



## **CASE REPORT**

1. Complaint reference number	222/08
2. Advertiser	Glaxo Smith Kline
3. Product	Health Products
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 9 July 2008
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement begins with a close up of a young couple. The woman is smiling but the man looks unwell. Music is playing in the background. It quickly becomes apparent that the couple are in a sea plane flying above a beautiful island location.

A male voice over begins: Wouldn't you know it, we spend months planning our 'winter escape' only to discover I've gone and brought the cold with me.

During the voice over we watch the plane land, the couple disembark and head to their resort. The guy is wiping his nose and coughing.

His voice over continues: Still, at least one decision's a no-brainer. How to deal with it.

The guy is seen heading into a pharmacy at the resort. He is then shown taking tablets with a drink of water. A packet of Panadol Flu Strength PE is superimposed over the guy taking his medication.

His voice over continues: That's why I trust new Panadol Flu Strength Day and Night. It fights the aches and pains ...

Scenes of the couple participating in a group boat trip and snorkelling.

Voice over continues: ... and helps take care of the coughs and congestion. So while it works, I get to play.

Whilst playing in the water wearing goggles and snorkel on his head, the guy speaks to camera: New Panadol Flu Strength - it's my choice.

Example of packaging and text are displayed at the bottom of the screen: It's my choice.

## **THE COMPLAINT**

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

*I watched the ad for panadol p.e. (panadol flu strength) at the end of which the sick person went diving. It suggests that the panadol makes it safe for a person with a cold to go diving, which is not right, as a person with a cold or flu could have blocked Eustachian tubes and diving could burst one or both ear drums. Sets a bad precedent for people with colds and going diving.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*We note, from the ASB correspondence, that the complaint raises issues under section 2 of the AANA Advertiser Code of Ethics. From our interpretation of the Code we deduce that the alleged issues raised are specifically in relation to section 2.6 which states: "Advertisements shall not depict material contrary to prevailing standards on health and safety." It is on the basis of this section of the Code that we address our response.*

*The complaint in question relates to the Panadol Flu Strength Day & Night television commercial*

*(TVC) entitled 'Winter Escape' (Attachment 1). The 'Winter Escape' TVC depicts a couple going on a holiday to a tropical destination to escape the winter weather. The man has a cold and by using the Panadol Flu Strength Day & Night obtains sufficient relief to allow him to participate in the water activity of snorkelling.*

*This advertisement is part of a themed campaign which Panadol has run over 5 years that depict everyday Australians from various walks of life going about their work or other interests whilst extolling Panadol as their preferred choice of pain reliever. The other advertisements in the campaign are respectively entitled 'Surfer', 'Runner', 'Actor', 'Bullrider', 'Hockey player', 'Pharmacist' and 'Childcare Worker'. These will likely be familiar to the ASB; the tag line at the end of each being "Panadol ... It's my choice".*

*In the instance of the 'Winter Escape' TVC the intent is for the everyday person depicted therein to describe how in their specific situation Panadol (in this instance Panadol Flu Strength Day & Night) is of sufficient efficacy/suitability to be their preferred brand for the relief of cold and flu symptoms such as nasal congestion.*

*This particular advertisement, as with all Panadol advertisements, was pre-cleared and vetted by the Australian Self-Medication Industry (ASMI) Advertising Services section (Attachment 2). As the ASB is no doubt aware, ASMI pre-clearance and vetting is a mandatory pre-requisite for all therapeutic goods advertisements to ensure compliance with the Therapeutic Goods Advertising Code and the ASMI Code of Practice. Both of these codes impose extensive requirements which would not permit depictions of persons using medicines for other than their intended purpose nor in an inappropriate setting.*

*We would like to address some of the key points of Dr Wren's complaint:*

*In the section of the complaint entitled "Ad Details" Dr Wren refers to "diving" as the activity undertaken by the participants in the TVC. Conversely in the section entitled "Description of the Ad" he refers to "snorkelling with the partner". Thirdly, in the section entitled "Reason for Concern" Dr Wren refers to both "diving and snorkelling".*

*Our first point is that it is clear that from the activity undertaken throughout the TVC that both participants are snorkelling and not diving. Snorkelling is an activity undertaken face down on the surface of the water or a few feet below it. Diving on the other hand commonly involves assisted breathing, weights and other equipment with which to dive to depths and for periods significantly beyond those that can be attained by use of a snorkel. We recognise that diving for long periods whilst self medicating is not always feasible for the reasons outlined by Dr Wren, however such is not the case with snorkelling as the pressure differential that is necessary for the injury he describes to occur is not possible at the shallow depths applicable to snorkelling.*

*Importantly GSK is advertising a medicine that is designed to relieve nasal and Eustachian tube congestion through the presence of a decongestant as part of the formulation. The decongestant acts by constricting the blood vessels thus improving breathing, drainage and stuffiness. Such action would dry the nasal and Eustachian passages and thus allow comfortable snorkelling for long periods. Indeed if the medicine is taken according to directions every 4-6 hours the relief would last day and night as ascribed by the product name Panadol Flu Strength Day & Night.*

*Indeed we recognised this potential concern when preparing our advertisement by informally seeking the advice of a reputable dive operator (Peter Letts, Abyss Scuba Diving), who verbally confirmed that depicting snorkelling as a suitable activity after having taken a medicine that relieves nasal and ear congestion was appropriate. In response to this particular complaint we have sought this advice formally from that dive operator and provide it as Attachment 3. GSK provide details concerning the diving expertise of Abyss Scuba Diving in Attachment 4.*

*In closing, we are disappointed to hear that one viewer finds our Advertisement inappropriate but we believe that this is because they have over analysed the nature of the advertisement in such a way as to be of the view that the 'Winter Escape' TVC promotes the inappropriate use of Panadol Flu Strength Day & Night, when this is clearly not the case. However, we do appreciate that such concerns should be brought to our attention and we certainly take these comments into consideration when developing advertising.*

*We believe that we have acted diligently and responsibly in the handling of this TVC and have in*

*no way depicted circumstances contrary to the prevailing community standards on health and safety.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the television advertisement and noted that the couple went snorkelling not diving as suggested by the complainant.

The Board noted the advertiser's response which gave evidence that the concerns expressed by the complainant related to diving not snorkelling.

The Board considered that the advertiser's response provided appropriate reference materials to demonstrate that the advertisement was not depicting activities that would be contrary to prevailing community standards on health and safety.

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