



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0102-21 |
| 2. Advertiser : | GlaxoSmithKline Consumer Healthcare Australia Pty Ltd |
| 3. Product : | Health Products |
| 4. Type of Advertisement/Media : | TV - Pay |
| 5. Date of Determination | 28-Apr-2021 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement depicts a man going about his hectic and high-pressure workday as a chef. A voiceover discusses the intensity of his day, and how he doesn't want to let his team down in the kitchen. The advertisement ends with him successfully serving up a dish with a fellow crew member.

The voiceover states:

For me the intensity starts early and keeps building.

It can be full on.

The heat...

The orders...

The pressure from the boss.

For tough pain relief my go-to is Panadol Extra, because if I don't with my migraine headaches, I'm kind of useless in the kitchen.

And I don't want to let the crew down.

I really love these guys.

And it's good to know you can still help out the people that need you

Together, let's rethink care



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

As someone who suffers from debilitating migraines, I am fully cognisant of the neurological storm that accompanies these episodes. The implications of the statements in the ad are insulting, suggesting that if you are not at work because of migraine you are letting the team down. It can also impact the attitudes of those who have not had migraines into thinking migraine sufferers are malingering.

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 16 April 2021 which contained a complaint in respect of our recent TVC advertisement for Panadol Extra.

Description of the advertisement

The advertisement is part of the Panadol Masterbrand's 'Rethink Care' campaign, which focuses on the overall concept that the pressures of modern life can take a toll on our health, and we should consider ways to improve our health by examining our lifestyles holistically. The purpose of this particular advertisement is to show that the requirements of our lives can be fast-paced and intense, and that pain can be a major inconvenience in situations where we want to be at our best.

The advertisement depicts a man going about his hectic and high-pressure workday as a chef. A voiceover discusses the intensity of his day, and how he doesn't want to let his team down in the kitchen. The advertisement ends with him successfully serving up a dish with a fellow crew member.

The overall message is that the requirements of our lives can be tough, and that Panadol Extra is there to support our consumers when they need strong pain relief to get through their day.

We have attached a copy of the script, a digital copy of the advertisement, and a presentation outlining the 'Rethink Care' campaign for your reference.

Nature of the complaint and response

The complaint alleges that the advertisement breaches Section 2.1 of the AANA Code of Ethics, which states that 'advertising 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 orientation, religion, disability, mental illness or political belief.'



The complainant alleges that the advertisement portrays migraine sufferers in an insulting manner by suggesting that people who take time off for migraines are 'letting the team down' and that migraine sufferers are 'malingerers'.

Having reviewed Section 2.1. of the AANA Code of Ethics and the subject advertisement, GSK maintains that the advertisement does not vilify or discriminate against any section of the community, and therefore does not breach the code. In no way does the advertisement suggest that migraine sufferers contribute less to the community, or that migraine sufferers are malingerers unless they force themselves to work through debilitating chronic pain. On the contrary, the advertisement depicts the sufferer of 'migraine headaches' as a valued and hard-working member of his team, who is able to continue contributing to the team because he can rely on Panadol Extra to provide tough pain relief for his symptoms.

GSK would also like to clarify that the advertisement refers to pain relief for 'migraine headaches' rather than 'migraine'. GSK understands the term 'migraine' is used to describe an overarching, debilitating chronic condition which includes a variety of subset symptoms including nausea, photophobia, and headache. However, the advertisement refers specifically to 'migraine headaches', which refers to one of the symptoms of migraine (headache) rather than the serious and chronic disease state. Further, 'migraine headache' is a TGA-approved standard indication for paracetamol products and has consistently appeared on pack and in advertising over the course of many years. The use of the term 'migraine headache' in the advertisement was to make it clear to viewers that Panadol can assist with relieving tough headaches, rather than migraine, which is a chronic and debilitating condition that encompasses additional symptoms.

Further, GSK confirms that it takes the responsible portrayal of medication usage and compliance with health and safety standards seriously. GSK does not condone the incorrect use of medicine or irresponsible actions regarding one's own health, and has ensured that the advertisement portrays medication use reasonably and responsibly by undertaking the following actions:

(a) Consumer Healthcare Products Australia (CHP) Approval

GSK is a member of CHP, a peak body whose mission is to ensure consumers can make informed choices about their health. As a member of CHP, GSK is bound to follow the ASMI Code of Conduct, an ethical standard which requires members to ensure that their advertisements responsibly inform consumers about products, make accurate and balanced claims, and promotes the safe use of medicines.

GSK submitted the advertisement to CHP for review and obtained their approval (attached). GSK considers CHP approval a clear indication that the advertisement reflects prevailing community standards on health and safety.

(b) Use of mandatory statements and disclaimers



GSK is committed to responsible advertising and ensures that the appropriate mandatory statements and disclaimers are clearly portrayed onscreen. In the advertisement in question, the following statements appear on screen for 18 seconds in clearly legible font:

'Always read the label. Follow the directions for use. If symptoms persist, talk to your healthcare professional. Incorrect use can be harmful.'

These prominent statements communicate to consumers in no uncertain terms that Panadol Extra should be used in accordance with the label directions, and that if the pain cannot be managed with Panadol Extra, then one should consult their healthcare professional. This statement clearly indicates that consumers should not simply disregard their symptoms and 'work through the pain', and that they should seek additional healthcare advice if they are experiencing persistent pain.

In addition to the above, we note that we are required to address all parts of Section 2 of the AANA Code of Ethics. We have thoroughly reviewed this section and are confident that the advertisement is fully compliant with the code.

GSK is committed to ensuring that its advertisements adhere to the AANA Code of Ethics and prevailing community standards.

Should you have any questions, please feel free to contact us.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is insulting by suggesting that if a person is not at work because of migraine they are letting the team down, and may impact people to believe that migraine sufferers are malingering.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising or Marketing Communication shall 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule



Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?

The Panel noted that the advertisement makes no reference to any disability, and that the product being advertised is a pain medication.

The Panel noted the advertiser's response that the term 'migraine' is used to describe a chronic condition with additional symptoms to headaches, and that the advertisement specifically refers to "migraine headaches" in order to clarify that the product advertised can assist with such headaches rather than other symptoms associated with migraines.

The Panel considered that the man in the advertisement is shown to be competent and capable and uses the advertised product to help him continue his day. The Panel considered that the advertisement does not disparage the man for his migraine headache nor does it suggest that he is lazy or does not contribute to his community.

The Panel considered that it was sympathetic to the interpretation of the complainant, however considered that that interpretation was unlikely to be shared by the broad community.

The Panel considered that the content of the advertisement did not show the man to receive unfair or less favourable treatment because of a disability, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the man or towards any person because of a disability.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of disability, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

