



## **CASE REPORT**

1. Complaint reference number	521/09
2. Advertiser	Glaxo Smith Kline (Panadol)
3. Product	Health Products
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a man out in the field of an organic farm the voiceover says "as an organic farmer, I am careful about what goes into my body, when it comes to choosing a pain reliever, I chose panadol, that's because medical studies show that when taken as directed ...". The man is out in the sun, working in the field and has a painful expression on his face. A young boy is also seen to be helping in the field by carrying apples. He is depicted in the shade whilst he takes the medicine.

## **THE COMPLAINT**

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

*My objection to this add is that no one is wearing a hat out in the field , even when the sun is shining brightly. How do we teach our children that they have to wear hats outside, if we do not show them on T.V.(which they all watch too much of). Having worked on lots of commercials I understand about hats and shadows over the face, but that really is not the point, is it.*

## **THE ADVERTISER'S RESPONSE**

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

*We note, from the ASB correspondence, that the complaint raises issues under section 2 of the AANA Advertiser Code of Ethics. The ASB has indicated that the allegations raised are specifically in relation to section 2.6 which states:*

*“ Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. ”*

*It is on the basis of this section of the Code that we address our response.*

*The complaint in question relates to the Panadol television commercial (TVC) entitled “Organic Farmer” (Attachment 1). The Organic Farmer TVC depicts a man and his family in a vegetable field and nearby buildings. Whilst scenes of the man and his family are displayed he expresses views outlining why Panadol is his choice as a pain reliever.*

*This advertisement is part of a themed campaign which Panadol has run for over 7 years. The advertisements which form this long standing themed campaign depict everyday Australians from various walks of life going about their work or other interests whilst extolling Panadol as their preferred choice of pain reliever. The other advertisements in the campaign are respectively entitled ‘Surfer’, ‘Runner’, ‘Actor’, ‘Fire-fighter’, ‘Bull rider’, ‘Hockey player’, ‘Pharmacist’ and ‘Childcare Worker’, ‘Mountain biker’, etc. These will likely be familiar to the ASB; the tag line at*

*the end of each being “Panadol ... It’s my choice”.*

*In the instance of the ‘Organic Farmer’ TVC the intent is for the everyday person depicted therein to describe how in his circumstances Panadol is of sufficient suitability to be his preferred brand for the relief of pain symptoms such as in this instance headache.*

*This particular advertisement, as with all Panadol television advertisements, was vetted and pre-cleared in its final aired form on September 17<sup>th</sup>, 2009 by the Australian Self-Medication Industry (ASMI) Advertising Services section (copy available).*

*As the ASB is no doubt aware, ASMI pre-clearance and vetting is a mandatory prerequisite for all therapeutic goods advertisements to ensure compliance with the Therapeutic Goods Advertising Code and the ASMI Code of Practice. Both of these codes impose extensive requirements which would not permit depictions of persons using medicines in an inappropriate setting.*

*We would like to address the key points of the complaint:*

*In the sections of the complaint entitled “Description of Ad” and “Reason for Concern” the complainant states the following:*

*“Description of Ad: Father out in field, put hand to brow, sun beaming, looks at son takes panadol next shot all family and dog are happy.*

*Reason for Concern: My objection to this add is that no one is wearing a hat out in the feild , even when the sun is shining brightly. How do we teach our children that they have to wear hats outside, if we do not show them on T.V. (which they all watch too much of). Having worked on lots of commercials I understand about hats and shadows over the face, but that really is not the point, is it.”*

*It is our view that the complainant is holding the Panadol advertisement to a higher standard than is the norm in similar television commercials. We can point to other analgesic television commercials that depict people taking part in outdoor activities yet the participants do not wear hat to protect them from the sun. In support of this view we provide the Nurofen – Natalie Gruzlewski – waterskiing TVC of 2007 (copy available) and the currently airing Nurofen Plus – Mountain Climber TVC of 2009 (copy available). In both these advertisements the persons in the advertisement are under the sun without a hat for the entire duration of the TVC. To the best of our knowledge neither of these advertisements have been the subject of ASA complaint, yet these advertisements span a period of 3 years. Conversely, in the Panadol TVC the persons are shown both in the sun and under the cover of a canopy. Additionally, the Panadol advertisement is made up of a number of scenes undertaken at different times; hence it cannot be argued that the participants are in the sun for any prolonged period. Hence we are confident our advertisement meets acceptable norms for similar types of products depicted in television advertising.*

*One of the concerns of the complainant is that it may teach children not to wear hats outside. However, this advertisement is not directed to children, nor shown during children’s viewing times. GSK do not believe that this Panadol TVC would hold any particular attraction for children such that it would hold their attention for it to leave the impression suggested by the complainant.*

*The Panadol TVC is 30-seconds in duration, thus given the nature of the pain relief message presented we do not believe that the overwhelming majority of viewers would conclude that Panadol is endorsing a view that people should be outdoors without sun protection*

*We would also bring to the ASB’s attention a number of other television advertisements that show people outdoors in the sun either entirely or predominantly without hats (Sunrice ‘Stephanie Rice’, – Lipton Ice Tea, – Peter Ice Cream, – Devondale)(copies available). The Devondale TVC is of particular interest since it also depicts farmers and their families in an outdoor setting. Whilst a few of the people in the Devondale TVC are wearing a hat in some scenes, the majority are not. With one exception the hat is a Devondale branded baseball cap, which one would argue is present more for the purpose of branding than to afford sun protection. Again GSK is confident that our Panadol TVC is within expected norms for a television commercial in an outdoor setting.*

*In closing, we are disappointed to hear that one viewer finds our Advertisement inappropriate but we believe that this is because they have over analysed the nature of the advertisement in such a way as to be of the view that the Panadol ‘Organic Farmer’ TVC promotes health and safety*

*standards outside of prevailing community expectations, when this is clearly not the case. However, we do appreciate that such concerns should be brought to our attention and we certainly take these comments into consideration when developing advertising.*

*We believe that we have acted diligently and responsibly in the handling of this TVC and have in no way depicted circumstances contrary to the prevailing community standards on health and safety.*

## **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 the complainant's concern that the advertisement shows people working in the field and they are not wearing a hat and that this was contra to community standards.

The Board noted the advertiser's response and viewed the advertisement. The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states:

*"Advertising or Marketing communications shall not depict material contrary to Prevailing Community Standards on health and safety."*

The Board considered that the advertisement does depict people working outside, without wearing hats to protect themselves from the sunlight and noted that there are community education programs which are currently promoting the use of hats (to protect oneself from the UVA and UVB rays).

The Board noted that the advertisement depicts a man and a young boy in a variety of locations, both in the sun and in the shade and that there is no clear suggestion that they are working outside for extended periods without sun protection.

The Board considered that the advertisement is unlikely to lead to copycat behaviour by children but also noted that the advertisement could be relatively easily modified to remove this image.

Overall, the Board considered that the advertisement did not breach section 2.6 of the Code as it did not depict material clearly in contradiction of community standards (around safety in the sun) and finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.