



CASE REPORT

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| 1. Complaint reference number | 23/07 |
| 2. Advertiser | Novartis Consumer Health Australasia (Nicotinell - Keep The Flame) |
| 3. Product | Health Products |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features black and white photos of an attractive brunette woman smoking in various glam situations, singing and playing guitar in a rock band and in a bubble bath, as a male voiceover asks "Who will you be? What would you do without that cigarette in your hand? You'll never know till you quit". The woman is shown with a cigarette in her hand, on a motorbike with the words "Lose The Smoke" overriding the image. The woman is then shown without the cigarette, riding a motor bike through city streets with the words "Keep The Fire..." over her image. The male voiceover continues "...with new Nicotinell Gum - a taste as unexpectedly bold as your new smoke-free life. Lose the smoke - Keep the fire with new Nicotinell Gum".

THE COMPLAINT

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

The advertisement clearly identified a glamorous young girl with the image of smoking being attractive. The advert was a clear encouragement to young people (especially girls) to smoke as I have ever seen and I was absolutely amazed to see it being shown and clearly targeted at a young audience watching the cricket.

While by the end of the ad adults can probably tell the well-intentioned message (you can quit and still be attractive) for a beneficial product, as the father of young girls I am concerned about the effect on children and girls in particular of having an attractive edgy woman smoking and being cool. The visuals are more powerful than the words. In my view the visuals of the advert contravene Clause 2.6 of the AANA Advertiser Code of Ethics in that it depicts material (smoking) contrary to prevailing community standards on health and safety.

I thought cigarette advertising was banned! Don't tell me that the ad in question was not designed to encourage cigarette smoking in young impressionable people. Is this in response to less young people taking up the deadly habit? The mere fact it is still on the air tells me that self-regulation does not work. You don't even prevent banned ad types from screening. This is a cigarette ad. This is not an anti-smoking product ad. I shall sue you as the ad guardians if this induces my children to take up smoking.

There is absolutely no negative portrayal of the beautiful lady smoking. Every time I see this ad - I am an ex-smoker - I get unbelievable cravings associated with smoking. At no other time do I get this. It is difficult not to accommodate to the smoking images. I believe that these images induce people to smoke ... after all the more relapsed smokers there are the better this product will sell. I wouldn't be surprised to find out the tobacco industry is involved in this product, but at the very least this product uses problematic images that are very unhelpful in quitting the tobacco cycle ... maybe this product intends to sell rather than effectively help stop smoking.

THE ADVERTISER'S RESPONSE

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

Novartis rejects the suggestion that the advertisement in any way encourages or glamorises smoking. The advertisement is for a nicotine replacement therapy product. Nicotine replacement therapy is used to assist quitting smoking. The purpose of the advertisement is therefore clearly to encourage people to quit smoking, not to continue smoking or take up smoking. Although the advertisement features an attractive rebellious young woman smoking cigarettes, the message of the advertisement is that "you do not need cigarettes to be cool". The tagline used is "lose the smoke, keep the fire." In the final scenes of the advertisement, the woman is depicted as having quit smoking, and she is just as attractive, independent and rebellious as in the opening scenes (where she is depicted smoking). This graphically demonstrates that her attitude and spirit are not a result of smoking cigarettes, but come from within.

Novartis' consumer research suggests that a barrier to quitting smoking is a fear that potential quitters will lose their passion for life. The purpose of the campaign is to demonstrate that they can quit and not lose their sense of self.

Novartis is not associated with the tobacco industry in any way. Novartis prides itself on being a good corporate citizen, and is surprised and rejects the suggestion that it would encourage consumers to risk their health by taking up smoking.

In the present case, the depiction of the cigarette is clearly in context, and forms part of an anti-smoking message.

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 advertisement and considered whether the advertisement breached Section 2.6 dealing with prevailing community standards on health and safety. The Board noted the comments of the complainants that the advertisement depicted and glamourised a practice that was unsafe.

The Board noted that government policy is to reduce the exposure of the public to messages and images that may persuade them to start or continue smoking or use tobacco products. The Board considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or cool.

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The Board considered carefully the images of both the smoking woman and the quitter featured in the advertisement. The Board agreed that both images were glamorous, particularly up against one another. However the Board took the strong view that although the advertisement was clearly promoting a product that assisted the quitting of smoking, the underlying, stylised and glamorous visual imagery of the smoking woman strongly linked glamour, excitement and positive messages to smoking in the first place.

On balance the Board agreed that the advertisement depicted material contrary to community standards on health and safety and hence breached Section 2.6 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO COMPLAINT

Whilst Novartis Consumer Health strongly disagrees with the Board's finding that the advertisement glamorises smoking, it respects the ASB's role in administering the AANA Code of Ethics. The advertisement will not be screened in its current form after February 2007. Novartis Consumer Health is also currently investigating modifying the advertisement to address the

Board's concerns.