board noted that the advertisement features animated, cartoon style characters intended to depict Jesus and two of his followers or disciples. The three men are on a small boat on the water and they discuss the miracle of Jesus walking on water and whether or not this is because he has consumed Red Bull. Jesus confirms that he is walking on stepping stones not performing a miracle. At the end of the advertisement Jesus slips on a rock and says “Jesus”...

... The Board noted that blasphemy in itself is no longer an offence and that, although the word ‘Jesus’ in this context could be considered offensive by some members of the community, in the Board’s view there is no strong or obscene language explicitly stated in the advertisement.”

In the current advertisement the Board noted that the man exclaims, ‘Jesus’ to register his surprise at finding out that Gonorrhoea is becoming more difficult to treat and considered that the language used in his reaction is not uncommon in the Australian vernacular. The Board noted that the man also comments, ‘Thank God for antibiotics’ and considered that the phrase, “Thank God” is often used by members of the community to express relief or happiness. The Board acknowledged that some members of the community with strong Christian beliefs could find the use of the words, “God” and “Jesus” to be offensive but in the Board’s view most members of the community would find that these words are not strong or obscene and their use in the advertisement was consistent with an expression of relief or mild dismay and was not inappropriate in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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

