



Case Report

1	Case Number	0151/13
2	Advertiser	Australian National Preventive Health Agency
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	22/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The TV advertisement 'Breathless' opens on a man lying in bed next to his wife. The man is struggling to breathe. He clutches at his bedside table for support as he tries to sit up in bed to catch his breath. In the meantime, his wife wakes up. She is worried and concerned. She re-arranges his pillows to support him and checks if he is ok. The tagline is: Stop before the suffering starts.

THE COMPLAINT

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

To be honest I had to walk out of the room each time the advert came on and so I didn't see the whole advertisement. I presume it is a government funded ad, but I am not sure. I only ever watched the first couple of seconds of it and I couldn't watch any more as it upset me so much. I am not a smoker, but I know of people who do and I realize the importance of informing people of the dangers of smoking. However, this is upsetting to me and it causes my anxiety levels to rise every time the ad comes on. I understand the government wants to use shock tactics in its advertising, but I think there are more appropriate ways of keeping up the message of not smoking. They may want to shock people, but they may also cause people's

depression to worsen if they put these types of adverts on. I surely must not be the only person to find this advert upsetting. (It's extremely upsetting to people who have lost loved ones).

I have a panic attack and nearly pass out, I have to sit all night with TV controls in my hand, with my thumb over another channel to switch over if it comes on, if I forget and can't reach it I have a panic attack, nearly faint, and my bad heart goes potty. It has affected me so badly I now have nightmares about it. Just doing this form I have had to stop and go take a heart tablet, as I know I am having the beginnings of a mild angina attack.

THE ADVERTISER'S RESPONSE

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

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

Every year, tobacco smoking claims the lives of over 15,000 Australians. As the single, most preventable cause of ill health and death in Australia, smoking contributes to more hospitalisations and deaths than alcohol abuse and illicit drug use combined.

The Australian Government has a responsibility to inform smokers of the health dangers associated with smoking, and is committed to reducing national smoking rates via financial, regulatory and social marketing interventions including the National Tobacco Campaign. The objective of the 'Breathless' television commercial is to motivate smokers to quit now rather than wait for a warning sign that smoking is damaging their health, to increase awareness of the health consequences of smoking, and to encourage smokers to reflect on their own smoking and health. The commercial also provides an avenue to quit smoking through the Quitline 13 7848 service.

Considerable care was taken to ensure depictions within the campaign are medically accurate and resonate with smokers. Prior to telecast, the 'Breathless' television commercial was reviewed by several medical specialists and tested with smokers and recent quitters on its effectiveness prior to its inclusion in the National Tobacco Campaign media activity. Concept testing research found the 'Breathless' television commercial had an emotional impact across the audiences and was generally described as 'thought provoking' and 'emotive'. The commercial was felt to take a new approach to other anti-tobacco ads that they had seen previously and was perceived as very relevant to many respondents. The research did not identify any issues with the portrayal of emphysema used in the advertising. Considerable care has also gone into the placement of the 'Breathless' television commercial, to ensure it is aired in accordance with the 2010 Commercial Television Industry Code of Practice by the Australian Communications and Media Authority (ACMA). The commercial was submitted by the media agency to Free TV Australia who determined the Mature (M) classification rating. The classification allows the commercial to be broadcast in programs airing after 8:30pm, with the exception of programs rated G, PG or sport unless they start at 8:30pm and end at 10:30pm or later. Commercial placements on subscription television, such as Foxtel, are not subject to the Code of Practice by the ACMA. As such, advertising on Foxtel is placed at the discretion of the subscription television network and can be placed in

relation to either time or program selection.

ANPHA's master media agency, Universal McCann, worked with all television networks to ensure care was exercised when placing the commercial across all networks. We have confirmed with Universal McCann that 'M' rated television shows have been selected to ensure minimum exposure to children.

All Australian Government campaigns are subjected to a mandatory approval process and comprehensive research program to determine appropriateness, resonance and effectiveness of message with the target audience. Campaign materials are also reviewed by the Legal Services Unit, Department of Health and Ageing, to ensure the materials comply with all relevant laws in respect of broadcast and media.

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 imagery which is confronting and disturbing and not appropriate for broadcast and causes anxiety for people who have asthma or have suffered similar problems.

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 of the Code 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 that the advertisement features a man lying down awake and struggling to breathe. It appears that he is in a coffin and the voiceover describes the symptoms that can be experienced by a person suffering from Emphysema. The man is then seen sitting up in his bed with his partner beside him as the advertisement concludes with a call to action to quit smoking.

The Board agreed that the images displayed in the advertisement were confronting and that the purpose of the advertisement was to deliver a message that was realistic. The Board noted that the target audience for the campaign would be adults and people in the community who are smokers or are close to someone who is a smoker.

The Board noted that in the past it has considered complaints relating to advertisements for

anti-smoking campaigns, (such as 0058/13 and 0068/13) which have also contained confronting and sometimes graphic imagery. The Board has consistently stated that a higher level of graphic imagery is recognised as being justifiable in public education campaigns, because of the important public health and safety messages that they are intended to convey, and further, that such compelling detail and "shock" may be necessary to be effective in these types of advertisements.

The Board noted that in this instance, the visuals of the man in a bed could be upsetting to some viewers, particularly those close to friends or relatives suffering from Emphysema or similar conditions. However the Board noted that the image was presented in a manner which was realistic and that the message being delivered in the advertisement was extremely important to the community. The Board expressed sympathy for such people and for the distress this advertisement may cause.

The Board noted that the advertisement was being shown in connection with an anti-smoking campaign, being aired on pay television as well and that this connection was important in the overall message and understanding.

The Board considered that the advertisement presents violence in a manner that is justifiable in the context of the service being advertised and did not breach Section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of 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 considered in particular the potential impact on the physical or mental health of viewers of the advertisement on the grounds of "alarm and distress."

The Board considered that the showing of such images was confronting and could be distressing to some viewers due to their own personal experiences. The Board considered that the images gave the advertisement greater impact, and that this was justifiable by the significant message being advertised. The Board considered that the broadcast of this advertisement in a television environment was not inappropriate and was not excessively graphic considering the important community awareness message that the advertiser is

endeavouring to communicate.

The Board noted that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a “PG” rating and only appeared in the appropriate timeslots for the rating given.

The Board determined that the advertisement did not depict material that was contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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