



CASE REPORT

1. Complaint reference number	363/04
2. Advertiser	Novartis Pharmaceuticals Pty Ltd (Lamisil)
3. Product	Health Products
4. Type of advertisement	TV
5. Nature of complaint	Other - Miscellaneous
6. Date of determination	Tuesday, 8 February 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features an animated character representing an infection, lift a person's toenail and climb underneath it. The tagline is "Get your nail infection where it grows."

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

"People who view TV would not be encouraged to buy such unsavoury products presented in such a crude way."

THE ADVERTISER'S RESPONSE

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

"This TV advertisement serves as a medium of patient awareness, aiming to de-trivialise fungal nail infection (onychomycosis) and educating viewers of the potential risk associated with this condition, which is more than just a cosmetic condition. As such, the image of the nail lifting aims to portray the potential severity of the disease as opposed to being offensive. In fact the advertisement has been utilized on a global level in countries such as the UK and US and has not been implied to be crude or offensive."

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to other.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.