



Case Report

1	Case Number	0273/10
2	Advertiser	Heart Foundation (ACT Division)
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

In a hospital room a worker in blue scrubs can be seen clearing stuff away to the left of the screen, whilst in the centre of the screen you see the head and shoulders of a man lying on a gurney. His head is tilted back so you can clearly see his face, and his eyes are open. As the camera pans in on his inert form, he begins to talk: "I wish I could have my heart attack again."

He is then shown in various places around his home, still naked except for some shorts, and still covered in hospital wires and stickers, commonly used to monitor the chest. He speaks about the different symptoms he experienced throughout the day and how he wishes he had done something about them: "Call 000".

The final shot shows him looking at a family photograph and repeating that he wishes he could have his heart attack again.

The screen goes black and the following appears: "Heartattackfacts.org.au or call 1300 36 27 87. Heart Foundation."

THE COMPLAINT

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

As a person who has been affected by family members having a heart attack, I found the advertisement very distressing to watch. I felt that the ad detailed the pain that my family members suffered and pointed out their failures and shortcomings in dealing with this issue. It is my opinion that this advertisement was in very bad taste as it gave no regard to the

people who have been affected by heart problems. This was a very difficult and distressing advertisement to watch.

THE ADVERTISER'S RESPONSE

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

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("the Code"). We note that the nature of the complaint relates generally to the Code and specifically to the concern that the ad in question contains material which the complainant claims was distressing to them.

Looking at the Code, we note that there are no specific provisions that deal with material that is generally distressing to viewers. However, we note that the advertisement in question deals with a message of public health and safety; therefore, Provision 2.6 is the most applicable. Provision 2.6 provides that advertisements must not depict material contrary to Prevailing Community Standards on health and safety.

We note that the overall message of the advertisement is that of educating viewers on the warning signs that can lead to a heart attack, and encouraging them to take action before it is too late. The narrative of the advertisement is a confronting story of a man who has died from a heart attack, and is re-living the situations that he now recognises as warning signs that led up to his present condition, whilst regretting that he did not take action to prevent his death, and spare his family the pain his death will cause them. We note that the images are confronting and realistic, however they have been designed in light of the advertisement's main purpose, to demonstrate the seriousness and importance of the public safety message contained within the advertisement. In our view, the advertisement is not contrary to Prevailing Community Standards on health and safety, but rather, seeks to uphold and reinforce those same standards.

The Heart Foundation's Warning Signs Social Marketing Campaign is aimed at ensuring that all Australians can better identify, know and respond to the warning signs of heart attack. It also aims to educate Australians to recognise that the warning signs of heart attack are life threatening health issues.

The campaign has been piloted in the Melbourne metropolitan area, Geelong and Broken Hill. It has also been trialed in the Australian Capital Territory and the Gold Coast.

The pilot campaign was designed to:

- Measure the awareness and relevance of the campaign; and*
- Understand the impact of the campaign on Emergency Services (Ambulance Services and Emergency Departments) so that this information can be used to inform stakeholders.*

Preliminary evaluation of waves 1 – 6 of the campaign in Melbourne and Geelong has indicated that the impact of the campaign was perceived positively by respondents. Almost all respondents believed that the campaign was "believable", while the majority agreed that it "made them stop and think" and "gave them more information". It also commonly made viewers "feel concerned about heart attack", "encouraged them to speak to others about heart attack" and made them "want to find out more about heart attack".

The majority of respondents who had seen the Warning Signs campaign had thought about doing something in response. Most commonly this was "getting more information/being more aware" or "calling '000' if needed".

About half of the respondents had actually done something in response to the campaign, most commonly being “more aware/conscious” or “improving lifestyle/diet”.

On the strength of results to date it is likely that the campaign will be rolled-out nationwide. With regards to the complainant’s specific concerns regarding the phrase “I wish I could have my heart attack again”, we note that this line is intended to convey the main character’s desire to have a second chance at recognizing the warning signs of his heart attack, to take action to prevent it. This line is not intended to make light of the situation, but conversely, is meant to highlight the sadness and regret of having not recognised the warning signs of a heart attack. We have sympathy for the complainant’s view, and understand that some people who have experienced heart attack related loss may be sensitive towards the material. However, the overriding purpose of the advertisement is to alert people to the importance of being able to identify life-threatening symptoms and ultimately to educate the public and help prevent heart attack related loss. We would hope that the public overall is inspired to bear the advertisement’s message in mind.

We note the Board has in the past considered complaints relating to advertisements of anti-smoking campaigns and road safety awareness campaigns, which have also contained confronting and sometimes graphic imagery. In almost all of those cases, we note that 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 are intended to convey, and further, that such compelling detail and 'shock' may be necessary to be effective in these types of advertisements.

In our view, there is scope for similar considerations to apply here, as the importance of being able to recognise the signs of a heart attack is an important safety message for all Australians, and has comparable significance to messages of road safety or anti-smoking. In summary, we submit that the advertisement does not breach any provision of the Code. While we acknowledge that the advertisement may be confronting for some, we sought to act in the best interests of the community by informing them of an important safety message, and to do so in a manner which serves to highlight the impact of that message.

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 is distressing.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board noted that the images presented in the advertisement particularly that of a man who has just died from a heart attack were confronting and agreed that the advertisement would be distressing to some viewers particularly those who have been touched by heart disease.

The Board considered whether the advertisement breached the Code. The Board agreed that the tone of the advertisement was confronting, and that the depiction of and reference to what might have been if the man had called an ambulance earlier gave the advertisement greater impact. The Board noted the important public health message underlying the images used in

the advertisement and that such messages justify impactful advertising. The Board considered that the advertisement did not contain material, graphic images or public health messages that would be in breach of section 2.2 or 2.6 of the Code.

The Board considered that the advertisement did not breach the Code and dismissed the complaint.