



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 415/03                          |
| 2. Advertiser                 | Advanced Medical Institute      |
| 3. Product                    | Professional Services           |
| 4. Type of advertisement      | Print                           |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 9 December 2003        |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is for treatment of impotence and features a picture of Ugly Dave Gray smiling at the camera with a ‘thumbs up’ sign and cigar in his mouth.

## **THE COMPLAINT**

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

*“... however I object to the cigar Mr Gray has in his mouth. Advertisements should not be depicting smoking as acceptable – the implication could be drawn that cigar smoking helps overcome impotence, when I understand the reverse is possibly true ...”*

## **THE ADVERTISER’S RESPONSE**

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

*“Dave Grey has been in the entertainment industry for many years and is always depicted with a cigar in his mouth.”*

*“The intention is in no way to promote smoking as a cure for impotence, but simply to depict Dave Grey as the genuine article.”*

## **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 this was not an advertisement for cigarettes and that the majority of readers would not view smoking as a cure for impotence.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

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