

COMPLAINT NUMBER	17/192
COMPLAINANT	Z Adaim and A Davison
ADVERTISER	Pharmabroker Sales Ltd
ADVERTISEMENT	Pharmabroker Sales Ltd, Television
DATE OF MEETING	26 June 2017
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Pharmabroker Sales Ltd promotes Nailclin, a nail fungal treatment. It shows a close up of infected toes while stating, “Does your partner share his grungy toes with you? The trouble is they can rub off on you. Nailclin penetrates affected nails. Nail it with Nailclin!”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, Z Adaim, said: I am complaining about the timing of the toe nail advert displayed on the date mentioned above Between 5:24pm-5:28pm.

This timing is horrible as people are having dinner and do not need to see disgusting nail fungous images as displayed by this ad. Please review the timing of this ad to a more suitable and considerate time.

Complainant, A Davison, said: It shows gross fungal toenails and we are trying to eat dinner. Play it at a different time.

The relevant provisions were Code of Ethics - Rule 4, Rule 5; Therapeutic and Health Advertising Code - Principle 1.

The Chair acknowledged the concerns of the Complainants about the timing of the advertisement for a fungal nail treatment.

However, on viewing the advertisement, the Chair noted a previous Decision 16/078 which was for a similar product with similar images and played at a similar time. The precedent Decision said, in part:

“The Acting Chair noted the Complainant’s concerns that it was not appropriate to show images of toes with fungal infections when people may be eating dinner.

While the Acting Chair acknowledged the offence the advertisement’s timing caused the Complainant her view was that the fleeting images of the infected toes shown during prime-time television news would not reach the threshold to cause either serious or widespread offence to most people.”

The Chair agreed with the precedent and said while the images were somewhat confronting, the advertisement did not meet the threshold to cause serious or widespread offence to most viewers and was not in breach of the Code of Ethics. The Chair said the advertisement had been prepared with a high standard of social responsibility to consumers and society and was not in breach of the Therapeutic and Health Advertising Code.

The Chair ruled that there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**