



Case Report

1	Case Number	0303/13
2	Advertiser	Pfizer Australia Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	Internet
5	Date of Determination	11/09/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is in two parts. The first part is an online banner advertisement across the top of the screen showing the image of a hand with nails prodding the skin (hand with nails). There is no blood or piercing of the skin depicted and no suggestion of violence. Next to the image is a question "Does your pain feel like:" followed by circles containing various pictures:

- a lightning bolt with the words "electric shock" underneath
- a fire with the word "burning" underneath
- an icicle with the words "freezing or numbing" underneath
- a knife with the words "sharp or stabbing" underneath
- thumb tacks and a needle with the words "pins and needles" underneath

The second part of this advertisement contains the same image next to a white box containing the bolded words "Nerve pain feels different". The letter "i" in pain is replaced by a lightning bolt. There is further wording under the white box which says, "See your doctor about treatment options for nerve pain". Beneath this is the Pfizer logo.

THE COMPLAINT

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

I am offended by the brutal/gore elements of the advertisement. There is a human hand with nails hammered through it (trying to associate these with horrible nerve pain I assume), but it

just looks disgusting and makes me feel uncomfortable and queasy. I think the display is unnecessary and could be displayed differently without making people feel uncomfortable just looking at it.

I find that a human hand with multiple amount of steel nails driven through it to be quite horrific and disturbing, children being exposed to this type of graphic violence could find this to be very distressing for them.

THE ADVERTISER'S RESPONSE

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

We are very sorry to hear that a consumer has been in some way offended by Pfizer materials. On behalf of Pfizer Australia, we would like to assure you that this was never our intention. The consumer advertisement in question is part of an awareness program intended to help adults build a better understanding about an important but complex health issue, namely nerve (or neuropathic) pain. This advertisement is intended for an adult audience, and was developed only after audience testing. It was also placed in an environment most frequented by our target audience, namely adults aged 40-60 years. We trust the following information in response to the Complaint explains our position.

Reason for Concern:

"I find that a human hand with multiple amount of steel nails driven through it to be quite horrific and disturbing, children being exposed to this type of graphic violence could find this to be very distressing for them."

Issues Raised To Date:

2.3 – Violence Graphic Depictions

Response to Complaint:

Section 2.3 of the Australian Association of National Advertisers (AANA) Code of Ethics states that:

Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The AANA Code of Ethics Practice Note includes the following relevant element with respect to violence. (Section 2.3)

- Consequences of violence may also be prohibited however graphic depictions of traffic accidents or the consequences of domestic violence may be justified by the community safety message involved*

We do not believe this advertisement meets this criterion. The image is somewhat stylised. The hand is still and there is no suggestion of blood or appearance of suffering. In addition the nails are still, representing no "act of violence". The community safety message behind this advertisement, in an attempt to raise awareness of a serious and debilitating illness, far outweighs the negative impact the imagery used may have on a minority of people in the community as will be described in detail below.

Pfizer Australia is of the view that the image used in the advertisement in question is not in breach of Section 2 (and in particular Section 2.3) of the (AANA) Code of Ethics. This advertisement contains one of a number of images used as part of a consumer educational campaign for nerve pain.

Nerve pain is thought to be caused by damage to a nerve resulting from disease, injury or other causes. Examples include conditions such as diabetic nerve pain, nerve pain resulting from a herpes infection and spinal cord injury. Nerve pain is associated with suffering, disability, impaired quality of life and increased cost. The prevalence of nerve pain in the

general population has been found to be 7-8%. It is estimated that around 3.2 million Australians live with chronic pain. More than 50% of Australian chronic pain sufferers have pain that is due to nerve pain. Most neuropathic pain in the community goes unrecognised and untreated. Recent research by the Neuropathy Association reveals that 57% of patients with a diagnosis of neuropathic pain took two or more years to diagnose.

Experts have suggested that nerve pain should be treated early in the course of its development to help improve outcomes and to prevent it becoming a chronic condition. Appropriate diagnosis and assessment are critical to the successful treatment of nerve pain, with experts advising that patient education and support are critical components of the successful management of nerve pain.

Many people are under the false impression that if a clear medical cause cannot be found for their pain, the pain must be “in their heads” and that they will have to live with it.

People often struggle to articulate their symptoms and doctors do not always recognise the symptoms and signs of nerve pain. Because nerve pain is distinct from other forms of pain, accurate diagnosis remains a crucial part of effective treatment.

Recognition of the type of pain is very important because nerve pain responds to different pharmacological and non-pharmacological therapies, largely different to those used for other types of pain. The Nerve Pain Feels Different advertisement is intended to help patients recognise their symptoms as potentially due to nerve pain and to facilitate them in their discussions with their doctor in order to aid an accurate and speedier diagnosis, critical to treatment success. The descriptive imagery is an attempt to visually portray the symptoms described by patients and recognised by many doctors as associated with nerve pain eg “stabbing”, “shooting” and “shock-like” pain. The advertisement is intended to be a call to action for people to consider speaking to their doctor about a potential nerve pain diagnosis and also directs them to an educational website where they can learn more about nerve pain, complete a questionnaire to help facilitate discussions with their doctor and hear insights from other people who are living with nerve pain.

This campaign is a local interpretation of a global Pfizer campaign intended to raise awareness of nerve pain. In developing this campaign material for the Australian environment, Pfizer Australia undertook market research involving two hundred and fifty five patients. This market research assessed the type of language best describing nerve pain. It found that “stabbing” was the most relevant nerve pain description to emphasise in communications to patients. An alternative portrayal of “stabbing” pain may be to use knife-related imagery. However, Pfizer Australia deliberately took a more moderated approach in this visual element, which we believe remains reflective of the language used by patients.

Pfizer Australia requests that the ASB keep all third party information (i.e. market research) as confidential. The findings from this market research were that 70% of consumers did not want to change anything about the advertisement. The “hand with nails” image was found to be “attention grabbing, it resonates and will also drive action/use of appropriate language”. This campaign also employs imagery of lightning over a man’s back as well as a freezing depiction of a woman’s shoulder. None of the imagery used is intended to portray violence, rather to portray patient symptoms consistent with a diagnosis of nerve pain which can be a serious and debilitating condition. This consumer awareness program commenced on the 1st July 2013. The display advertising has achieved 5.6 million impressions and a reach of 2.1 million people.

Pfizer Australia also liaised with a media agency (Match Media) to achieve the best media placement for these advertisements in order to reach our target audience, primarily people aged 40-60 yrs, based on prevalence. These are the people for whom awareness and understanding of nerve pain is thought to be most relevant. Pfizer Australia has specifically targeted key online health/news environments to reach people who are actively looking for

information around their health, with a view that our Nerve Pain messaging will likely resonate with some of this audience.

Please find below an age and demographic breakdown of the audience across the News section on NineMSN. Please note that the majority of their audience falls into the target audience for this advertisement.

Source: Market Intelligence June 2013, Nielsen Consumer & Media View Survey 08 2012

Age percentage:

60% women: 40% men

- 18-24 = 13%*
- 25-39 = 28%*
- 40-54 = 37%*
- 55+ = 21%*

<http://news.ninemsn.com.au/>

National Nine News average daily UBs 588,636

Monthly page impressions 78,492,049

The context of this complaint was in reference to the appearance of the advertisement on the Health News area on the NineMSN online news website: <http://news.ninemsn.com.au/health>. The advertisement appeared next to a story about an American teenager who was being denied transplant surgery due to a history of "non-compliance". This story could be considered by many as distressing, however, it is presented as part of a news site which is directed to an adult audience.

The complaint refers to a concern of children being exposed to this creative.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product. "Product" is defined in the Code for Advertising & Marketing Communications to Children as follows: Product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.

Children means persons 14 years old or younger and Child means a person 14 years old or younger.

• Pfizer Australia's advertisement was not primarily directed to children ages 14 yrs or younger

• Pfizer Australia's Advertisement is not in relation to a product.

Accordingly the Code for Advertising and Marketing Communication to Children is not applicable to Pfizer Australia's advertisement.

It is highly unlikely that children would be exposed to this messaging as 99% of the audience on the NineMSN News channel are over 18yrs (adults). Furthermore, the majority of the audience on this section (58% of audience) are aged over 40yrs and therefore consistent with the target audience for this campaign.

Pfizer Australia is of the view that the benefits of this campaign – raising awareness of a serious and debilitating health issue – far outweighs the disadvantages of potentially offending a small number of people. Graphic images are often used in advertisements for serious health issues e.g. stop smoking advertisements, motor vehicle accident advertisements. Non-smokers and safe drivers may indeed find such images offensive or disturbing, but the health message is considered to outweigh any potential for harm (see examples below taken from the ASB website).

0423/11

Transport Accident Commission

*Close up image of a hand with broken fingers and blood. The text reads, "Hands up who can't be bothered with motorcycle gloves." Community Awareness Dismissed 09/11/2011
Billboard*

0378/10

Transport Accident Commission

A man describes how his impaired vision makes his life difficult and is especially hard for his mum as he struggles to do things for himself. He then says that the one thing he can still see is the accident he had where he removed his seatbelt for a few seconds so that he could reach something. He describes the accident and we hear the sound of a car crashing. The man describes how he took his hands away from his face and saw they were covered in blood, and we see this happening. He then removes the glasses he had been wearing and we see that one of his eyes is almost completely white. The screen then goes black and the following text appears in white: "40 years of seatbelts. Belt up, or suffer the pain. TAC." Community Awareness Dismissed 08/09/2010 TV

0163/13

Australian National Preventive Health Agency

The advertisement in question asks the viewer to imagine being buried alive to simulate the effects of breathing problems caused by smoking. Community Awareness Dismissed 22/05/2013 Pay TV

0312/12

Cancer Institute of NSW

The commercial opens on an image of a surgeon in an operating theatre. The surgeon explains how toxic chemicals from smoking enter into a smoker's blood stream and travel to all parts of a smoker's body, resulting in gangrene. At the same time, a man on an operating table is seen being prepared to have his gangrenous foot amputated. Smokers are reminded to think about the health consequences of smoking every time they reach for their cigarette pack. Community Awareness Dismissed 08/08/2012 TV

For the reasons stated above, Pfizer Australia does not believe that the material which is the subject of this complaint breaches Section 2.3 of the AANA Code of Ethics. I hope this information clarifies that it was never our intention to cause any consumer concern through the placement of this material. This is an important health issue and it is one that we have approached with care and diligence.

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 is disturbing and unnecessarily graphic in its depiction of a hand with nails in it and would be distressing for children.

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 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 an image of a hand with nails sticking in it.

The Board noted that the image of the nails sticking in the hand is clearly unrealistic and considered that it is apparent that it is a metaphor for pain. The Board noted the advertisement is for pain relief and considered that the image is justifiable in this context.

The Board noted the complainant's concerns about children seeing the advertisement. The Board noted the advertiser's response that their intended audience is adults aged between 40 and 60 years and that the advertisement had been placed on health/news websites. The Board noted that the placement of the advertisement makes it unlikely to be viewed by children but considered that even if children were to see the advertisement it is not graphic or realistic.

Based on the above the Board considered that the advertisement did not breach Section 2.3 of the Code.

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