



Case Report

1	Case Number	0269/10
2	Advertiser	Wyeth Consumer Healthcare Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Scenes alternate between a woman dressed in sportswear entering a building and going for a swim, with the same woman sat on her couch wearing a dressing gown and blowing her nose. A female voice over says "If you think cold and flu...will stop me, you don't know Dimetapp." A male voice over then describes Dimetapp's "fast acting liquid capsules" and the final screen shot has the words "Dimetapp. What a relief".

THE COMPLAINT

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

Firstly people should not be encouraged to exercise whilst ill. Exercising will ultimately only make the illness linger longer. Secondly by swimming in a public swimming pool she is only increasing the likely hood of infecting others. There are signs in public swim centres asking people not to swim whilst sick so as not to spread illness. This commercial encourages people to swim in public whilst sick. These products only mask the syptoms, they do not kill the virus or make you better.

I object to this ad as it has the potential to encourage people to swim if they have a cold or flu but take Dimetapp (and by implication, and from the voice-over, carry on normal day to day activities including going to public places/work) when one has a cold or flu. I would have thought that it is extremely misleading to imply that it is safe to swim and that you will not spread the infection by visiting the swimming pool (and, by the voice-over, doing similar

activities in your day-to-day life) where you will be in contact with many people, if you take Dimetapp.

This message is contrary to the health messages about avoiding spreading colds and flu that one sees in workplaces; doctors' surgeries dentists' rooms chemists and information ads/programs on TV.

THE ADVERTISER'S RESPONSE

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

We are in receipt of the above complaint and provide the following response.

Wyeth Consumer Healthcare Pty Limited ("Wyeth") does not believe that the complainant's reasons for the complaint are valid for the following reasons:

- *The basic theme of the advertisement is not meant to encourage exercise but to depict the relief a person with the symptoms of cold and flu, gets after using Dimetapp products.*
 - *Dimetapp products have been approved by the Therapeutic Goods Administration of Australia for the relief of the symptoms they are advertised for. For example, the Dimetapp Cough, Cold & Flu Day & Night Liquid Caps is approved by the Therapeutic Goods Administration for the following specific indications - 'The daytime capsules provide non-drowsy, temporary relief from the following symptoms of the common cold and flu; headache, muscular aches, fever, body aches and pains, sore throat, stuffy runny noses and dry irritating coughs. The night-time capsule temporarily relieve the following symptoms of the common cold and flu; minor aches, pains, headache, muscular aches, sore throat and fever associated with a cold or flu, irritating coughs due to minor throat and bronchial irritation, running nose, sneezing, itchy and watery eyes, nasal and sinus congestion, and sinus pain.'"*
 - *Therefore, the complainant's statement that 'these products only mask the symptoms, they do not kill the virus or make you better' is not true.*
 - *The commercial shows the talent (actor) enter the pool in the early morning when she is free of the symptoms which were present the previous night. As such, she is feeling better and has the ability to get on with her day and her daily routine, which in this instance involves swimming.*
 - *The commercial does not show the woman as a sick person when she enters the pool. On the contrary she walks briskly after getting out of the car. At the end of the commercial you can clearly see the actor is not ill and is ready to get on with the remainder of her day. Therefore the commercial is not encouraging people to swim in a public pool whilst sick.*
 - *The advertisement was reviewed and approved by the Australian Self Medication Industry. Inc, the relevant industry association of which Wyeth is a member in accordance with the requirements of the Therapeutic Goods Advertising Code 2007.*
- Dimetapp provides effective, non drowsy relief of the symptoms of cold and flu, congestion and sinus pain. As many other cold and flu manufacturers do in their advertising, such as Codral? with 'Soldier On' and Demazin? with 'Tell the sniff to get snuffed', Dimetapp is promoting the benefits of the Dimetapp adult range, which by relieving the above mentioned*

symptoms allows you to get back on your feet to get on with your day, whatever the day may involve.

Based on the above, Wyeth request the ASB to reject the complaint.

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 depicted unhealthy practice by depicting a sick woman using a public pool.

The Board considered whether the advertisement complied with section 2.6 of the Code which requires that advertisements not depict material that is contrary to prevailing community standards on health and safety. The Board noted that the woman is seen sick at home and is then seen to take the product. The Board considered that the images of the woman at the pool are suggesting that the woman has taken the product and is now recovered from her illness and able to resume her activity at the pool. The Board considered that the advertisement suggests that she is no longer unwell and does not strongly indicate that she is unwell and still using the pool.

The Board considered that the advertisement did not depict material that is contrary to prevailing community standards on health and safety and does not breach the Code.

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