



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0330/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Quit Victoria</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>11/08/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features Ronaldo Martinez who at 39 years of age lost his voice box due to smoking-induced cancer and now breathes through a permanent hole in his throat. In the advertisement, Ronaldo is at his doctors surgery where he talks about how his life will never be the same now he has a tracheotomy.

### THE COMPLAINT

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

*I have never smoked a cigarette in my life yet I am forced to endure these ads on a regular basis. This week alone I've seen the ad at least once every night and 2 of those times were during dinner time. The ad is repulsive and makes me feel ill. I appreciate that they want to make smokers aware of the health risks but I fail to see why I have to see the ads which are of a grotesque nature. They are inappropriate to show without warning and although I do not look at the screen whilst the ad is on I can still hear the voice over.*

### THE ADVERTISER'S RESPONSE

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

*This campaign was originally produced by the Massachusetts Department of Public Health, who have kindly allowed us to use it as part of our social marketing campaign to drive down smoking rates.*

*For more than 20 years, Quit Victoria's central purpose has been to inform the public of the dangers of smoking and provide smokers with the help and support they need to quit. Over that time, Quit Victoria has gained significant experience and built a strong research base in what are the most effective messages in motivating smokers to quit, many of which have been sold for use in overseas countries.*

*TV advertising remains one of the two most effective interventions in reducing smoking prevalence (the other being price increases). A 2009 Victorian Population Survey from the Cancer Council Victoria found that more recent quitters cited anti-smoking advertisements as aiding them in deciding to quit, while they were quitting and staying quit, than by any other influence (including cost of cigarettes, smoking bans, Graphic Health Warnings on cigarette packs and advice from health professionals).*

*Changing behaviours where addiction is involved is challenging. We know from research that it is important to demonstrate that smoking is a direct cause of diseases such as Throat Cancer, that damage to health is cumulative and that the need is to quit now rather than some time in the future. The development of the key campaign message is critical to engaging smokers and research shows the most effective anti smoking messages are those that are credible, personally relevant, provide new information, evoke a strong visceral response and use confronting messages to convince smokers of the serious effects of smoking on themselves and their children. The communications aim is always to encourage smokers to put quitting on 'today's agenda' rather than putting it off to some time in the future.*

*The primary aim of the 'Ronaldo' campaign is to encourage smokers to quit by illustrating the health consequences of smoking, the treatment patients who suffer from throat cancer undergo, and the impact this can have on their lives. It features Ronaldo Martinez who at 39 years of age lost his voice box due to smoking-induced cancer and now breathes through a permanent hole in his throat. In the advertisement, Ronaldo talks about how his life will never be the same now he has a tracheotomy.*

*The decision to air the 'Ronaldo' campaign was made based on Cancer Council research that indicated his message, when compared to other anti smoking messages, rated highly in terms of believability, understanding, making people stop and think and being motivated to quit; all measures we know that increase a smokers likelihood to make a quit attempt.*

*As with all our campaigns, the 'Ronaldo' campaign had been classified by FreeTV who have rated it PG meaning it can only be aired between 8.30am – 4pm and 7pm – 6am on weekdays and 10am – 6am on weekends. We have ensured with our media buyers that this restriction has been adhered to, so that our campaigns are not placed in inappropriate spots on television. We understand our messages may be disturbing to some people and take great care with our placement, however it would be remiss of us to avoid top rating shows or shows we know generate a response, just so we don't offend.*

*The campaign is having the desired impact of prompting smokers to quit now, with calls and feedback on the campaign through Quitline both being positive.*

*I trust the Advertising Standards Bureau will appreciate that through this campaign, Quit is fulfilling its mandate to educate smokers and the general public on the dangers of smoking to avoid any further loss of life and emotional trauma to the thousands of sufferers, carers and families of those who lose their life to smoking caused diseases. By quitting now, smokers can significantly decrease the chances of their children having to go through the loss of a parent.*

## **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 depicted an inappropriate image without warning, and that the advertisement was grotesque and made the complainant feel ill.

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

The Board considered whether the advertisement complied with section 2.6 of the Code which requires that advertisements not depict material that is contrary to prevailing community standards on health and safety.

The Board was sympathetic to the complainant’s concerns regarding their personal response from viewing the man with a permanent tracheotomy being checked by his Doctor and agreed that the advertisement was graphic, and that some people in the community could view this as grotesque.

The Board considered that the main purpose of the graphic depictions in the advertisement was to educate the public of the potential repercussions of smoking and that the images shown related directly to the message of the advertisement.

The Board noted the Advertiser’s response that they commissioned this advertisement based on their research which showed that TV advertising of this kind is effective in persuading people to quit smoking, and that this particular message is rated highly in terms of believability. The Board also noted the Advertiser’s response that they have received the desired impact of prompting smokers to quit now with calls and feedback based on this campaign.

The Board noted that this advertisement has been classified PG by FreeTV meaning it can only be aired between 8.30am – 4pm and 7pm – 6am on weekdays, and 10am – 6am on weekends, and that the Advertiser has taken great care with the placement of the advertisement to minimize offense whilst still reaching its target audience.

Based on the above, the Board considered that although some members of the public, including the complainant, could find the advertisement grotesque and inappropriate, they determined that the images depicted in the advertisement were relevant to the important public health and safety message that the advertisement is attempting to convey, and that the advertisement did not breach section 2.6 of the Code.

The issue of providing warning before the advertisement does not fall under section 2 of the Code and therefore is not something the Board can consider.

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