



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0443/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Live Lighter</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>11/11/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

## DESCRIPTION OF THE ADVERTISEMENT

There are two Sugary Drinks advertisements as part of the LiveLighter campaign launched in the Northern Territory on the 29 September 2015. There is one 30 second advertisement and one 15 second advertisement (“Sugary Drinks”). Both advertisements show an overweight man enter a corner store, purchase and consume a sugary drink. The advertisement also includes surgical footage of visceral fat.

## THE COMPLAINT

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

*I support healthy messages being advertised on TV, but this campaign has gone too far with showing pumping internal organs. I am faced with this ghastly sight at breakfast and dinner and have to turn it off when children are in the room. There is no warning that this ad is about to show this type of imagery. I'm not a doctor, nor a nurse ... I didn't choose to see this and I don't want these horrendous images in my home. Please put a stop to it.*

## THE ADVERTISER'S RESPONSE

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

*As at 2010, close to 4.4 million adult Australians are obese – that’s around 1 in 4 of us. This is a serious health issue as being an unhealthy weight increases your risk of developing chronic diseases including:*

- Coronary heart disease*
- Type 2 diabetes*
- Certain types of cancer (including cancers of the oesophagus, pancreas, bowel and breast)*
- High blood pressure*
- High cholesterol*
- Gall bladder disease*
- Gout*
- Arthritis and other joint diseases*
- Sleeping problems, including sleep apnoea*

*LiveLighter was developed in 2012 by the Heart Foundation (Western Australia) in conjunction with the Cancer Council Western Australia and supported by the Department of Health (WA). The Northern Territory Department of Health successfully secured a licence from the Department of Health (WA) to deliver the LiveLighter Campaign in the Northern Territory and contracted the Heart Foundation Northern Territory to implement the campaign.*

*LiveLighter is a public education campaign designed to address the serious issue of unhealthy weight. The campaign is based on a thoroughly researched behavioural model on how to encourage behaviour change across populations, provided by one of Australia’s leading behavioural scientists in this area, Professor David Hill OA, from Melbourne University.*

*At no time does LiveLighter show any “violence”. Instead, the advertisements incorporate real surgical footage to draw attention to, and provide understandable explanations about, central adiposity (internal fat deposits). The intention is to take viewers inside their bodies to demonstrate the real and serious health consequences of being overweight. Many public health campaigns have used similar techniques in the past, such as anti-tobacco advertisements.*

*Our focus is to promote healthy weight, healthy food choices and physical activity. The campaign is supported by a comprehensive website and resources to encourage and support healthy lifestyle changes.*

*The advertisements are targeted at Northern Territory adults – approximately 2/3 of whom are overweight or obese. While the main target audience for the advertisements are overweight adults, it is our hope that the advertisements also resonate with adults in a healthy weight range – to encourage them to maintain their healthy behaviours and avoid*

*becoming an unhealthy weight. In respect of the theme, visuals and language used it is clear and apparent that the advertisements are targeted at adults, not children.*

*In developing the LiveLighter campaign there was extensive testing of all advertisements, messages and information resources with adults (parents and non-parents) from a range of ages, genders, ethnicities, education levels, weight ranges and socio-economic status'.*

*These advertisements tested extremely well in terms of capturing people's attention and delivering the very important message about the serious health consequences of being an unhealthy weight, as well as simple actions that people can take to reduce their risk, while being unlikely to generate unintended consequences.*

*The campaign is being comprehensively evaluated by Australia's leading experts in assessing the impact of public education campaigns.*

*No media buyer was utilised in the Northern Territory. All media buying was conducted directly between the Heart Foundation Northern Territory and respective advertising outlets (Channel 10, Channel 9 and Imparja).*

*It is important to note that no advertising was purchased with Channel Seven as per the complaint.*

*Address all aspects of the advertising codes*

*2.1 Advertising or Marketing Communications shall 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.*

*The advertisements in no way reference nationality, sexual preference, religion, disability, mental illness or political belief. The advertisements show people from a range of races, ethnicities, genders and ages in a sensitive and appropriate manner.*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*The advertisements do not employ sexual appeal in any form.*

*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 advertisements do not portray violence of any form.*

*2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The advertisements at no time reference sexuality or show nudity and show both genders in a sensitive and appropriate manner.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate*

*in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*The advertisements are targeted at adults, use plain and simple language and do not use any strong or obscene language.*

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

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

*Advertising or Marketing Communications to Children (14 years old or younger) means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product. "Product" is defined in the Code for Advertising & Marketing Communications to Children as follows: Product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.*

*In respect of the theme, visuals and language used it is clear and apparent that the advertisements are targeted at adults, not children.*

## **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 features images of internal organs that are graphic and not suitable 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 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 there is a 15 sec and 30 sec version of the advertisement and that it features a man walking into a shop and selecting a drink from the fridge. The voiceover talks about the sugar in sugary drinks. The internal organs of the man are shown as the voiceover describes the side effects of too much sugar and toxic fat. The logo for Live Lighter and the website appears on screen at the end.

The Board noted it had previously dismissed a case for the Heart Foundation WA (0294/12)

where the internal organs of a man are seen surrounded by “toxic fat.” In that case, the Board considered that “... the scenarios are relevant to the important public health and safety message that the advertisement is conveying and that the graphic nature of the images was justified by the important public health message.”

In the current advertisement the Board considered that similar to the matter mentioned above, the images displayed in the advertisement were confronting, but were not excessive and noted the important message underlying the images used in the advertisement.

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 “W” 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 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.

The Board determined that the advertisement did not present or portray violence that was unjustified in the context of the product being advertised and 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.