



## CASE REPORT

1. Complaint reference number	74/10
2. Advertiser	Glaxo Smith Kline
3. Product	Health Product
4. Type of advertisement	Print
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 24 February 2010
7. DETERMINATION	Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement is for Nicabate pre-quit transdermal nicotine patch. The campaign depicts a fabricated picture of a kangaroo with a lit cigarette in its mouth.

## THE COMPLAINT

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

*I would like to comment that the attached advertisement is in very poor taste and is offensive. I think it promotes smoking, is negatively impacting the image and welfare of kangaroos and is normalising smoking. I am glad my young children did not see this image, as they would think it is making smoking look fun.*

## THE ADVERTISER'S RESPONSE

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

*The advertisement in question is an advertisement for Nicabate Pre-Quit, a transdermal nicotine patch. The complainant has raised concerns that the Australia Day print advertisement for Nicabate Pre-Quit is in poor taste and promotes negative image and welfare of kangaroos in addition to normalising smoking. As well as the issues raised by the complainant, you mention that the Board will be reviewing the advertisement in its entirety for compliance with Section 2 of the Advertisers Code of Ethics. Consequently please find following GSK's response;*

### **Background**

*Cigarette smoking remains the single most common cause of premature death from cancer, cardiovascular disease, lung disease and other illnesses. Over three million Australians currently smoke, with health care costs attributed to tobacco use reaching \$12 billion in 2004-2005 alone. Smokers find it extremely difficult to quit with over ninety seven per cent of smokers having tried to quit at some point.*

*GSK markets a range of nicotine replacement products which assist smokers to quit. Importantly, GSK is always looking for new and compelling ways in which to encourage smokers to quit smoking. In addition, GSK is committed to supporting the public health tobacco control initiatives as well as other government initiatives aimed at facilitating quit attempts amongst smokers.*

### **The campaign**

*The Australia Day campaign depicts a fabricated picture of a kangaroo smoking. The advertisement was intended to inspire people to get started on their quit attempt or to re-start their*

quit attempt on Australia day. People often choose milestones in the calendar to instigate a quit attempts, such as , New Year's , or a milestone birthday. Australia Day is an important day in the Australian calendar and equally important day for smokers – it's the end of the summer party season and this landmark is often a trigger for many smokers to kick start their quit. Australia Day is a fitting date as in fact we know that quit smoking Internet searches go up dramatically on the days immediately post Australia day. So Australia Day is clearly an important trigger for smokers who are thinking about a quit attempt.

The campaign has been designed to make people stop and think about what they are doing and to get back on track with their quit attempt. It is intended to capture people's attention. Ultimately it is aimed at engaging smokers and encouraging smokers to think about quitting smoking by adding some humour to a pretty tough decision.

### **The use of the kangaroo**

The kangaroo was chosen as a visual descriptor of Australia Day. GSK did not in any way intend to be offensive nor was it GSK's intent to portray a negative image of a kangaroo. The image of the kangaroo is clearly a created image and no animals were harmed in the making of this ad. Moreover, GSK certainly did not in any way intend to normalise smoking. GSK does not believe that portraying a picture of a kangaroo smoking could in any way be seen to be normalising smoking as this is not a 'normal' or 'usual' activity for a kangaroo. On the contrary, the intention was to promote quitting and quitting with Nicabate Pre-Quit.

### **Placement and duration of the ad which is the subject of the complaint**

As this advertisement was part of the Australia Day campaign this ad was designed to be published prior and immediately post Australia Day. This advert is no longer in circulation.

The advertisement which is the subject of this complaint;

- Does not depict people or material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex , age, sexual preference, religion, disability or political belief
- Does not portray violence
- Does not contain any nudity or sexual references
- Is not directed to children
- Does not use any obscene language
- Does not depict material which is contrary to any community standards on health and safety

Importantly, GSK is committed to supporting the public health tobacco control initiatives by facilitating access to a variety of quit smoking products to help smokers quit. Smokers wanting to quit have different needs, consequently industry is continually looking for ways in which to tailor quit programmes and products to meet the different needs of smokers.

The Australia day campaign is an example of GSK's innovative approach to reminding smokers about Nicabate stop smoking products in particular Nicabate Pre-Quit and helping to encourage more smokers to make a quit attempt.

I trust that the Board will be satisfied with GSK's response.

### **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 was offensive and actually promoted smoking.

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 noted that the advertisement depicted a large image of a kangaroo with a lit cigarette in its mouth. The literature explaining the reason for the image was very small compared to the image of the kangaroo. The Board considered that the advertisement actually looked like it was an advertisement promoting smoking.

The Board noted that it has consistently determined that advertisements must not glamourise smoking. While not glamourising smoking the Board considered that the overall impact of the advertisement is more likely to be considered a positive representation of smoking than a negative one. The Board recognised that the depiction of the kangaroo smoking is clearly ridiculous however it considered that the image of the kangaroo was likely to be attractive to children and that such depictions must not normalise or encourage smoking, particularly to children. The Board noted that although this advertisement is promoting quitting smoking on Australia Day, the overall impression of the advertisement is a positive depiction of smoking that is contrary to prevailing community standards on health and safety. on this basis the Board determined that the advertisement was in breach of section 2.6 of the Code.

Finding that the advertisement was in breach of the Code, the Board upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

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

*Please be advised that as indicated in the response to the complaint, the advertisement for Nicabate Pre-Quit which featured a fabricated picture of a Kangaroo smoking was only published on the 26th January 2010 for Australia Day. The advertisement has not been published since . GSK does not intend to publish this same advertisement again.*