



## **CASE REPORT**

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| 1. Complaint reference number | 24/07                                                              |
| 2. Advertiser                 | Novartis Consumer Health Australasia (Nicotinell - Keep The Flame) |
| 3. Product                    | Health Products                                                    |
| 4. Type of advertisement      | Print                                                              |
| 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 print advertisement, also featured on public transport, consists of two black and white images. The lefthand image shows a young woman with a cigarette in her mouth and the words "Lose The Smoke". The righthand image shows the same woman without a cigarette, riding a motor cycle with what appears to be smoke trailing behind the bike, and the words "Keep The Fire".

## **THE COMPLAINT**

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

*There is absolutely no negative portrayal of the beautiful lady smoking. Every time I see this add - 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 feat 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 DETERMINATION**

*Whilst Novartis Consumer Health strongly disagrees with the Board's finding that the advertisement glamourises smoking, it respects the ASB's role in administering the AANA Code of Ethics. Novartis Consumer Health will not further publish the advertisement in its current form. Novartis Consumer Health is also currently investigating modifying the advertisement to address the Board's concerns.*