



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0198-20</b>
<b>2. Advertiser :</b>	<b>Johnson &amp; Johnson Pacific</b>
<b>3. Product :</b>	<b>Health Products</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>24-Jun-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement for Codral begins with text on screen stating "Here's to the soldier in all of us" and then depicts scenes showing two girls playing a game in a bedroom, a man providing guitar lessons from his home on Zoom, a woman seated at a dining table with 4 children with computers, people demonstrating social distancing at a café and on the way to school and a man working from his living room in a suit on his torso and boxer shorts.

The Advertisement ends with text on screen stating "We salute you Australia for finding new ways to soldier on. Please stay home if feeling unwell".

### THE COMPLAINT

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

*In the current COVID-19 pandemic it is paramount that if you are exhibiting cold or flu symptoms you must self isolate, not soldier on like Codral advertised.*

### 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 16th June 2020 in relation to a single complaint lodged in relation to our CODRAL® television commercial (Advertisement).  
As requested, we provide the following information:*

*A description of the Advertisement*

*The CODRAL brand Advertisement demonstrates the resilience and adaptability of ‘the soldier’ in all Australians as we find new ways to keep going in a responsible and compliant way when faced with challenges and the need to do things differently. The Advertisement shows siblings socialising at home, a man providing guitar lessons from his home on Zoom, a woman working from home while feeding and schooling her children, people demonstrating social distancing at a café and on the way to school and a man working from his living room. The Advertisement ends with the reminder “Please stay home if feeling unwell”. CODRAL brand product is an over the counter medication used to treat cold and flu symptoms.*

*Comments in relation to the complaint*

*We now provide our comprehensive comments in relation to the complaint.*

*Response in relation to Section 2.6 (Health and Safety) of the Code.*

*Section 2.6 of the AANA Code of Ethics (Code) provides that:*

*“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”*

*Johnson & Johnson Pacific Pty Ltd (JJJ) takes seriously its responsibility to ensure its advertising is in accordance with the Code, is consistent with Prevailing Community Standards and supports public health campaigns, including in relation to COVID-19 and particularly during Australia’s cold and flu season..*

*We acknowledge that promoting a product as enabling someone to attend a workplace, school or other activity outside of home while experiencing cold and flu symptoms (even if those symptoms are temporarily controlled) conflicts with the Department of Health’s advice to stay home when unwell.*

*For this reason, the Advertisement was specifically created as a direct response to the COVID-19 crisis. Our priority was to ensure that our Advertisement was not only in line with Prevailing Community Standards on health and safety and government public health campaigns, but also expressly supported and amplified these vital public health messages.*

*In order to do this, the Advertisement focuses on people and communities in Australia “finding new ways to soldier on” in these challenging times by complying with current health advice around working from home and social distancing.*



*In fact, the Advertisement applauds the resilient way people are going about their day-to-day activities and consists entirely of people demonstrating behaviour in accordance with these guidelines – for example:*

- *children socialising at home rather than attending school;*
- *a man providing guitar lessons from his home on Zoom rather than face to face;*
- *a woman working from home while feeding and schooling her children rather than attending her office and the children attending school;*
- *people demonstration proper social distancing at a café and on the way to school; and*
- *a man working from his living room rather than attending his office.*

*Finally, the Advertisement ends with the clear reminder “Please stay home if feeling unwell”.*

*As the information above and the content of the Advertisement demonstrates, we believe the Advertisement not only complies with section 2.6 (Health & Safety) of the Code but demonstrates, amplifies and celebrates behaviour which is in accordance with Prevailing Community Standards on health and safety and government public health campaigns.*

#### *Supporting Therapeutic goods requirements*

*In addition to the response above, because CODRAL is a therapeutic product and regulated in accordance with the Therapeutic Goods Act 1989 (Cth) (Act), there are additional regulatory reasons we believe the Advertisement is consistent with section 2.6 of the Code. For example:*

- *the Advertisement must also comply with the requirements of the Act and the Therapeutic Goods Advertising Code 2018 (TGAC).*

*Consistent with section 2.6 of the AANA Code of Ethics, the TGAC prohibits advertising that is inconsistent with government public health campaigns – for example, section 21 of the TGAC provides that:*

*“If a relevant public health campaign...is or will be current at the time of advertising therapeutic goods, the promotion of the goods must not be inconsistent with the public health campaign.”*

- *the Advertisement requires pre-approval by the Delegate for the Secretary of the Department of Health (the CHP), including for TGAC compliance.*

*The Delegate was satisfied that the Advertisement was compliant with the TGAC including, relevantly, with current public health advice and approved the Advertisement on 12 May 2020 with CHP reference number CHPAUS 31556-0520.  
Response in relation to other sections of the Code*

*You have asked us to address each section of the Code, although the complaint only relates to section 2.6 (Health and Safety), which we have addressed above.*



*In our view the Advertisement does not offend, or contain any content which could offend sections 2.1 (Discrimination or vilification); 2.2 (Exploitative or degrading); 2.3 (Violence); 2.4 (Sex, sexuality and nudity); or 2.5 (Language).*

*For the reasons set out above (and based on the actual content and overarching message of the Advertisement) we do not think it does (or can) offend section 2.6 (Health and Safety).*

*Finally, the Advertisement is clearly labelled and branded as a CODRAL advertisement and is therefore clearly distinguishable as an advertisement in compliance with section 2.7.*

*Based on the nature of the product and regulatory requirements applying to the product, the Advertisement is not:*

- directed at children, so the AANA Code for Advertising and Marketing Communications to Children does not apply; and*
- a food or beverage, so the AANA Food and Beverages Marketing and Communications Code does not apply.*

#### *Conclusion*

*On the basis of the information above, the content of the Advertisement, our compliance with the overlapping therapeutic goods legislation and the approval of the Delegate, we believe the Advertisement both:*

- complies with section 2.6 (Health & Safety) of the Code; and*
- demonstrates, amplifies and celebrates behaviour which is in accordance with Prevailing Community Standards on health and safety and government public health campaigns.*

*Finally, we note that, although this is a widely distributed Advertisement, only 1 complaint has been received. However, we acknowledge that:*

- the complaint is a positive reminder of the Code requirements for all advertisers, and particularly the importance of section 2.6 in these unprecedented times; and*
- all complaints deserve to be engaged with and addressed - we have provided the detailed response set out above which we hope demonstrates our ongoing commitment to comply with the Code and addresses the concerns raised in the complaint.*

*Please contact me if you know if you need any further information or would like to discuss any of the matters above.*

#### **THE DETERMINATION**

The Ad Standards Community Panel (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 promotes the product's ability to "help Aussie's soldier on" and that this is inappropriate during the COVID19 pandemic.

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

The Panel considered whether the advertisement complied with 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 Panel noted that due to the COVID19 pandemic there has been an increase in concern in the media about people that are unwell being in public.

The Panel noted that the advertisement states "here's to the soldier on in all of us" at the beginning of the advertisement, and "We salute you Australia for finding new ways to soldier on" at the end of the advertisement. The Panel also noted text on screen stating "Please stay at home if feeling unwell".

The Panel considered that the advertisement is not promoting that people attend workplaces if feeling ill, but rather is referring to Australian's finding new ways to continue to live/work/study during the COVID19 pandemic. The Panel noted that all the scenes in the advertisement show people at home or social distancing in public.

The Panel considered that most members of the community would consider the advertisement to be a realistic collection of moving images showing people adjusting to new ways to live during the COVID19 pandemic and does not encourage people to go out while feeling unwell.

The Panel noted that none of the scenes within the advertisement depicted a person using the product or breaching any of the established public health messages.

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

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