



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0157-22
2. Advertiser :	Sanofi
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	27-Jul-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Pay TV ad for Bisolvan features a woman at home coughing into her elbow. A voice-over says, "Don't hide your cough, fight it".

THE COMPLAINT

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

I object to the poor health advice suggesting not covering your mouth when you cough to sell the product when standard precautions are vital not only with Covid 19 but also a subsequent heavy cold/flu season and the risk of a new sub variant again in NSW! They should know better ??

THE ADVERTISER'S RESPONSE

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

I write to you on behalf of Sanofi-Aventis Healthcare Pty Ltd (ACN 076 651 959) ("we" "us" or "our").

This letter is in response to your letter dated 15 July 2022, regarding a complaint you have received in relation to our Bisolvan Television Advertisement (Bisolvan 15' TVC: Key number BIS257015_TV) ("Advertisement").



The Advertisement

The Advertisement depicts a family (mum, dad, young son and daughter) at home. Dad is playing with the boy to build a rocket, mum and daughter come into the room as the rocket is unveiled, but mum coughs into her elbow just as the rocket is launched, and so misses seeing that moment. We then see the family sitting together on the sofa, and then an endframe of range packshots with the super "Triple benefit against coughs". After the mum coughs the Advertisement has voiceover and super during the remaining frames "When a cough strikes, don't hide your cough, fight it. Bisolvon. Triple benefit against coughs". The product mandatory, as well as a COVID symptoms advisory which we have voluntarily chosen to include, are visible at the bottom of the screen throughout the Advertisement.

Relevant provisions of the AANA Code of Ethics

The issue raised in the complaint is in relation to section 2 of the AANA Code of Ethics ("Code") and, in particular, we understand only section 2.6 of the Code to be relevant to the complaint, which states that "advertising shall not depict material contrary to Prevailing Community Standards on health and safety". We have reviewed the issues detailed in sections 2.1-2.5 and 2.7 of the Code and do not consider any of them to be engaged by the Advertisement or by the complaint. Similarly, we have considered the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code, and neither of those Codes is applicable.

Relevant health standards

We understand that the relevant prevailing community standards on health and safety are in relation to community COVID-19 and flu measures.

The Australian Government guidance to protect yourself and others during the COVID pandemic is that one must (<https://www.health.gov.au/health-alerts/covid-19/protect-yourself-and-others>):

- practise good hygiene*
- if a mask is worn, wear it properly*
- practise physical distancing and isolate if symptomatic*
- adopt other appropriate protections and support eg get vaccinated, test if you experience symptoms, seek medical support if required.*

Additional Australian Government guidance in respect of influenza is to (<https://www.healthdirect.gov.au/flu>; <https://www.health.gov.au/news/help-stop-the-flu-in-2022>):

- get vaccinated*



- *if unwell, stay home and avoid close contact with others*
- *treat at home as directed*
- *seek healthcare advice if required.*

How these health standards relate to the Advertisement and the complaint

The basis of the complaint is that the Advertisement encourages a person coughing to not hide their cough, and the complainant further explains the reason for their concern is “I object to the poor health advice suggesting not covering your mouth when you cough to sell the product when standard precautions are vital not only with Covid 19 but also a subsequent heavy cold/flu season and the risk of a new sub variant again in NSW! They should know better ??”.

Our response to this complaint is two-fold:

Firstly, in our view, the Advertisement is not inconsistent with prevailing community standards on health and safety for the following reasons:

- *the woman is shown to cover her cough by appropriately coughing into her elbow in line with current health advice;*
- *The scene and activities depicted are in the family home not in a public setting, in line with current health advice;*
- *There are no people present other than family members – a mother and father with their young son and daughter.*

Secondly, we do not consider that the Advertisement can reasonably be taken to encourage people suffering from a cough to not cover their mouth when they cough, for the following reasons:

- *As mentioned above, the woman is shown covering her mouth when she coughs;*
- *The complaint suggests that (i) the key tagline is “don’t hide your cough”, and (ii) that this equates to a statement not to cover your mouth when coughing. However, (i) the consumer message in the Advertisement is “don’t hide your cough, fight it”, and this phrase is clearly communicated in its entirety both on-screen and in the voiceover. Moreover, (ii) even from the words alone we do not consider it can reasonably be construed that we are suggesting that someone should not cover their cough, and this is further clarified and amplified through the actions depicted in the Advertisement;*
- *The phrase “don’t hide your cough, fight it” is intended as a call to action to consumers to ensure that they take appropriate action to treat a cough. Consumer insight research conducted on behalf of Sanofi revealed that COVID-19 has led to coughing being stigmatised, and consumers reported feeling ostracised, taking steps to hide the fact they had a cough and, importantly, failing to take steps to treat the*



cough. To address the insights shown in this research, Sanofi's global BISOLVON team developed the "don't hide your cough, fight it" phrase to support consumers suffering from a cough to feel able to seek appropriate treatment;

- It is important to note that, although not required to do so, we have chosen to include a clear statement visible throughout the Advertisement that any consumer suffering COVID symptoms should seek health advice about getting tested for COVID-19. We are not suggesting that the BISOLVON products can replace proper treatment for COVID;*
- We are not aware of any other complaints having been made about the Advertisement, whether of a similar nature to the complaint the subject of this letter or at all. We have also reviewed social media referencing Bisolvon and cannot see any comments of a similar nature to this complaint (indeed, most commentary on social media is either neutral or positive about the Advertisement and the product).*

The Advertisement was submitted to and approved by a Delegate of the Department of Health prior to release

While we recognise that the issues enlivened by the Code are different to those considered under the Therapeutic Goods Administration (TGA)'s Advertising Code, nonetheless we wish to note that as part of the mandatory TGA requirements, the Advertisement was submitted to, reviewed and approved by AdCheck on behalf of Consumer Healthcare Products Australia ("CHP") as delegate for the Department of Health, the regulatory body responsible for consumer advertising of non-prescription pharmaceutical products.

Approval of the Advertisement was granted by CHP on [Wednesday, May 4, 2022]. Enclosed is a copy of the relevant approval from AdCheck for your reference.

Conclusion

For the reasons set out above, we are of the view that the Advertisement does not contravene the AANA Code of Ethics.

We understand that public health and safety is an important issue (particularly during this unprecedented and challenging period) and look forward to working together with Ad Standards to ensure a prompt review of the Advertisement takes place.

THE DETERMINATION

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

The Panel noted the complainant's concerns that the advertisement suggests people shouldn't cover their mouth when coughing.



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

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that due to the COVID-19 pandemic, there are now clear community standards around how a cough should be covered in order not to spread the virus.

The Panel noted that the woman covering her cough in the advertisement was doing so in line with these community standards.

The Panel acknowledged that having a voice-over stating "don't hide your cough" as the woman was coughing into her arm may be confusing. However, the Panel considered that the following statement "fight it" made it clear that the advertiser was not intending to convey the message that people shouldn't cover their mouths when coughing. The Panel considered that the overall message of the advertisement was that in addition to covering your mouth when coughing you should also take steps to treat the symptoms.

The Panel considered that most viewers would not interpret this advertisement as encouraging or condoning people not covering their mouth when coughing.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.