

Case Report

1. Case Number :	0076-24
2. Advertiser :	Apple Pty Ltd
3. Product :	Information Technology
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	20-Mar-2024
6. Decision:	Dismissed

ISSUES RAISED

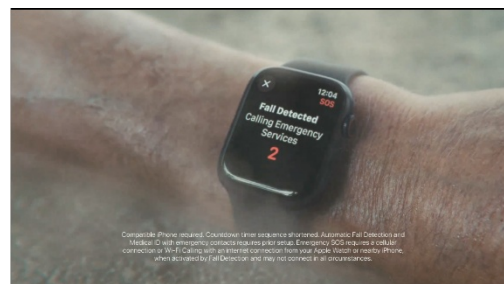
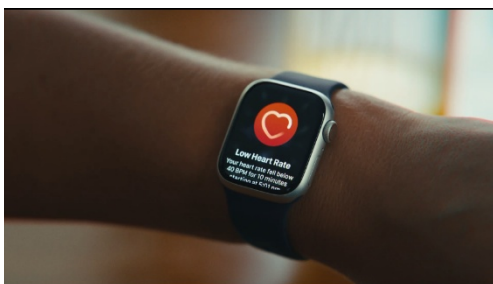
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This advertisement has two versions which both feature people describing a life-threatening situation and how the Apple Watch helped.

The first version details a story of a woman whose low heart rate was detected by the watch, and prompted her to get medical help.

The second version details a story of a man who had an accident while riding his bike, and the watch detected the fall and called for help.



THE COMPLAINT

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

I have seen 2 different Apple Watch ads in the space of 10min saying that they Apple Watch was the reason why they are now alive.

One related to a heart issue and the other was due to falling off his bike and needing an ambulance.

Both provide a false sense that all you need is an Apple Watch to save your life.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Complaint 0076-24 indicated that the Heart Rate Notifications ad and the Fall Detection ad "provide a false sense that all you need is an Apple Watch to save your life".

Complaint 0077-24 flagged concerns that the Heart Rate Notifications ad is "distressing" and "triggering" for a person with "health anxiety" who interprets them as "essentially stating a false truth that if you don't have an Apple Watch, you will die of a heart complication".

Apple contends that neither complaint reflects a reasonable or factual interpretation of the advertisements. The advertisements show true stories to demonstrate that the Apple Watch is one tool that people can use for wellness purposes and to detect hard falls.

The advertisements comply with the Code.

Heart Rate Notifications ad

The Heart Rate Feature on Apple Watch checks in the background for unusually high or low heart rates. While the feature does not itself diagnose any underlying conditions or diseases, it can help users identify situations that may warrant further evaluation. If a user's heart rate is above 120 beats per minute (bpm) or below 40 bpm while they appear to have been inactive for 10 minutes, the user will receive a notification. Users can adjust the threshold bpm or turn these notifications on or off. All heart rate notifications — along with date, time and heart rate — can be viewed in the Health app on iPhone.

The Heart Rate Notifications ad begins with Lexie's mum recounting that 'the doctor said get to Melbourne now'. This establishes that Lexie's condition (a heart block) was diagnosed by a doctor. The impetus to query her heart rate with the doctor is then factually documented - Lexie's low heart rate triggered notifications on her Apple Watch that she then raised with her doctor. As such, the ad does not say or imply that "all you need is an Apple Watch to save your life" or "that if you don't have an Apple Watch, you will die of a heart complication". In fact, the ad is clear that a physician provided the diagnosis.

In this case, the Heart Rate Notifications feature prompted Lexie and her mother to mention the notifications to Lexie's doctor even though they assumed that "a low heart rate meant you're fit". The words 'turns out'- spoken by Lexie's mother - establish that her ultimate diagnosis was based on significant medical investigation. Lexie's mother's claim that "If it wasn't for that watch, she might not be here right

now” is a reasonable, if speculative, acknowledgement of the role of this feature in prompting a medical investigation that revealed a serious underlying condition. It is clear from the outset of the advertisement that Lexie is now in good health. The Apple Watch is depicted in a common exercise context - in this case hiking - not a therapeutic setting. A disclaimer is also shown during the ad which clearly states “Not intended for medical or therapeutic use.”

The daytime hiking setting and the calm conversational tone of Lexie’s mother is reassuring rather than distressing. Showing Lexie and her mother healthy and happy at the beginning of the ad sets the foundation that the story to be subsequently told has a happy ending. The ad is a light hearted story about one way in which the Apple Watch has helped people - it is not fear mongering or alarming. The ad complies with the Code.

Fall Detection ad

This ad demonstrates the Fall Detection feature. When a hard fall is detected with Apple Watch SE, Apple Watch Series 4 or later, or Apple Watch Ultra or later, an alert appears and allows the user to easily call emergency services or dismiss the alert. If the user is unresponsive for about a minute, an emergency call will be placed automatically and a message will be sent to the user’s emergency contacts. This feature is automatically enabled for users aged 55 and over, and can be turned on for anyone in the Watch app on iPhone.

The Fall Detection advertisement accurately reconstructs an occasion on which the Fall Detection feature assisted in contacting both emergency services and the subject’s wife while he was unconscious after a hard fall. The ad starts with Bruce, standing astride his road bike, looking over a vista, clearly healthy and well. In the voiceover, Bruce explains that his watch detected the hard fall, called for help and messaged his wife. While a fall can be a serious event, the ad makes light of the situation where the cyclist hits a kangaroo and humourously acknowledges the unusual incident as such. There is nothing in the ad to reasonably suggest that that “all you need is an Apple Watch to save your life,” as the complainant suggests. The ad complies with the Code.

The Community Panel’s consideration is not limited to the issues raised by individual complainants. The ads comply with the Code - in relation to Section 2 of the Code, we note that:

- the ads do not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief;*
- the ads do not contain violence;*
- the ads do not employ any sexual appeal;*
- the ads do not present or portray violence;*
- the ads do not portray any acts that relate to sex, sexuality or nudity.*
- the ads do not include strong or obscene language;*

- the ads do not depict material contrary to prevailing standards on health and safety; and
- the ads are clearly distinguishable as advertising.

The recent Community Panel decision 0029-24, which dismissed a complaint that an advertisement about IVF services was “triggering” for people for fertility issues, is instructive. The panel acknowledged that fertility is a sensitive subject for many people and indicated that “while the subject matter may trigger an emotional reaction in some viewers, the content of the advertisement was treated with sensitivity to those concerns” and that the potential to be “emotionally triggering” did not in itself raise an issue under the code.

Apple takes community standards seriously in preparing and publishing all of its advertising materials and other communications in Australia and around the world.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concerns, viewed the advertisements, and noted the advertiser’s response.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

The Panel noted the Practice Note for this section of the Code which states:

“The results or consequences of violence (e.g. a black eye) and audio representations of violence may also be prohibited. However, graphic depictions of violence or the consequences of violence may be justified by the community safety message involved”.

Does the advertisement contain violence?

Version 1

The Panel considered that while the advertisement does describe the threat to the woman’s health in a manner which is emotive and alarming, version one of the advertisement does not contain a depiction of violence.

Version 2

The Panel noted that the advertisement depicts a person having an accident while riding a bike. The Panel noted that you don’t see the person fall, or any injuries, however the sound and visual effects, as well as the story, create an impression of violence.

The Panel considered that version 2 of the advertisement contained a low level of violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted the advertisement is promoting the automatic fall detection safety feature of the watch, and considered that it is reasonable for the advertiser to depict a situation where this feature would be used.

The Panel considered that the advertisement did not show any blood or injury, and the advertisement provided the outcome showing the man to be okay. The Panel considered that the low level of violence in the ad would be justifiable in the context of promoting the fall detection feature.

Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence which was unjustifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel considered that the behaviour depicted in both advertisements was not unsafe, or likely to encourage unsafe activities.

The Panel acknowledged that some members of the community may feel concerned or alarmed that they do not have this product. However, the Panel considered that the advertisement does not make the claim that it is the only product with these features, or that if someone doesn't have this product they are at risk.

The Panel considered that the overall context of each version of the advertisement was to promote the safety features of the product, and that it is reasonable for the advertiser to promote such features. The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.