



**Ad Standards** Community Panel  
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[AdStandards.com.au](http://AdStandards.com.au)

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0323-20</b>
<b>2. Advertiser :</b>	<b>Cancer Council Western Australia</b>
<b>3. Product :</b>	<b>Community Awareness</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>11-Nov-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are two versions of this TV on demand advertisement.

Version one features surgery taking place, with close-ups of the voice box being removed. ENT Surgeon Dr Robert Wormald states, "When we remove a person's voice box, it's one of the most life changing operations you can have. The most common reason we have to do this, is because of cancer caused by smoking. This is the section of throat we had to remove. The tumour was so big, the smoker couldn't even breathe. If you're a smoker, stop now... Before you end up on this table."

Version two features surgery taking place, with close-ups of the voice box being removed. Anaesthetist Dr Hamish Mace states, "If your smoking leads to throat cancer, and you have to have your voice box removed, you'll never talk normally again. Food and drink won't taste the same. You'll never be able to swim at the beach, or shout for your footy team. Smoking can take a lot away, before it kills. This doesn't have to be you. Stop smoking now."

### THE COMPLAINT

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

*The ad is extremely graphic, showing someone's voice box getting cut out. This is inappropriate to show online as children could be watching these shows and the images are far too graphic.*



## THE ADVERTISER'S RESPONSE

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

*Thank you for the opportunity to respond to this complaint regarding Cancer Council WA's Voice Box advertisement. We have included a response to the relevance of the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code as recommended in the notification of complaint letter. We have also addressed all parts of Section 2 of the AANA Code of Ethics.*

*We have two 30 second advertisements on this platform which are similar in content. It is not possible to know which specific advertisement the complaint is referring to, so our responses cover both versions and the scripts and videos for each version have been attached.*

*Please note we do not agree grant a licence to Ad Standards or any other third-party to copy, reproduce and use our advertisement for any purposes outside of what is required to conduct this review.*

*AANA Code for Advertising and Marketing Communications to Children*

*The complaint against these advertisements argues that they are inappropriate content for children.*

*These advertisements are not directed at children and do not depict goods, services or and/or facilities that are targeted to children or have principal appeal to children.*

*The advertisements' visuals, theme and language are clearly targeting adults and the advertising parameters themselves are set to an audience of 18+. The adult who made the complaint was watching an M-rated show at 8:30pm at night which matches the intended target audience.*

*AANA Food and Beverages Marketing and Communications Code*

*These advertisements do not contain any food or beverage products of any kind.*

*AANA Code of Ethics*

*2.1 - Discrimination or vilification*

*These advertisements do not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*2.2 - Exploitative or degrading*

*These advertisements do not employ sexual appeal, nor does it portray minors.*



### *2.3 – Violence*

*These advertisements do not portray violence; however they do portray simulated and real footage of a surgery to remove the voice box of a person who has smoked cigarettes for the majority of their life. The complaint against this advertisement argues that this is inappropriate content for children. As previously stated, these advertisements are not directed at children and all targeting was bought for an 18+ audience.*

*The purpose of the advertisements is to highlight to adult smokers one of the many health consequences of smoking and how it can change a person's life. The majority of cancers of the voice box (larynx) are caused by smoking, and the life-saving treatment can take away patients' basic skills such being able to shout at sports games or swim at the beach.*

*The advertisements are not excessively dramatic or sensationalised. The talent in the advertisement are real Perth doctors who treat people with smoking-related diseases. Dr Rod Wormald is an Ear Nose and Throat surgeon and performed the real surgery that is visible in parts of the advertisements. Dr Hamish Mace is an anaesthetist who works across multiple hospitals. The doctors were consulted on the scripts and encourage people who smoke to quit before they require surgery for a smoking-related disease.*

*Smoking kills 2 in 3 of its long-term users and is the largest cause of preventable death and disease in Australia. This hard-hitting creative approach is a tried and tested way to prompt quitting behaviours in the general population. Cancer Council WA's own post-campaign results show that ads portraying the negative health consequences of smoking, especially those using real people and head and neck cancers, are particularly effective. These findings are reflected in the published literature. Furthermore, these advertisements were tested with people who smoke before going to air and performed strongly compared to other established anti-smoking campaigns.*

### *2.4 - Sex, sexuality and nudity*

*These advertisements do not contain content related to sex, sexuality or nudity.*

### *2.5 – Language*

*These advertisements use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). This advertisement does not use strong or obscene language.*

### *2.6 - Health and Safety*

*These advertisements do not depict material contrary to Prevailing Community Standards on health and safety.*

### *2.7 - Distinguishable as advertising*

*These advertisements are clearly distinguishable as advertising. The end frame includes the Make Smoking History logo and funder logos of Cancer Council WA,*



*Healthway and Department of Health WA. The content of the script makes it clear that the advertisements are community service announcements targeting people who smoke with the intention of prompting them to quit.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement is extremely graphic and inappropriate to be seen in a medium where children could be watching.

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

### **Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

The Panel noted the Practice Note for the Code includes: "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."

#### **Does the advertisement contain violence?**

The Panel noted that there is no definition of violence in the Code or the Practice Note.

The Panel noted that the issue of what constitutes violence was recently considered by an Independent Reviewer in case 0266-20:

*"The Code does not define 'violence'. The Practice Note to the Code does indicate in its introduction to section 2.3 that 'a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code'. The examples given, however, note that violence may be justified by a community safety message, or if the advertisement is relevant to the product advertised ... The Macquarie Concise Dictionary defines 'violence' as '1. Rough force in action: the violence of the wind; 2. Rough or injurious action or treatment: to die by violence. 3. ... 4. A violent act or proceeding. 5. Rough or immoderate vehemence, as of feeling or language; fury; intensity; severity'... The tenor of the definitions, in their reference to 'evil, harm, injury' and 'rough, injurious or immoderate force' indicate that the impact of the 'menace' or the 'violence' is at the more harmful end of the spectrum of actions; the actions must result in something more than a fright or an apprehension of a fright. That meaning is supported by the examples of what is 'violence' referred to earlier in the Practice Note to section 2.3. The finding of the Panel was that 'violence' need not refer solely to harm or potential harm caused by a person to another but could also extend to accidents or natural disasters. This finding*



*is consistent with the definitions which are not limited to violent or menacing actions by an individual, and with previous AdStandards' determinations."*

In the current advertisement, the Panel noted that, although graphic, the images of the surgery are a depiction of medical staff attempting to save someone's life. The Panel considered that most definitions of violence require harm or potential harm to a person, and this advertisement was depicting the opposite.

The Panel noted that it had considered a similar issue in relation to an advertisement which depicted a man spitting blood into a sink in case 0179-19. In this case:

*"The Panel considered that although the advertisement was confronting, there was no graphic imagery that was violent, and the advertisement showed a realistic depiction of a person suffering from lung cancer. The Panel considered that although the advertisement may cause a level of unease, disgust or discomfort in viewers, this is not of itself a breach of the Code. The Panel considered that the advertisement may be distasteful, but does not depict content which most members of the community would consider to be violent."*

Consistent with the advice of the Independent Reviewer in case 0266-20 and the determination in case 0179-19, the Panel considered that while graphic, the advertisement did not depict harm being done to a person and was therefore not violent.

### **Section 2.3 conclusion**

In the Panel's view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

### **Conclusion**

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