



Case Report

1	Case Number	0065/15
2	Advertiser	Cancer Council WA
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The '16 Cancers' advertising highlights both the common and lesser known cancers that can be caused by smoking and emphasises the immediate and long-term consequences these cancers can have on a person's life.

The advertisements feature 5 different scenarios:

- 1) Diagnosis Scene: Lung cancer patient with his wife being given diagnosis by doctor
- 2) Surgery Scene: Bowel cancer patient in surgery
- 3) Porch Scene: Throat cancer patient (with tracheostomy) on his front porch waving and saying goodbye to his son and grandson as they head off for the day
- 4) Mirror Scene: Bladder cancer patient (with a urostomy bag) in front of a mirror getting dressed
- 5) Dinner Scene: Stomach cancer patient filling a feeding tube with formula at the dinner table with her family.

The advertisements finish with the line 'There are 16 different types of cancer caused by smoking... and you have one clear way to reduce your risk'.

THE COMPLAINT

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

The reason I am making this complaint is because the images depicted on the screen make me feel physically sick every time I see them. Let me say that I realize these ads are for a good cause and aim to shock smokers into giving up and encourage them to lead a healthy lifestyle instead and additionally aim to shock youth into not taking up the habit to begin with, which is ultimately the best thing for our society and our public health system. That said I believe that the line must be drawn somewhere! Especially as a non-smoker I feel it is unacceptable to be subjected to such images while I sit down to eat my dinner. I would prefer ads such as these of an extremely graphic nature were removed from the air altogether, but at the very least I think a serious re-think of the times these ads are aired in the various Aust time zones is in order. Not airing them during the conventional eating periods for our society (breakfast, Lunch, dinner) would be a good place to start.

For people that have gone through cancer treatment or have lost loved ones due to cancer this ad is very upsetting - not all of these cancers are caused by smoking and pointing a finger and blaming the cancer patient is very WRONG!!!!

THE ADVERTISER'S RESPONSE

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

Please see below our response in relation all aspects of the AANA Code of Ethics.

Section 1

1.1 – Advertising or Marketing Communications shall comply with Commonwealth law and the law of the relevant State or Territory.

These advertisements comply with Commonwealth law and Western Australian State law.

1.2 – Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.

These advertisements feature factual information about the cancers that can be linked to smoking. These advertisements aim to encourage smokers to quit by informing them of the negative effects of smoking and showing the impact smoking-related illness can have on their lives.

As tobacco kills more than 50% of people who smoke, it is important that our campaigns are based on research, and are hard-hitting, powerful and emotive to have the greatest impact on

*smokers*¹.

While people are generally aware that tobacco smoking is harmful, many still underestimate the extent of the danger relative to other lifestyle risks. Very few smokers are able to accurately estimate their chances of dying in middle age². Smoking can be causally linked to 16 different types of cancer³. Most are able to name only a handful of the numerous diseases caused by smoking⁴. Smokers may also have little understanding of how tobacco-related illnesses could affect the quality of their lives⁵ and their families' lives. An Australian survey of smokers revealed that just 53% agree it is likely they will become ill from smoking⁶.

1.3 – Advertising or Marketing Communications shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.

These advertisements are a public service announcement, featuring a true story. They are motivated by the need to advance public health in WA, and not by commercial interests.

1.4 Advertising or Marketing Communications shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.

These advertisements do not relate to environmental protection.

1.5 Advertising or Marketing Communications shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

These advertisements do not make claims about the Australian content or origin of products.

Section 2

2.1 - Discrimination or vilification

These advertisements do not portray people 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.

2.2 - Exploitative and degrading

These advertisements do not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

2.3 – Violence

There is no suggestion that the advertisements present or portray violence in its ordinary meaning. However, the three complaints received by the Advertising Standards Bureau raise concerns that the advertisements:

1. Use graphic images and depictions;

2. Cause alarm and distress to children; and

3. Are offensive to cancer sufferers who do not smoke.

During concept testing, there were no major negative reactions to '16 Cancers' and only 3% of participants found this graphic or disturbing⁷. The advertisements aim to depict in a realistic but sensitive manner the devastating and debilitating impact that smoking can have on smokers' lives. The advertisements highlight some of the medical outcomes of smoking-related cancers, including a tracheostomy (hole in the throat), feeding tube, surgical scene and urostomy bag. These depictions are clinically accurate and are not sensationalised by the advertisements. Although these images may be confronting for some, the theme of 'smoking-related cancers' is presented in the context of promoting the harms of smoking. This approach is known to resonate with viewers and be more likely to lead to message recall and subsequent behavioural changes. The focus on the effect of cancer on smokers' day to day lives creates a personal connection that may encourage adult viewers to quit.

As discussed in relation to section 3.1 below, the advertisements are not directed to children and have no evident appeal to children. For this reason, and to minimise the risk of adverse reactions, the advertisements were assigned 'W', 'P' and 'M' ratings, depending on their content. These ratings limit children's exposure to the advertisements and are discussed in more detail in section 3.1. Despite this due care, there is always a risk that children will inadvertently be exposed to the advertisements. A request has been placed to OD, the media booking agency, to confirm that all advertisements are being placed according to their CAD rating.

Two of the complainants found the advertisements insensitive to cancer patients whose cancer was not caused by smoking. While we regret that the complainants took offence and have sympathy for their circumstances, we submit that there has been no breach of section 2.3. It is clear from the outset that the advertisement is concerned with cancers that, in the circumstances, have been caused by a person's smoking. The theme is the 16 cancers that are causally related to smoking, although some cancer patients will have no history of smoking.

We submit that in all the circumstances, and taking into account the intended target audience, the 'smoking-related cancers' theme explored in the advertisements is reasonable. The emotional and visual content of the advertisements is proportionate to their worthy aim, which is to encourage Western Australian adults to quit smoking and to reduce the uptake of smoking.

2.4 - Sex, sexuality and nudity

These advertisements do not contain content related to sex, sexuality and nudity.

2.5 – Language

These advertisements do not use Strong or obscene language. This campaign uses language which is appropriate in the circumstances and for the relevant audience and medium.

2.6 - Health and Safety

These advertisements do not depict material contrary to Prevailing Community Standards on

health and safety.

Section 3

3.1 – Advertising or Marketing Communications to Children shall comply with the AANA’s Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA’s Code of Advertising & Marketing Communications to Children applies.

These advertisements are not directed to children. The themes and content of the advertisements are clearly for a mature audience. The advertisements do not contain any elements that would be considered attractive or appealing to children. The target group is Western Australian smokers aged 18-54 years, and this is reflected in the tone of the advertisements.

The content and themes of the advertisements warranted a ‘W’, ‘P’ and M’ ratings, meaning:

- W – That the advertisements cannot be broadcast during P and C programs or adjacent to P or C periods. This rating also requires caution to be exercised when considering broadcasting the advertisements during programs likely to attract a substantial audience of children.*
- P – That the advertisements can only be broadcast during the hours of: Weekdays 8.30 am–4.00 pm and 7.00 pm–6.00 am and Weekends 10.00 am–6.00 am, but not during P and C programs or adjacent to P or C periods. This rating also requires caution to be exercised when considering broadcasting the advertisements during programs likely to attract a substantial audience of children.*
- M – That the advertisements can only be broadcast during the hours of: Weekdays (schooldays) 8.30 pm–5.00 am and 12 noon–3.00 pm, Weekdays (school holidays) and Weekends 8.30 pm–5.00 am but not during P and C programs or adjacent to P or C periods, not in G or PG programs or sport starting at or continuing past 8.30 pm up until 10.30 pm.*

3.2 – Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles.

These advertisements do not advertise motor vehicles.

3.3 – Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.

These advertisements do not advertise food or beverages.

References

1. Scollo, MM and Winstanley, MH. Tobacco in Australia: Facts and issues. 4th edn. Melbourne: Cancer Council Victoria; 2012. Available from <http://www.tobaccoinaustralia.org.au/chapter-14-social-marketing/14-4-examining->

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2. Mullins R, Morand M, and Borland R. *Key findings of the 1994 and 1995 Household Survey. Quit Evaluation Studies No. 8, 1994-1995. 1996, Melbourne: Victorian Smoking and Health Program. 1–23*
3. International Agency for Research on Cancer. *IARC monographs on the evaluation of carcinogenic risks to humans, volume 100 (E). A review of human carcinogens: Personal habits and indoor combustions. Lyon, France: IARC; 2012 Jan 1*
4. Tan N, Wakefield M, and Freeman J. *Changes associated with the National Tobacco Campaign: results of the second follow-up survey, in Australia's National Tobacco Campaign. Evaluation Report Volume Two, Hassard K, Editor. 2000, Commonwealth Department of Health and Aged Care: Canberra. p. 21–75*
5. Weinstein N, Slovic P, Waters E, and Gibson G. *Public understanding of the illnesses caused by smoking. Nicotine & Tobacco Research. 2004; 6:(2): 349–55*
6. Scollo, MM and Winstanley, MH. *Tobacco in Australia: Facts and issues. 4th edn. Melbourne: Cancer Council Victoria; 2012. Available from <http://www.tobaccoinaustralia.org.au/chapter-3-health-effects/3-34-public-perceptions-of-tobacco-as-a-drug-and-k>*
7. Lin C, Jalleh G, & Donovan RJ. *Adtesting Anti-Smoking Television Advertisements and Concepts. Centre for Behavioural Research in Cancer Control, Faculty of Health Sciences, Curtin University, Perth, 2014.*

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, causes alarm and distress to viewers and is not appropriate for airing when children can view it, and that it falsely suggests that smoking causes these types of cancers.

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 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 the advertisement highlights different types of cancers linked to smoking and that the visuals include surgery on a bowel cancer patient and a woman feeding herself through a tube.

The Board noted it had previously considered similar advertisements in cases 0137/14 and 0247/14 and in case 0058/14 where:

“The Board agreed that the images displayed in the advertisement were confronting, in particular the image of the hole in her neck and then putting her hands free device into her throat.

The Board considered however, that the images of the woman are relevant to the important public health and safety message that the advertisement is attempting to convey. In this case and considering the ‘M’ classification, the Board considered that the graphic nature of the images was justified by the important public health message.”

In the current advertisement the Board noted the full version of the advertisement had been rated ‘M’ by CAD with cut down versions rated ‘PG’ and ‘W’.

The Board acknowledged that some members of the community who have been affected by cancer could find the advertisement to be upsetting but considered that the actual content of the advertisement was not overly graphic and was relevant to the important community awareness message being communicated regarding the effects of cancer on the body.

The Board noted the complainant’s concern that the advertisement suggests that smoking causes cancer and that this could be distressing to people who don’t smoke yet have cancer. The Board noted the voiceover states that by not smoking you can reduce the risk of cancer and considered that the advertisement does not suggest that the single cause of the cancers portrayed in the advertisement is smoking.

Consistent with its previous determinations the Board considered that the advertisement depicted graphic imagery which was justifiable in the context of the product or service 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 complaints.

