



**ADVERTISING
STANDARDS
BOARD**

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Case Report

1	Case Number	0138/15
2	Advertiser	Pfizer Australia Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement begins with a man sitting outdoors with a cup of coffee and a pack of cigarettes. He tells the viewer “I used to enjoy smoking – now I just want to quit”.

Following this, the viewer is presented with a computer-generated image (CGI) of a schematic depiction of a human brain. The image of the human brain appears to be smoking directly – as the mouth and lungs have been deliberately excluded to highlight the importance of the brain in nicotine addiction.

A voice-over accompanies this CGI graphic and states “When you smoke, nicotine releases chemicals in your brain producing feelings of pleasure. When levels drop, you crave another cigarette”.

As the image returns to the patient/smoker, the voice-over states “Nicotine addiction: it’s why quitting can be so hard”.

The smoker is then seen in a doctor’s office, discussing the brain with his doctor. The smoker turns to the camera and says “But now, I’ve got help”.

Finally, a voice-over states “Talk to your doctor today about quitting options with and without nicotine or visit NailQuitting.com.au” as a superimposed image is presented that reads “Talk to your doctor today – NailQuitting.com.au” along with the sponsor’s address and logo.

THE COMPLAINT

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

I am offended by the sight of smoking on TV. It is illegal for a cigarette company to depict this act on TV. They purport to be helping someone give up smoking but there ulterior subliminal purpose is also to get ex-smokers to restart smoking so that they need to loop back and buy more of pfizers products. There is no need to depict this act in an advertisement that purports to help you give it up.

THE ADVERTISER'S RESPONSE

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

We are sorry to hear that a consumer has raised concern regarding a Pfizer Australia developed television advertisement. Please see below Pfizer's detailed response with respect to this complaint.

Background

The advertisement which is the subject of this complaint is a television advertisement and is entitled "Nail Quitting" ("Advertisement"). The Advertisement is aimed at smokers and encourages them to seek help from their doctor to stop smoking. The Advertisement is part of a smoking cessation awareness program intended to help smokers understand and beat nicotine addiction. It is intended to discourage smoking and encourage smokers to discuss quitting with their doctor.

Around 15,000 people in Australia die every year from smoking-related illness and there are still around 3.3 million active Australian smokers¹. The benefits of quitting smoking are well established², but given the number of Australians who continue to smoke, there is clearly a need for ongoing engagement with those who are still smoking.

The Best Practices for Comprehensive Tobacco Control Programs guidance document, produced by the Centers for Disease Control and Prevention (CDC), highlights the importance and effectiveness of delivering educational messaging to smokers through mass media campaigns such as television³.

CAD Details

The Advertisement has received a CAD rating of "W". A "W" rating is considered a General/Warning rating defined as "General/Care in Placement", meaning that it may be broadcast at any times except during "P" and "C" programs or adjacent to "P" or "C" periods. CAD Number W0YR1PHA.

Complaint

Pfizer Australia strongly believes that this advertisement does not depict material contrary to

prevailing community standards on health and safety. The imagery used in the advertisement in question is not in breach of Section 2 (and in particular Section 2.6) of the (AANA) Code of Ethics.

Smoking is a leading cause of preventable death and disease in Australia¹. Not only will half of all long-term smokers die prematurely on account of their smoking, smoking greatly increases the risk of many cancers, lung disease, heart disease, diseases of the vascular system and other very serious medical conditions¹.

The importance of delivering this health message has been highlighted by the Intergovernmental Committee on Drugs, National Tobacco Strategy (2012-2018). The National Tobacco Strategy outlines a number of priorities to reduce tobacco-related harm, including strengthening mass media campaigns to motivate smokers to quit¹.

Australian researchers have found that mass media campaigns (including television messaging) to promote smoking cessation are an effective strategy to educate about the harms of smoking, change smoking attitudes and beliefs as well as increase quitting intentions and quit attempts – ultimately reducing the smoking rate⁴.

For the reasons outlined below, Pfizer Australia strongly believes that the advertisement does not breach the AANA Code of Ethics, any other codes of conduct, regulations, guidelines or the law:

- Educational Messaging – Nicotine Addiction is a recognised medical condition by the Royal Australian College of General Practitioners (RACGP)², and while it is well understood by medical professionals, the science of addiction is not well understood by the public. The image of a “smoking brain” is used to stress the direct link between nicotine addiction and the underlying processes in the brain.*
- CGI Artwork – this is a computer generated image of a human brain and is intended to highlight the importance of the brain in nicotine addiction. No individuals are depicted smoking.*
- Discouraging Imagery – The “smoking brain” artwork uses dark colours and highlights the effects of nicotine on the brain by “lighting up” the brain as the cigarette is consumed. A consumer would not under any circumstances find this imagery enticing or glamorous. The “smoking brain” is an important visual to help smokers understand the effects of nicotine on the brain. The imagery is used to help smokers understand the process that causes addiction and to understand why previous quit attempts may have been unsuccessful.*
- This advertisement is not in relation to a product – but rather an educational message to encourage smokers to see their doctor.*
- No gruesome or disturbing imagery is contained within the advertisement.*
- The advertisement does not encourage, condone or glamorise smoking in any way. On the contrary, the advertisement reinforces the message to consumers the importance of quitting smoking.*
- Pfizer has not engaged in any activity contrary to the law, as suggested by the consumer*

who has made this complaint.

- *Pfizer does not have any ulterior subliminal purpose to get ex-smokers to commence smoking again so that they can buy more of Pfizer's products, as alleged by the consumer who has made this complaint.*

Previous complaints regarding smoking cessation advertising campaigns

Pfizer Australia notes that some complaints have been raised by members of the public in relation to the depiction of smoking and have been previously considered by the ASB. As the ASB is aware, smoking cessation advertisements which include images of smoking (for example, people smoking) are not uncommon and are currently being screened on Australian television. What is important, is to ensure that such depictions are compliant with the Code of Ethics, regulatory guidelines and the law.

The ASB has previously considered complaints related to advertisements that include imagery of smoking (eg. REF #80/06, 199/07, 0022/14). In these cases, the complaints were dismissed as the ASB found that the act of smoking was not glamorised and did not promote smoking.

In light of the serious health consequences of smoking, the current community standard supports anti-smoking messaging. In fact, even many more graphic and gruesome depictions of the health consequences of smoking have been found to be appropriate means of communicating this important health message (eg. REF # 0056/13, 0058/14, 0065/15, 0068/13, 0137/14).

In conclusion, for the reasons stated above, Pfizer Australia does not believe that the Advertisement breaches Section 2.6 of the AANA Code of Ethics.

References:

- 1. National Tobacco Strategy 2012-2018. Commonwealth of Australia 2012. ISBN: 978-1-74241-863-6. Available at:
[www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/D4E3727950BDBAE4CA257AE70003730C/\\$File/National%20Tobacco%20Strategy%202012-2018.pdf](http://www.nationaldrugstrategy.gov.au/internet/drugstrategy/publishing.nsf/Content/D4E3727950BDBAE4CA257AE70003730C/$File/National%20Tobacco%20Strategy%202012-2018.pdf) – last accessed 07.04.15*
- 2. Supporting Smoking Cessation: a guide for health professionals. Melbourne: The Royal Australian College of General Practitioners, 2011. Updated 2014. Available at:
www.racgp.org.au/download/Documents/Guidelines/smoking-cessation.pdf - last accessed 07.04.15*
- 3. Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs – 2014. Atlanta: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014. Available at:
www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf - last accessed 07.04.15*
- 4. Durkin S et al., Mass media campaigns to promote smoking cessation among adults: an*

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 concern that the advertisement shows smoking which is illegal and offensive.

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 features a man talking to the camera about wanting to quit smoking. The scenes then show an image of a computer generated brain smoking as the voiceover talks about the nicotine in cigarettes and the addictive nature of the chemical, how it affects the brain and the way smokers think about smoking. The man is then seen with a doctor getting help for his addiction. The call to action to “Talk to your doctor today” appears on screen.

The Board noted that the advertisement is pro-social campaign designed to encourage people to see their doctors to seek help with quitting smoking.

The Board noted previous decisions in relation to anti-smoking messages and campaigns and its previous determinations that significantly graphic depictions of surgery or of the effect of smoking related diseases were justified because of the important public safety message being communicated (0050/12 and 0065/15).

The Board noted that in this particular advertisement there are no graphic depictions of the consequences of smoking or people being operated on as a result of smoking.

The Board noted that the depiction of a brain smoking is not a representation of the ‘social’ act of smoking and that the overall colour and imagery of the brain is not attractive and does not glamorise smoking but in fact makes it appear unattractive.

The Board acknowledged that there is significant community concern regarding smoking and the depiction of smoking in advertising but in the Board’s view this advertisement is clearly an “anti-smoking” advertisement and does not encourage, condone or glamorise smoking.

A minority of the Board noted that, despite the clear anti-smoking message, the advertisement nonetheless depicts tobacco/cigarettes as well as smoking which is contrary to the Tobacco Advertising Prohibition Act 1992 (Cth) and therefore contrary to community standards on health and safety.

The Board considered that there was a clear call to action to seek help with quitting smoking and the inclusion of the image of a smoking brain, highlighting the addictive nature of tobacco, did not depict material contrary to prevailing community standards on smoking. The majority of the Board considered that in this context the depiction is not in breach of section 2.6 of the Code.

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

dismissed the complaint.