



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0402/18
2	Advertiser	Chemist Warehouse
3	Product	Health Products
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	26/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This TV-on-demand advertisement features a woman in a kitchen with her husband and children who are sick. They cough in their hands and she conducts them with a wooden spoon as through they are an orchestra. She then purchases cough medicine to relieve their coughs.

THE COMPLAINT

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

The actors repeatedly cough onto their hands.

This is an out-dated image directly against guidelines which promote 1) use of, and disposal of a tissue

2) muffling into the elbow, NOT hands

The company is promoting activity which has a negative impact on public health. This message is particularly deleterious coming from a company which is well entrenched





in health-care.

THE ADVERTISER'S RESPONSE

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

The Durotuss advertisement features a family sitting around a kitchen bench whilst the mother prepares a meal. The family members are suffering with coughs, the mother then visits a pharmacy to purchase cough medicine for them. The complainant appears to be suggesting the advertisement breaches section 2 of the Code specifically that the advertisement is in some way represents actions that are contrary to acceptable Health and Safety standards; In direct response to the complainants deemed breach of Section 2 of the code, Chemist Warehouse respond as follows;

The advertisement is not discriminatory nor vilifying of any member of the community.

Nothing in the advertisement is exploitative nor degrading.

The advertisement contains no violence.

There is nothing in the advertisement that is sexually explicit.

There is no nudity nor sex in the advertisement.

None of the language could be deemed offensive.

Contrary to the assertion by the complainant we contend that nothing in the advertisement is contrary to prevailing health and safety practices and standards. Whilst we are able to find a handful of references amongst the volumes of health literature that speaks to how best to avoid spreading germs when coughing that speaks to coughing into your elbow, the vast majority of references speak to simply covering your mouth. This is precisely what the family does and this action remains consistent with community health practice and expectation. In short Chemist Warehouse contend that any reasonable person could not infer that the advertisement is in any way portraying and certainly not promoting and actions that are contrary to accepted community health standards nor in any other way breach of Section 2 of the Code.

THE DETERMINATION



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

The Panel noted the complainant's concerns that the advertisement features behaviour against community standards on health and safety.

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

The Panel considered 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 Panel noted the complainant's concern that the advertisement features a sick family coughing into their hands, which is against guidelines which promote coughing into the elbow.

The Panel noted this transport advertisement features a father and children who are sick and coughing, the children's mother conducts their coughs as though she is conducting an orchestra.

The Panel noted the advertiser's response that the majority of references amongst health literature advise only that you should cover your mouth when coughing, which this advertisement shows.

The Panel considered that that while some sources may consider it to be best practice to cough into an elbow instead of hands, coughing into hands is a common practice amongst most individuals and is an act that is not in contravention of generally accepted behaviours.

The Panel considered that most members of the community would consider people coughing into their hands to be consistent with prevailing community standards around health and safety.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

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

