



## CASE REPORT

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|-------------------------------|------------------------------------|
| 1. Complaint reference number | 88/09                              |
| 2. Advertiser                 | Glaxo SmithKline Australia Pty Ltd |
| 3. Product                    | Panadol                            |
| 4. Type of advertisement      | TV                                 |
| 5. Nature of complaint        | Health and safety – section 2.6    |
| 6. Date of determination      | Wednesday, 11 March 2009           |
| 7. DETERMINATION              | Dismissed                          |

### **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Glaxo SmithKline for its Panadol Rapid product opens showing a young man waking up on a couch and his voice is heard saying: "I wish I hadn't had a big one last night". He then goes to the bathroom and tells viewers he chooses to have Panadol Rapid because it is absorbed more quickly and he can keep his appointment. He looks at the camera and smiles. He is seen putting on his jacket as he leaves the apartment. The advertisement ends with a packet of the product on the bathroom sink and the slogan "It's my choice".

### **THE COMPLAINT**

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

*It appears to be encouraging or at least condoning getting so drunk that one has a bad hangover. So you can abuse your health with alcohol (and possibly put others in danger because of your drunkenness) then "deal with" the consequences for your body and mind with a painkiller. That's misleading, because it doesn't address the real effects on your health, in fact just offers to mask them so you can function well enough to get through the day. But in fact you may be functioning at well under optimum, just not have the headache. The effects of abuse of alcohol are still there. And there are cumulative effects that are not even mentioned. I think this ad is dangerous and misleading.*

### **THE ADVERTISER'S RESPONSE**

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

*Thank you for your correspondence dated 2 March 2009 outlining the complaint received by the Advertising Standards Bureau (ASB).*

*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:*

*"Advertisements shall not depict material contrary to prevailing 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 Rapid television commercial (TVC) entitled "9am Appointment" which depicts a man in his mid-twenties who has woken up from falling asleep on the couch after long night of working on a report for his '9am Appointment'. The man has a headache from the long night and aches and pains from sleeping on a cramped couch and by taking the Panadol Rapid obtains fast pain relief to allow him make his 9am appointment without*

*the pain he felt upon waking from sleep.*

*This advertisement is part of a themed campaign which Panadol has run over 6 years that 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', 'Bullrider', 'Hockey player', 'Pharmacist' and 'Childcare Worker'. 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 '9am Appointment' TVC the intent is for the everyday person depicted therein to describe how in their specific situation Panadol (in this instance Panadol Rapid) is of sufficient efficacy/suitability to be their preferred brand for the relief of pain symptoms such as in this instance headache and aches and pains.*

*This particular advertisement, as with all Panadol advertisements, was pre-cleared and vetted in October 2008 by the Australian Self-Medication Industry (ASMI) Advertising Services section (Attachment 2). An almost identical TVC was originally approved in June 2006 (Attachment 3). Therefore, essentially the same TVC has been aired for nearly 3 years and this is the first complaint we have received.*

*As the ASB is no doubt aware, ASMI pre-clearance and vetting is a mandatory pre-requisite 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 for other than their intended purpose nor in an inappropriate setting.*

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

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

*Description of Ad: A young man wakes up with a bad hangover, saying he had too much to drink last night. Then says because he has to meet a commitment, he takes Panadol to "get over the hangover".*

*Reason for Concern: It appears to be encouraging or at least condoning getting so drunk that one has a bad hangover. So you can abuse your health with alcohol (and possibly put others in danger because of your drunkenness) then "deal with" the consequences for your body and mind with a painkiller. That's misleading, because it doesn't address the real effects on your health, in fact just offers to mask them so you can function well enough to get through the day. But in fact you may be functioning at well under optimum, just not have the headache. The effects of abuse of alcohol are still there. And there are cumulative effects that are not even mentioned.*

*I think this ad is dangerous and misleading.*

*It is clear that from the activity undertaken throughout the TVC that the man depicted does not have a hangover. It's an incorrect assumption on the part of the complainant to presume that the TVC depicts a person who has consumed alcohol. There is no alcohol consumed in the TVC, there is no alcohol to be seen at any point during the advertisement. The only beverage container depicted in the initial scene is a used coffee cup on the table. Further, the man doesn't even pick up a glass until he is seen in the bathroom where he drinks water to wash down the Panadol Rapid.*

*At no time during the TVC does the man say "he had too much to drink last night" as the complainant alleges. Nor does he say "he takes Panadol to get over a hangover". He says "I wish I hadn't had a big one last night" but this statement is entirely in the context of the scene depicted in the TVC of someone who has woken from a late night working.*

*To describe the scene as it appears in the TVC, it consists of a man who has fallen asleep on his couch. On the coffee table in front of him is a laptop computer, a pile of paperwork, some leftover pizza in a box and a coffee cup. Based what appears in the TVC, the viewer can take-out that the man has been working late into the night preparing for something. He wakes up with a headache and aches and pain and looking a little ruffled from falling asleep on the couch. The man prefers to make the 9am appointment he has spent all night preparing for and takes Panadol Rapid to relieve his pain. No alcohol is shown, mentioned or consumed during the TVC.*

*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 '9am Appointment' TVC promotes the inappropriate use of Panadol Rapid, 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 suggests inappropriate use of the product particularly as a means of recovering from a hangover and that this falsely represents the effects of alcohol consumption.

The Board noted that the advertisement is advertising the use of the product 'Panadol'. The Board considered that 'Panadol' is well known as a product which is suitable for short term pain relief, particularly in situations where a person must continue to work or function.

The Board noted that the advertisement does not include any material that is suggestive of a hangover - the man is shown with work material around him and the suggestion is that he has had a late night working. The Board considered however that the voice over reference to the man having 'had a big one' would be likely to conjure an image of alcohol consumption for some consumers.

The Board considered that, despite any intended or unintended suggestion of alcohol consumption, the advertisement did not encourage any behaviour other than the responsible and recommended use of the product. The Board considered that the advertisement did not suggest that panadol is a cure to the effects of alcohol - rather that it can provide short term relief for feeling unwell. The Board considered that the advertisement did not depict material that is contrary to prevailing community standards on health or safety and did not breach section 2.6 of the Code.

Further finding that the advertisement did not breach any other section of the Code, the Board dismissed the complaints.