



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0444/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Cancer Council WA</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>12/11/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress

## DESCRIPTION OF THE ADVERTISEMENT

The advertisements show Zita and her daughters, Mika and Alicia, each telling their individual stories with regards to Zita losing her life to Cancer. Zita, in footage from 2005, talks of her fears of leaving her family, while Mika and Alicia, in footage from 2014, talk about what they've missed since losing their mother to smoking-related lung cancer. In total there are 6 advertisements; one 30-second and one 15-second advertisement of each family member.

## THE COMPLAINT

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

*This advert is causing my children under 14 years undue anxiety and stress. This is making them feel very insecure about me (their mum) dying and them being left behind like the children in the advertisement. I am not a smoker, but the whole concept of being left without a mum is causing a lot of nightmares in my kids 7 years and 11 years. Though the advertisement is powerful and I do understand the message and concept behind it. Is it possible to schedule it at times that will not effect the little ones. We are at whits end with the crying and anxiety at all times. Please help. Thank you.*

## THE ADVERTISER'S RESPONSE

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

*Please see below our response in relation all aspects of the AANA Code of Ethics.*

#### *Background*

*In 2005, Zita Roberts, a 37 year old mother of three who was terminally ill from lung cancer caused by her smoking, told her story on Channel 7's Today Tonight program, with the assistance of Cancer Council Western Australia's Make Smoking History campaign team. Zita wanted to share her story in the hope that she would encourage others to quit and save them from a similar fate. Zita's story proved to be so powerful that with the generous permission of Channel 7, Zita and family, Make Smoking History obtained the raw footage from the Today Tonight segment for use in developing a state-wide mass media campaign. The campaign included a series of advertisements that looked at the devastating effects of Zita's illness not just on herself, but on her family.*

*The end result was a compelling and emotional campaign which prompted many Western Australian smokers to quit for good. 'Zita' remains one of Make Smoking History's most recognised and successful campaigns to date. Sadly, Zita passed away in 2007.*

*In late 2013, Zita's three grown children wanted to honour their mother's wish to warn other smokers and encourage them to quit. They contacted Cancer Council WA to ask if their mother's ads could be aired again and were also invited to participate in an update to the campaign, adding their own personal messages to their mother's campaign.*

#### *Section 1*

*1.1 – Advertising or Marketing Communications shall comply with Commonwealth law and the law of the relevant State or Territory.*

*These advertisements comply with Commonwealth law and Western Australian State law.*

*1.2 – Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.*

*These advertisements feature real people telling their own story. These advertisements aim to encourage smokers to quit by informing them of the negative effects of smoking and showing the impact a smoking-related illness can have on their loved ones.*

*As tobacco kills more than 50% of people who smoke, it is important that our campaigns are based on research, and are hard-hitting, powerful and emotive to have the greatest impact on smokers<sup>1</sup>.*

*While people are generally aware that tobacco smoking is harmful, many still underestimate the extent of the danger relative to other lifestyle risks. Very few smokers are able to accurately estimate their chances of dying in middle age<sup>2</sup>. Most are able to name only a handful of the numerous diseases caused by smoking<sup>3</sup>. Smokers may also have little understanding of how tobacco-related illnesses could affect the quality of their lives<sup>4</sup> and their families' lives. An Australian survey of smokers discovered that just 53% agree it is likely they will become ill from smoking<sup>5</sup>.*

*1.3 – Advertising or Marketing Communications shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.*

*These advertisements are a public service announcement, featuring a true story. They are motivated by the need to advance public health in WA, and not by commercial interests.*

*1.4 Advertising or Marketing Communications shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.*

*These advertisements do not relate to environmental protection.*

*1.5 Advertising or Marketing Communications shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.*

*These advertisements do not make claims about the Australian content or origin of products.*

## *Section 2*

### *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 and degrading*

*These advertisements do not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

### *2.3 – Violence*

*There is no suggestion that the advertisements present or portray violence in its ordinary meaning. However, the complainant has stated that the advertisements have caused her children ‘undue anxiety and stress’. We regret that the advertisements have had this effect but submit that this is an isolated reaction and the advertisements do not breach section 2.3 of the Code.*

*Some of the advertisements do show a mother, Zita Roberts, who is clearly unwell from her illness and treatments. Zita is shown with considerable hair loss, and with an oxygen tube in her nose. Her children speak frankly about growing up without their mother. These are adults talking about their experiences; Zita’s youngest child, Jed Roberts is now 19 years old.*

*As discussed in relation to section 3.1 below, the advertisements are not directed to children and have no evident appeal to children. For this reason, and to minimise the risk of adverse reactions, the advertisements were assigned a ‘W’ rating, which requires special care in the placement during programs that may attract a substantial child audience. Despite this due care, there is always a risk that children will inadvertently be exposed to the advertisements and have an unusually strong reaction.*

*Although it may be confronting for some, the theme of loss of family is justifiable in the context of promoting the harms of smoking, and in encouraging people to quit smoking. The footage used is that of a real person, and filmed for an interview with Channel 7’s Today Tonight program. This approach is known to resonate with viewers and be more likely to lead to message recall and subsequent behavioural changes.*

*In evaluation of this campaign 68% of those surveyed quit, attempted to quit or cut down and awareness of the campaign reached 93.3%. Zita’s story is highly emotive and clearly illustrates the negative effects of smoking which we know from the research has the greatest impact on smokers.*

*We submit that in all the circumstances, and taking into account the intended target audience, the ‘loss of family’ theme explored in the advertisements is reasonable. The emotional content of the advertisements is proportionate to their worthy aim, which is to encourage Western Australian adults to quit smoking and to reduce the uptake of smoking.*

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

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

### *2.5 – Language*

*These advertisements do not use Strong or obscene language. This campaign uses language which is appropriate in the circumstances and for the relevant audience and medium.*

*Zita is talking about her fears of leaving her family, as she is dying from smoking-related lung cancer. Mika Roberts talks of how she has missed her mother at important stages of her life. Alicia Roberts also talks about what she felt she missed out on after her mother passed*

away, and also uses the phrase “Cigarettes’ destroy lives” which was an unscripted response given by Alicia Roberts, to the question “How do you feel about cigarettes?”

#### 2.6 - Health and Safety

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

#### Section 3

*3.1 – Advertising or Marketing Communications to Children shall comply with the AANA’s Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA’s Code of Advertising & Marketing Communications to Children applies.*

*These advertisements are not directed to children. The themes and content of the advertisements are clearly for a mature audience. The advertisements do not contain any elements that would be considered attractive or appealing to children. The target group is Western Australian smokers aged 18-54 years, and this is reflected in the tone of the advertisements.*

*The content and themes of the advertisements warranted a ‘W’ rating, meaning that the advertisements could not be broadcast during P and C programs or adjacent to P or C periods. This rating also requires caution to be exercised when considering broadcasting the advertisements during programs likely to attract a substantial audience of children.*

*3.2 – Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles.*

*These advertisements do not advertise motor vehicles.*

*3.3 – Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.*

*These advertisements do not advertise food or beverages.*

#### References

1. Scollo, MM and Winstanley, MH. *Tobacco in Australia: Facts and issues*. 4th edn. Melbourne: Cancer Council Victoria; 2012. Available from <http://www.tobaccoinaustralia.org.au/chapter-14-social-marketing/14-4-examining-effectiveness-of-public-education-c>
2. Mullins R, Morand M, and Borland R. *Key findings of the 1994 and 1995 Household Survey*. *Quit Evaluation Studies No. 8, 1994-1995*. 1996, Melbourne: Victorian Smoking and Health Program. 1–23
3. Tan N, Wakefield M, and Freeman J. *Changes associated with the National Tobacco Campaign: results of the second follow-up survey, in Australia’s National Tobacco Campaign. Evaluation Report Volume Two*, Hassard K, Editor. 2000, Commonwealth Department of Health and Aged Care: Canberra. p. 21–75
4. Weinstein N, Slovic P, Waters E, and Gibson G. *Public understanding of the illnesses caused by smoking*. *Nicotine & Tobacco Research*. 2004; 6:(2): 349–55
5. Scollo, MM and Winstanley, MH. *Tobacco in Australia: Facts and issues*. 4th edn. Melbourne: Cancer Council Victoria; 2012. Available from <http://www.tobaccoinaustralia.org.au/chapter-3-health-effects/3-34-public-perceptions-of-tobacco-as-a-drug-and-k>

## **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 concerns that the advertisement causes alarm and distress in children in its depiction of a mother who dies from cancer leaving her own children behind. 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 that there are a number of advertisements in this campaign featuring a woman called Zita and her children discussing the consequences of Zita smoking and passing away from cancer and the impact this has had on their lives.

The Board acknowledged that some members of the community such as the complainant could find the advertisement’s subject matter to be distressing as it deals with a mother who dies from cancer. The Board noted its previous decisions relating to community awareness campaigns (0058/14, 0147/14), 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 however that the current advertisement does not feature any graphic imagery and considered that the subject matter is handled with honesty regarding the potential implications for family members if they lose a parent from smoking related cancer. The Board noted the important public health awareness message behind the advertisement and considered that the content is relevant to the message.

The Board considered that the advertisement did not present or portray violence and 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.