



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0312/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Cancer Institute of NSW</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/08/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Community service advertising
- 2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

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.

### THE COMPLAINT

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

*As a non-smoker I agree to anti-smoking campaigns but I have to turn away from the TV when the ads depicting the disgusting displays of gangrene limbs. I do not feel that all people should be shown this display of stupidity of smokers because I am disgusted by these images.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for your letter dated 18 July 2012, regarding one of the Cancer Institute NSW's recent advertising campaigns. This campaign was originally developed as a national collaboration between the Cancer Institute NSW, Queensland Health, Northern Territory Health, the National Heart Foundation, Quit SA, Quit Tasmania and Quit Victoria. The Cancer Institute NSW (the Institute) and its campaign partners put an enormous amount of work and effort into informing the public of the dangers of smoking and providing smokers with the help and support they need when trying to make a quit attempt. In doing so, we certainly do not want to cause any distress to smokers, non-smokers and members of the public. Consequently, we consulted very widely during the development of all the campaign material. The response to date to the campaign in question has been overwhelmingly positive; nonetheless, we do take very seriously any feedback on this kind from the general public towards our campaigns.*

*The advertisement to which the complaint refers is part of a campaign entitled Health Warnings that was first aired in May 2006, and has been repeated in 2012 as part of our year-round public education tobacco control campaigns. The primary aim of this campaign is to encourage smokers to quit by using pictorial health warnings on tobacco packaging first brought into effect by the Commonwealth Government in March 2006.*

*The campaign response to date has been overwhelmingly positive. Upon the first run of this campaign in May 2006, calls to the NSW Quitline increased by nearly 100%; this was Quitline's busiest month to date with nearly 3000 calls during the peak week of activity. This past success certainly contributed to our decision to rerun the campaign during 2012. The campaign is on air on Free-to-Air and Pay TV from 1-28 July 2012.*

*One of the health warnings brought into effect by the 2006 Commonwealth legislation details the relationship between peripheral vascular disease (PVD) and smoking, and features a gangrenous foot. The text on the pack explains briefly how smoking can lead to gangrene. The television commercial referred to in the complaint relates to this health warning by reinforcing the important connection between product (cigarette) and health consequence (gangrene). This campaign concept was tested with smokers of all ages and from different backgrounds. These smokers reported that this concept was thought provoking and a powerful way of conveying the consequences of smoking. Furthermore, focus group members indicated that they would be more likely to quit as a result of seeing the ad.*

*We consulted very widely before finalising the Health Warnings campaign, including discussions with specialists, clinicians, health professionals and amputee organisations to ensure the claims and references made in the advertisement were credible and realistic. This consultation included Professor John Fletcher (Head of the Vascular Biology Research Centre, Westmead Hospital and Head of Surgery for the University of Sydney and Westmead Hospital), Mr Mark Westcott (Vascular Surgeon, St. Vincent's Hospital) and Melissa Noonan (from Limbs for Life, which is a consumer group representing people who have undergone amputations). All consultations were very encouraging and unanimously supportive of all components of the campaign. Based on these consultations, it was clear that the campaign was an accurate depiction of a smoker diagnosed with PVD caused by smoking.*

*This campaign aims to raise awareness that smoking is the top risk factor for PVD, and that gangrene developed as a result of this disease can be avoided by quitting. Data released by The Cancer Council Victoria revealed almost 3 out of 4 of smokers do not believe smoking causes gangrene, despite smokers being 2.5 times more likely to develop PVD than someone who has never smoked.*

*A key component of the Health Warnings campaign is the use of realistic graphic images to help raise awareness among smokers of the seriousness of the harm caused by smoking, and*

*to motivate and encourage smokers to quit smoking. About 80 per cent of smokers started smoking in their teenage years and at a stage in their lives when they were too immature to understand the addictiveness of smoking, the seriousness of the harm it causes, or how difficult it may be to quit smoking in the future. With this in mind, it's important to clearly convey the dangers of smoking and the reality of the diseases with people of all ages. The graphic images employed towards conveying this message were approved through the CAD rating process, and given a PG rating. When placing the Amputation campaign or any other PG rated ad, the Institute ensures that all regulations are met. Furthermore, we ensure that a stricter placement criterion is set so that even if a program is classified as being able to accept a PG rated ad it is excluded if there is any likelihood of moderate to high viewing by children.*

*As you will appreciate, changing behaviours where addiction is involved is an enormous challenge. We know from research we need to demonstrate that smoking causes diseases (such as PVD), that damage to health is cumulative and that there is an immediate need to quit now rather than sometime in the future. Evaluation results towards these goals are very strong for the Health Warnings campaign advertisements; highlights for this particular advertisement regarding PVD include:*

*72.1% recognition among smokers and recent quitters*

*89.3% rated the ad as "attention-grabbing"*

*91.9% stated that the thing they recalled most about the ad was understanding that "there is a very real danger of severe consequences from smoking"*

*I hope very much that the Advertising Standards Bureau will appreciate that this campaign is helping to educate smokers and the general public on the dangers of smoking and the risk of PVD. As the advertisement demonstrates, the treatment of PVD and the impact on an individual's quality of life is traumatic. By quitting now, smokers can significantly decrease their chances of ever having to go through the same scenes depicted in the advertisement and can significantly improve their health.*

## **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 depicts graphic images of damaged body parts due to the effects of smoking and that these images are not appropriate for viewing on television.

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 of the Code 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 shows a man on an operating table being prepared to have his gangrenous foot amputated. At the same time 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 the gangrene.

The Board agreed that the images displayed in the advertisement were confronting, but did not consider the images depicting the foot of the patient were excessively graphic in relation to the important message underlying the images used in the advertisement. The Board considered that the images of the man on the operating table are relevant to the important public health and safety message that the advertisement is attempting to convey and that the graphic nature of the images was justified by the important public health message.

The Board noted the advertiser's response that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a "PG" rating and only appears in the appropriate timeslots for the rating given.

The Board considered that most members of the community would be in support of the message being advertised in this manner for the benefit of the community as a whole and determined that the advertisement did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of 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 Board considered in particular the potential impact on the physical or mental health of viewers of the advertisement on the grounds of "alarm and distress".

The Board considered that the showing of such images was confronting and could be distressing to some viewers. The Board considered that the images gave the advertisement greater impact, and that this was justifiable by the significant message being advertised.

The Board considered that the broadcast of this advertisement in a television environment was not inappropriate and was not inappropriately graphic considering the important public health message that the advertiser is endeavouring to communicate.

The Board noted that it had previously dismissed complaints about advertisements for the Cancer Institute NSW (cases 472/09 and 22/11) and considered that the current advertisement was of a similar level of content.

The Board determined that the advertisement did not depict material that was contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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

