



CASE REPORT

1. Complaint reference number	369/07
2. Advertiser	Novartis Consumer Health (Nicotinell)
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 November 2007
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a black and white photograph of a young woman with a microphone and guitar, holding a smoking cigarette in her right hand. 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". A photograph of the woman is then 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 great-tasting Nicotinell Gum - the bold mint taste that truly satisfies. Nicotinell."

THE COMPLAINT

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

This ad has been previously complained about and the complaint was upheld by the ASB. See complaint reference number 23/07. Novartis agreed to modify the ad before broadcasting it again. The ad has been minimally changed however, and the "stylised and glamorous visual imagery of the smoking woman strongly linked glamour, excitement and positive messages to smoking" (to quote the ASB) remains.

I am aware that the Advertising Standards Board has previously reviewed Nicotinell's - Keep The Flame advertising and found it in breach of community standards. I note that there is a new abridged version of the same advertisement currently on air and contend that Novartis has not addressed the Board's original concerns in the latest execution which remains in breach of Section 2.6 of the code. I would therefore like to register my complaint that "the underlying, stylised and glamorous visual imagery of the smoking woman (in the first few frames still) strongly links glamour, excitement and positive messages to smoking in the first place." Additionally, it is not only the images that are offensive, the entire foundation of the "Lose the smoke, Keep the fire" execution is based on the notion that smoking is exciting, glamorous, hot, desirable etc in the first place. Irrespective of whether this may or may not be true, there is no need to remind the public about it especially in the current environment where tobacco advertising is banned.

THE ADVERTISER'S RESPONSE

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

The advertisement that was the subject of the previous ASB complaint has been changed and is a new advertisement. To address the ASB's concerns, the following super has been added to those scenes featuring the woman smoking "Nicotinell helps you stop smoking. Contains nicotine."

The purpose of the super is to make it extremely clear from the opening scenes that the advertisement is for a nicotine replacement therapy product used to assist quitting smoking. Novartis has also significantly reduced the length of time that the woman appears on screen with a cigarette. In the current advertisement the woman is shown on screen with a cigarette for 4 seconds. In the previous advertisement she is shown with a cigarette for 14 seconds. This represents a 71% reduction. In addition, changes to the main supers and voiceover regarding the taste of the product have been made to the second part of the advertisement.

Novartis rejects the suggestion that the advertisement encourages or glamorises smoking. The advertisement is for a nicotine replacement therapy product, meaning that the clear purpose of the advertisement is therefore to encourage people to quit smoking, not to continue smoking or to take up smoking. The aspirational character (in that the woman depicted is attractive, independent, adventurous, strong etc) of the woman on the bike was chosen to assist in building a strong emotional bond with the Nicotinell brand to help consumers feel positive about the quitting process.

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 to smokers that they can quit and not lose their sense of self.

The advertisement engages smokers to consider quitting and provides positive motivation to quit. In these circumstances, it cannot be said to encourage or glamorise smoking. If the advertisement were to motivate even a small percentage of smokers to quit, then this represents a good public health outcome.

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 that it had viewed a previous advertisement from this advertiser concerning the same product. The previous advertisement contained similar images. In relation to the previous decision the Board had upheld complaints and stated that:

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.

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.'

The Board noted that this advertisement while similar has been modified by the advertiser. In particular the images of the woman have been reduced by 71% and there is additional text identifying the product as a quit smoking product.

The Board viewed the advertisement and again considered whether it depicted material contrary to prevailing community standards on health and safety in contravention of section 2.6 of the Code. The Board was strongly of the view that the images of the woman smoking at the beginning of the advertisement are glamorous images that have potential to promote smoking as glamorous or cool. The Board strongly considered this to be the case even with the superimposed text 'Nicotinell helps you stop smoking'.

The Board considered the advertiser's response that if the images are glamorous the glamour in the context of this advertisement is justified as the overall impact of the advertisement is to give people incentive to stop smoking ie: the advertisement has a positive health outcome. The Board accepted that this product itself is a product that assists or is intended to assist people to stop smoking and that any advertisement for this product could be said to have some positive health outcome. The fact that the product is of this nature however does not, in the Board's view, justify use of images that clearly

depict unhealthy behaviour.

The Board determined that the benefits of the product did not justify the inclusion of the images that are contrary to prevailing community standards on health and safety. On this basis the Board determined that the advertisement breached section 2.6 of the Code.

ADVERTISER'S RESPONSE TO DETERMINATION

Whilst Novartis 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 1 December 2007.