



Case Report

1	Case Number	0073/11
2	Advertiser	Department of Health and Ageing
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Violence Community service advertising
- Other Miscellaneous

DESCRIPTION OF THE ADVERTISEMENT

A middle-aged father is seen experiencing a 'smoker's cough' in a range of settings. In the final scene his cough produces blood, with the voice-over referencing lung cancer.

THE COMPLAINT

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

Advertisement was shown at an inappropriate time during normal meal time showing bloodied phlegm.

My daughter was eating at the time and could not continue eating. It's quite disgusting. I wish to object to these advertisements due to the fact that I believe they are intimidating not accurate and misleading. The advertisement states that "every cigarette you smoke brings you closer to cancer" which portrays an intention to scare people into believing that if they smoke cigarettes that they are the only ones who "come closer to cancer" when in fact people and especially children who have not smoked nor been exposed to second-hand cigarette smoke can also "come closer to cancer".

In other words every living person exposed to chemicals which are toxic and other cancer inducing elements other than smoking cigarettes and/or second-hand cigarette smoke can "come closer to cancer" not only just cigarette smokers.

THE ADVERTISER'S RESPONSE

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

The Australian Government believes that the National Tobacco Campaign advertising material is consistent with the AANA Advertiser Code of Ethics, particularly in relation to Section 2.

In developing this campaign, due care has been taken to present the facts in a responsible and appropriate manner, having regard for the target audiences for whom the advertising is directed. As well as smokers, the target audience includes the general community (including smokers' families) and smokers vulnerable to relapse. The development of the campaign was based on current evidence and best practice in relation to tobacco cessation communications. The campaign also builds upon the success of the National Tobacco Campaign (NTC) 'Every cigarette is doing you damage' to further extend and reinforce messages on the negative health effects of smoking. The NTC has played a significant role in helping reduce Australia's smoking rate to an all time low and one in two smokers (48%) credit the campaign with encouraging them to quit. Australia now has some of the lowest smoking rates in the world and the campaign has also been used in approximately forty different countries. Considerable care was taken to ensure the depictions within the campaign are medically accurate and resonate with smokers. A program of market research informed the development and refinement of the campaign's creative concepts to ensure the effectiveness of the messages and their delivery.

The advertising tagline on the television commercial 'Every cigarette brings cancer closer' addresses the issue that smoking is the leading cause of cancer, accounting for approximately 20–30% of all cancers. Both active and passive smoking increase the risk of lung cancer as well as 12 other cancers, including stomach cancer, pancreatic cancer, liver cancer, cervical cancer and leukaemia. The longer duration and heavier smoking by an individual will increase the chance of developing a cancer.

The campaign does not propose that smoking is the only cause of cancer rather it increases an individual's risk of developing cancer.

The Television Industry Code of Practice recommended that the television commercial be rated as General/Warning, 'W', which allows for the commercial to be broadcast at any time except during young children's programming. It also states that care should be exercised in the placement of 'W' rated advertisements in cartoons and other programmes promoted to children or likely to attract a substantial child audience. These slots have been avoided throughout the campaign.

The National Tobacco Campaign is relevant to the entire community. Tobacco smoking is the single largest preventable cause of death and disability in Australia. All non-smokers are potential smokers or potential victims of passive smoking. Most non-smokers are likely to be a grandparent, parent, child or sibling of a smoker or potential smoker. Tobacco smoking is the single largest preventable cause of premature death and disease in Australia, accounting for approximately 15,000 deaths per annum. Approximately 130 Australians die each year from exposure to environmental tobacco smoke, 23 of whom are 14 years or younger.

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 contains disgusting imagery, was shown at an inappropriate time and is misleading in its message.

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

The Board noted that the issue of misleading advertising falls under Section 1 of the AANA Code of Ethics and is therefore outside the charter of the Advertising Standards Board.

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements ‘shall not present violence unless it is justifiable in the context of the product or service advertised.’

The Board noted the advertiser’s response that the advertisement aims to increase awareness of the dangers of smoking. The Board noted that the advertisement was rated W by CAD and so would not be placed in young children’s programming

The Board noted that the advertisement was shown during Neighbours; a programme which is rated PG and therefore any children watching should be under adult supervision.

The Board noted that some members of the community may find the image of the blood coughed up on to a tissue as disgusting, but considered that the value of the cancer warning message contained in the advertisement outweighed any distress it may cause to some viewers and the depiction was therefore justified in the context of that message.

The Board considered the graphic imagery relevant to the important public health message and did not breach Section 2.2 of the Code.

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