



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0326/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Cure Brain Cancer foundation</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- Other Other - miscellaneous
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement is in an operating theatre and features a boy on an operating table whose head is shaved and who has an incision mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement it shows the surgeon and staff in the operating theatre and they are also children. The voiceover says: "Brain cancer kills more children than any other disease. Don't let them fight it alone" followed by a call to action for people to donate money to the Cure Brain Cancer Foundation at [curebraincancer.org.au](http://curebraincancer.org.au) or by calling 1300 362 965.

## THE COMPLAINT

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

*The ad is promoting the foundation and viewers to donate however, I think it is off-putting and makes viewers feel guilty and distraught. It carries a horrific feel and looks more like a warning for speeding or smoking.*

*I believe that the add is way to graffic for young children to see. My kids are 8 and 9 and are horrified to even look at the add when on. My son has woken up in the middle of the night having night mares about the ad.*

*Whilst it is a worthy cause, such graphic is clearly unsuitable for other children to watch. This is not the only time I have seen the ad during a period of the day when many children are likely watching. It should only be shown "after bedtime".*

*I found this particularly traumatic. It was shocking rather than empathy inducing. It made me feel sick to my stomach. As a mother of a child who survived childhood cancer and spent a year in a cancer ward it brought back horrendous memories of loss, multiple deaths, and reawakened many many traumatic moments. I continue to feel ill at the horrific realistic images portrayed by the advertisement and hour later. I object strongly to such horrific images being unexpectedly portrayed on television. They do not elicit a desire to help, rather they make you cringe from the horror.*

*I found this ad extremely distressing as it was so confronting and horrifying. As a personal survivor of childhood cancer I found the content particularly distressing and frightening. It was so confronting that it immediately triggered post-traumatic stress. It found it macabre, sick and completely distressing. I have no issue with supporting funding for brain cancer research, but I found it missed the mark by glorifying in the horrific surgery and suffering of the patient.*

*This is too graphic for young children to see and is something they should not be exposed to at such delicate ages*

*The concept is extremely upsetting, and the content of the advertisement requires to be on at least after 8:30pm. Not at the 7 o'clock time that my 4 year old witnessed. Completely inappropriate and reckless! Get it off!!!*

*As above distressing family member who are dieing from these illnesses.*

*I do not object to the content, I object to the time. The target audience of the advert is people with income and it should properly be shown after 2100 hours to guarantee that small children are not exposed to it and it isn't broadcast during someones meal.*

*I wasn't offended by the advertisement per se but was disturbed that an ad with such dark imagery about a condition that affects children was shown during a show that is very popular with children and young teens and that they would likely be viewing. My 9 and 12 year old children were both distressed by the ad and I'm sure many other children who viewed it would have been too. Showing such an ad during that time slot was completely irresponsible and unacceptable, particularly as it is a show watched by children.*

*I have tomophobia, the fear of surgical procedures. I am know to lose consciousness, vomit and have crippling convulsions due to imagery, sounds and footage of any and all surgical Procedures. I am usually able to avoid any problems, but the ad starts with an image that terrifies me. In watching tv tonight I was sent into a fit of nausea and shaking this is offensive and sensationalist, and in my opinion, completely unnecessary.*

*I am writing to express my distaste for the ad recently beginning to air on Free to Air television aimed at childhood brain cancers by the charity Cure Brain Cancer. The ad depicts a child being operated on by other children. While I do think that this is a very worthy charity, I believe that there would have been better ways that the charity could have advertised their concern. It gets the point across to adults but there are also children watching in most times that the ad is aired. Was it considered what they would be thinking when viewing it? How I believe this ad would translate to children, and in very simple terms is that You have a very high likelihood of getting brain cancer and when you do they are going to cut your head open with a drill, but you are going to die from it anyway. There is enough going on in this world right now without the weight of this information burdening their young minds even further.*

*I feel quite disturbed about the ad that i have described above. It is extremely disturbing and when i first seen it on TV I was utterly horrified. I completely understand that Brain Cancer foundation is trying to set a point across to the viewers in order to get donations. However I believe that there are better ways to create an ad that is not as emotionally disturbing. The last thing I would want to see at 12 in the afternoon is how children die of brain cancer, followed by scary images of an ill child. I have children in my family, such as cousins who are under the age of 9 and this is definitely not appropriate for them to see. I feel as if it's uncontrollable due to the fact that it comes on at times where children are at home watching tv. Once again, this is not an attack and i believe that the foundation has a good intention in mind, I just hope it wasn't displayed in such shocking manner and that they should have a better understanding of creating age appropriate ads or just simply displaying those ads at a different time where children are asleep.*

*I just don't want my children exposed to things like this, I just wish for the ad to be on at a later time. Thank you*

*We are great believers and donate to cancer awareness and fund raising. However, this advert shows a child awaiting an operation with "to cut" lines on his forehead . It's shocking enough for a parent to watch but for it to be shown at peak viewing time whilst many children are watching including children whom may have been diagnosed or are having investigative scans for brain cancer, it's truly distasteful , and the shock and ore element is far too powerful an image . Really unhappy to complain about an obvious good cause but a certain amount of discretion should be shown to spare many children's sleepless nights and unnecessary worry.*

*This ad uses shock tactics. My 7 year old son saw this and began to cry I had to get off the lounge and block his view with my body as the remote was not at hand. Then I had to console him and lie to him about the content that the boy in the ad was going to be alright. I hope that this does not scar him psychologically. This ad is very disturbing for a child and I hope my son or younger daughter does not see this vision again. It is not the the way to raise money or support for a foundation by scaring and shocking people and children. I hope you take this*

*ad off t.v as it will cause my family and others much disruption and unnecessary torment.*

*It is my opinion that this fund raising advert is unsuitable for viewing by young children. The ad is screened at a time, day and during a program which is likely to be watched by families. My 8 year old son was exposed and at this age he does not have to see a kid of his age on an operating table.*

*Very frightening for my 8 year old granddaughter. I feel something that confronting shouldn't be shown during times of viewing by children.*

*This is not something I choose to view in the middle of the day and this belongs in a MA15+ rating category. Additionally I think this advertisement is disturbing for me and also other families who children will be watching this during the day.*

*Please remove this advertisement immediately or change it too a different advert. As this is doing cure brain cancer no good in the form of me donating money to the company or wanting to donate money to the company.*

*There is a commercial running through most channels at the moment about children's brain cancer. Although a very valid point and effective commercial I take great offence to times that it is shown.*

*Today my 7yr old daughter was trying to watch the kids teen choice awards and this commercial was on several times during the breaks. Last Sunday this commercial was on several commercial breaks while we were trying to watch TOOTH FAIRY 2!!!*

*I understand that they are trying to raise awareness and raise money about children's brain cancer but what I don't want is my daughter having another nightmare about having brain cancer and having conscious brain surgery.*

*The times that this is aired is highly inappropriate and during shows where the major age demographic is children.*

*Let's use our thinking caps people.*

*As it demonstrates children operating on brains. Children watching television are very influenced by things on tv this advert was too graphic for a child to copy what was shown in the advert particularly as it was shown at prime time. I am sure the content that was trying to be communicated could have been done in a different manner*

*I think that the ad is effective and that the cause is a great one. In fact it's about time that more awareness was raised for the lesser known and yet more deadly cancers. My concern has to do with the time it is shown. The first time I saw it was on a Saturday afternoon straight after a child's movie had finished and my son ran from the room quite upset at the sight of the little boy. It has since been played during the day and my son gets quite scared of the little boy with bolts on his head and asks if someone is going to cut him. I don't think that it's really appropriate to have such a confronting ad on at a time when small children will see it. I don't think it should be removed completely but maybe a more suitable time would be after 8pm?*

*Thank you for your time and consideration.*

*I think the content is inappropriate for the time slot as well as seeing a child restrained in*

*medical equipment. This ad needs to be removed,*

*The ad is very very graphic. It is in main viewing times when children can see the ad. My children have actually seen this ad and have reacted badly. I am not impressed that the content is viewed not only on TV but when children have the ability to see these ads.*

*It was disturbing, in particular the sound of drilling/sawing into the child's skull. It was completely inappropriate for my two year old daughter to witness and hear.*

*The ad is on at an inappropriate time. Put it on after 8.30pm when little ones are in bed. It is very scary for small children to watch this ad. It is aimed for the adult market anyway. It shows scary instruments and they look to be operating on an awake child. The ad itself would be ok if put on later at night and not at daytime and not before 8.30 pm.*

*I do not want to see children exploited in this manner to shock the general public into parting with money. This is disturbing to me and the Cure Brain Cancer org should be ashamed of its self.*

*Whilst I understand the need for public awareness for such an important issue I feel the graphic and distressing nature of the advertisement is unnecessary. I first saw this commercial while having dinner with my two young children. Both were quite scared and upset by the images and the confronting message. I understand the need for shock tactics at times but such ads should not be shown in a family times slot.*

*Run during a G rated movie. We were watching this with our children under 6. (Very scary and potential questions on a topic or situation not suitable for children this age) A child about to undergo an operation and doctors moving in with a drill. Totally unacceptable as an advertisement for issue or viewing at the hour. Also, does not promote anything to do with brain cancer. More like a quit smoking ad or speeding ad to demonstrate consequences but Children's cancer has nothing to do with an offense or lifestyle choice. Had to cover my children's eyes.*

*Watching it was disturbing due to children being involved and blood my kids saw it as 9:30 on a Friday is not that late, even more sick is that the ad was looking for donations*

*Traumatic and distressing to see and hear this kind of procedure being performed on a child.*

*My children were quite distraught at the image portrayed in this ad. I realise we must be aware of this, but it personally shouldn't be aired until after 8:30pm.*

*Very offensive*

*This advertisement was placed within a typical children's viewing timeslot within a family show (The Chase). It was appalling for a child to see this ad and I firmly believe this one has gone way too far. It appeals to children's insecurities and can only impart high anxiety. I feel the benefits of this , in raising awareness or funding, are greatly outweighed by the trauma, anxiety and general fear it inflicts on us, in particular children. Ads like this should not be*

*shown until after 9pm, if at all. It is revolting and scare mongering at its worst. Get it off please.*

*Frightening for me and would be horrific if my grand children see it (they are not stupid)*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to your correspondence in respect of the complaints received in relation to the "Don't let them fight it alone" television commercial for the Cure Brain Cancer Foundation (the advertisement).*

### *Background*

*Cure Brain Cancer Foundation is the largest dedicated fundraiser for brain cancer research in Australia and is committed to raising awareness of brain cancer and funding for brain cancer research, in the hope of improving brain cancer survival rates. Brain cancer kills more children than any other disease and more adults under 40 than any other cancer, and survival rates have barely increased for 30 years. It costs more per patient than any other cancer, yet brain cancer only receives a tiny fraction of NHMRC (Government) cancer research funding. Cure Brain Cancer recently conducted a survey that showed that nine out of ten Australians were unaware that brain cancer kills more children than any other disease, many still believing Leukaemia was the disease at the top of the list for children.*

*The objective of the advertisement is to rapidly raise public awareness of brain cancer to ultimately support fundraising efforts to fight this deadly disease. This includes private donations but also government and corporate funding as pressure from public opinion increases. Given brain cancer's low profile at present, the advertisement aims to deliver a powerful message so that people will remember the advertisement and the disease to which it refers. The objective is to increase awareness of the fact that brain cancer kills more children than any other disease from one out of ten to three out of ten within three months.*

*The advertisement is set in an operating theatre and features a boy aged about eight whose head is shaved and who has an incision mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement it emerges that the surgeon and staff in the operating theatre are also children. The voiceover says: "Brain cancer kills more children than any other disease. Don't let them fight it alone" followed by a call to action for people to donate money. While the creative may be confronting to some viewers, it was developed to reflect the strength and determination with which children with brain cancer have fought, and to highlight the sad fact that these children often have no choice but to fight on their own behalf, with few treatments; usually their only options being surgery and/or radiotherapy.*

*There is both a 15 second version and a 30 second version of the advertisement. It received a PG rating from CAD and has aired in the appropriate timeslots.*

### *Complaint*

*The complainants raise several issues about the advertisement, summarised as follows:*

- 1. The advertisement is not appropriate for and could have a negative impact on children;*
- 2. The advertisement is “traumatic”, “distressing”, “frightening” and/or “very offensive”.*

*Response*

*We do not consider that the advertisement is in breach of the AANA Code of Ethics (Code). We also do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the advertisement is not directed, and does not have principal appeal, to children.*

*We note that the issues the complainants have raised are most likely to relate to clause 2.3 of the Code, which relates to violence. We nevertheless do not consider that the advertisement breaches sections 2.1-2.2 or 2.4-2.6 of the Code as it cannot reasonably be interpreted to portray people in a discriminatory way and does not contain any element of sexuality or strong language. In respect of prevailing community standards on health and safety, we note that the use of child actors is merely a device to support the message of not letting children fight brain cancer alone and the advertisement does not in any way promote children performing surgery. We consider that the advertisement would be interpreted by reasonable members of the community in this way.*

*In relation to the AANA Code for Advertising and Marketing Communications to Children, we draw guidance from the relevant AANA Practice Note, which states that marketing communication which features children but does not otherwise use themes, visuals or language which is targeted at children may not be directed primarily to children. While the advertisement features children as actors, we note that the theme, visuals and language of the advertisement support a message that is clearly directed towards adults. The purpose of the advertisement is to raise community awareness primarily and also support fundraising efforts, activities which by their nature are also directed at an adult audience as the audience with the capacity to donate money.*

*In relation to the concerns that the advertisement is not appropriate for children to view, we note that the advertisement received a CAD rating of PG and therefore does not contain any elements which are not appropriate for children to view with supervision. It has only aired in timeslots appropriate to this rating. We also do not consider that the advertisement contains any actual or suggested violence in the sense that the word is commonly understood in the community. While the imagery used in the advertisement suggests that the surgical procedure is a serious one which requires the use of particular surgical instruments, it does not amount to violence and is justified in the context of the community awareness campaign and is appropriate for the relevant audience. The reality of how such a surgery would be conducted is not something that those unaffected by brain cancer would normally be exposed to, and this may cause discomfort for some viewers.*

*In relation to the concerns that the advertisement is “traumatic” and “distressing”, we agree that the advertisement utilises powerful imagery to support its message. However, we believe that this is fully justified in the context of the Cure Brain Cancer campaign and the important community awareness message being promoted that brain cancer kills more children than any other disease. We note that the Board has consistently found that images which may be confronting or distressing to some viewers can give an advertisement greater impact and that*

*this is justified by the significant message being delivered. Determinations including such observations include Case Report numbers 0313/12, 0052/12 and 0469/11. Imagery such as the use of children in the operating theatre is essential to help raise community awareness of a disease which, despite its seriousness and the number and high mortality of the children affected, continues to have a low public profile.*

*In particular, we refer to Case Report number 0146/14, in which the Board considered an advertisement for St John Ambulance WA featuring a young child playing in a swimming pool who then hits his head and disappears under water. The boy's mother rushes to his aid but finds herself blocked by an invisible barrier which prevents her from reaching her drowning child. In that case the Board noted that it had previously dismissed complaints about community awareness campaigns where it had accepted that a higher level of violence can be shown where it is considered to be justifiable in the context of the important health message being conveyed to the public. The Board also acknowledged that while some members of the community would find the advertisement to be distressing, "in the Board's view the impact of the advertising is vital in order to deliver the important community awareness issue relating to first aid in a manner which is appropriate for the relevant audiences." We consider that the same must be said in this case and would also suggest that the potential for visual distress caused by the St John Ambulance WA ad would be significantly greater than the advertisement in question.*

*Cure Brain Cancer Foundation understands that some members of the public may have found the advertisement confronting. However, we note that even some of the complainants recognised the importance of raising awareness of brain cancer. Elements of the advertisement such as the sound of the drill and images of the surgeon's hand moving behind the patient's head are appropriate in the context of the advertisement and are justifiable in the context of raising community awareness of brain cancer. We therefore respectfully submit that the advertisement does not breach clause 2.3 of the Code.*

*In considering this matter, we also request that the Board considers that the advertisement was shared with key stakeholders directly affected by brain cancer prior to its release and received their strong support. While there have been some complaints, the vast majority of feedback received has been overwhelmingly positive. The advertisement has received hundreds of 'likes' on Facebook and has been shared more than 700 times from Cure Brain Cancer Foundation's Facebook page.*

*We also note that two of the children cast in the advertisement lost their father to brain cancer and wanted to take part to help raise awareness of brain cancer and the need for research funding.*

*Brain cancer has appalling survival rates. Given that so little research has been done to date compared to other cancers, Cure Brain Cancer Foundation recognised the need to raise public awareness and funding quickly. This advertisement and campaign is an essential step to support that goal, and Cure Brain Cancer Foundation has expended significant resources in the preparation of this television advertisement to help significantly increase awareness.*

*We appreciate the opportunity to respond to the complaints and acknowledge the advertiser's commitment to self-regulation of advertising in Australia. We sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.*



## 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 depicts scenes that are disturbing and upsetting to viewers and could cause alarm and distress for children who may see it.

The Board reviewed 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 operating theatre with a young boy lying on the operating table whose head is shaved and who has an incision guide mark in texta on his forehead. The sounds in the room include operating machinery and the sound of a drill. At the end of the advertisement the surgeon and staff are seen and they are also children. The voiceover says: “Brain cancer kills more children than any other disease. Don’t let them fight it alone” followed by a call to action for people to donate money to the Cure Brain Cancer Foundation at [curebraincancer.org.au](http://curebraincancer.org.au) or by calling 1300 362 965.

The Board noted that they had recently dismissed complaints for an advertisement for St John Ambulance (0146/14) that included scenes of a distressed mother unable to reach her drowning son. In this case, the Board considered that “... the scene of the boy hitting his head is fleeting and is shown for the purpose of giving cause to the reason he fell into the pool. The Board noted that the advertisement is realistic in its depiction of the mother being distressed about not being able to reach or save her son and that it is alarming but is critical to the effectiveness of the advertisement.”

Similar to the matter mentioned above, the Board considered that the realistic sounds and nature of the advertisement are critical to the effectiveness of the campaign and the ultimate request for assistance for the cause.

The Board noted that the scenes displayed in the advertisement were confronting, but did not consider the depiction of the child on the operating table was excessive and noted the important message underlying the images used in the advertisement. The Board considered that the use and sound of the drill was very confronting and realistic, but considered however that it was necessary to increase the emotive response and shock viewers into action.

The Board noted its previous decisions relating to public health and safety campaigns, where it accepted that a higher level of violence (graphic images) can be shown where it is considered to be justifiable in the context of the important health message being conveyed to the public. The Board noted that the advertisement had been given a PG rating by CAD and considered that the level of graphic nature was appropriate for the rating given. The Board noted that there was no blood or images of upset children and considered that it was unlikely to impact visually on young children.

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.

Based on the above the Board determined 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 complaint.