

COMPLAINT NUMBER	17/204
COMPLAINANT	E Venning
ADVERTISER	Procter & Gamble Australia Pty Ltd
ADVERTISEMENT	Procter & Gamble Australia Pty Ltd, Television
DATE OF MEETING	25 July 2017
OUTCOME	Not Upheld

SUMMARY

The television advertisement for Vicks Vapodrops shows a man with a lozenge inserted in each nostril, while he rubs two further lozenges up and down his throat area. He is corrected by his companion and instructed that he should be putting the lozenges in his mouth.

The Complainant said that the advertisement was irresponsible for showing objects being inserted into nostrils, as children could emulate this dangerous practise.

The Complaints Board ruled that the slapstick humour and placement of the advertisement made it unlikely that children would be viewing or trying to emulate the actions of the comedian.

The Complaints Board said the advertisement did not reach the threshold to breach Rule 12 of the Code of Ethics and did not encourage a disregard for safety. Therefore, the Complaints Board ruled the advertisement had been prepared with a due sense of social responsibility to consumers and society.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 12 of the Code of Ethics. This required the Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society and whether it contained any visual presentation or description of dangerous or illegal practices or situations which encourage a disregard for safety.

The Complaints Board was also required to consider whether advertisements making therapeutic claims observed a high standard of social responsibility to consumers and society as consumers rely on them for their health and wellbeing.

The Complaints Board ruled the complaint was Not Upheld

The Complaint

E.Venning said that the advertisement was irresponsible for showing objects being inserted into nostrils, as children could emulate this dangerous practice.

The Advertiser's Response

The Advertiser disagreed that there had been any breach of the Advertising Codes. It said the advertisement was a light-hearted, humourous scenario, which was not aimed at children. The lozenges were placed at the entrance of the nostril, rather than actually inserted into the nasal passage. The Actor's actions were quickly chastised by the second character in the advertisement, therefore discouraging rather than encouraging dangerous practices.

The Media Response – Commercial Approvals Bureau

CAB confirmed that the advertisement has been given a GXC (General Except Children) classification and that the advertisement would not be played during children's programming.

The Complaints Board Discussion

The Complaints Board noted the Advertiser's explanation that the advertisement featured the Umbilical Brothers, who are well known in Australia for their physical, slapstick form of comedy. The Complaints Board noted that the comedians were not as recognisable to New Zealand audiences, meaning their intended message may not have translated as easily in this country as it would have in Australia, where the advertisement was made.

The Complaints Board agreed with the Advertiser that the obvious slapstick scenario of the lozenges being placed at the entrance of the nostrils was unlikely to encourage children to emulate this. The character was quickly told it was the wrong action to take and the lozenges were far too large to physically insert into the nasal passage.

The Complaints Board confirmed that the GXC classification and the placement of the advertisement meant it was unlikely to be viewed by unsupervised children.

The Complaints Board said the advertisement did not reach the threshold to breach Rule 12 of the Code of Ethics and did not encourage a disregard for safety. Therefore, the Complaints Board ruled the advertisement had been prepared with the required standard of social responsibility to consumers and society.

Accordingly, the Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The television advertisement for Vicks Vapodrops shows a man with a lozenge inserted in each nostril, while he rubs two further lozenges up and down his throat area. The second man asks what he is doing and is told "You said Vicks vapodrops will clear the nose and sooth the throat?" He is told that "you need to put them in your mouth!" He is encouraged to take fresh lozenges from the packet rather than eat the ones that had been up his nose, which he does, but then returns the used ones back in the packet. The advertisement ends with the tag-line "Vicks vapodrops – Feel the effect in seconds"

COMPLAINT FROM E VENNING

For adults this advert is definitely pretty funny with a guy trying to stick the vapodrops up his nose to clear it.

However it's really irresponsible if viewed by kids who will want to emulate this and could harm themselves. The humour for adults isn't worth the risk of harm with kids emulating this. It's of a high risk too because it's something that kids can immediately pretend to do eg. pick up an item and shove up their noses to play along and emulate the joke of the advert. There are no real negative consequences or dangers shown in the advert to balance out the dangerous action or suggest it could be harmful.

Also it's not like the adverts which are such a fantasy they won't be emulated eg. the toddler driving a car when it's so silly it's not going to be replicated. The gag in this advert is instantly able to be copied by kids either with vapo drops or any item small enough to pretend with, and that's what makes it so irresponsible and dangerous.

CODE OF ETHICS:

Rule 12 Safety: Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

THERAPEUTIC AND HEALTH ADVERTISING CODE:

Principle 1: Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

RESPONSE FROM ADVERTISER: PROCTER AND GAMBLE AUSTRALIA PTY LTD

Executive Summary

1. In summary, we do not consider the Advertisement breaches the Advertising Codes of Practice (**Advertising Codes**), as outlined in your letter, for three key reasons:
 - (a) the Advertisement clearly **discourages** persons to place the Vicks VapoDrops up their nose;
 - (b) the tone of the Advertisement is light-hearted and humorous in nature and in no way seriously suggests it is a good idea to place the Vicks VapoDrops in the nostrils; and
 - (c) the Advertisement is not targeted at children nor is it intended to appeal to children.
2. For the reasons set out above, we request that the complaint is not upheld

The Advertisement

3. The actors in the Advertisement are Australian comedians, Shane Dundas and David Collins, better known by their stage name as "The Umbilical Brothers". The actors are well known for their exaggerated style of physical comedy.
4. In the Advertisement, one of the actors (David Collins) is seen sticking two lozenges at the edge of his nostrils and holding up two lozenges comically on

the sides of his neck in an attempt to "*clear a blocked nose and soothe a sore throat*" as the product rightly claims to do.

5. However, his action is immediately chastised by the other actor (Shane Dundas) when he exclaims, "*You're supposed to put it in your mouth*" thus already making it clear that he is correcting the actions of David. In other words, the message conveyed by the visual presentation to viewers (adult and children alike) is to refrain from emulating the David's silly actions.
6. The remainder of the Advertisement then goes on to reinforce the proper use of Vicks VapoDrops as demonstrated by the actors — i.e. by oral ingestion.
7. The Advertisement is not specifically targeted towards children but towards the general adult population. The Advertisement runs 11% of the time late night, 60% in peak time and 29% in daytime. We believe that for the most part, the Advertisement appears during adult programming and if viewed by children, it would likely be under adult supervision.

Our reasoning

8. You have referred us to the following sections of the Advertising Codes of Practice:

- (a) Code of Ethics — Rule 12; and
- (b) Therapeutic and Health Advertising Code — Principle 1.

9. We comment as follows.

Code of Ethics — Rule 12

10. Rule 12 of the Code of Ethics provides that:

Safety — *Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.*

11. We do not accept the Advertisement has breached Rule 12. This is because:

- (a) The Advertisement does not contain a visual presentation which **encourages** a disregard for safety. In fact, the opposite is true as the Advertisement clearly **discourages** a person from placing the Vicks VapoDrops up their nose. This is shown by the shocked body language of the actor, Shane Dundas, and with a strong discouraging tone saying "*What are you doing?*" and "*You put them in your mouth*".
- (b) The Advertisement is clearly humorous and light-hearted in nature and in no way seriously suggests it is a good idea to place the Vicks VapoDrops in the nostril or on the throat.
- (c) The Vicks VapoDrops are large in size and are depicted as being carefully placed on the outer rim of the nostril (rather than forcefully placed up the nostril canal).

12. Further, the Advertisement is not targeted at children nor is it intended to appeal to children. For example:

- (a) The actors performing are adult men (as opposed to other children or a popular children's celebrity).

(b) There are no visual presentations that would likely be attractive to children (the theme, images, colours, wording, music and language used is not likely to be appealing to children).

(c) The Advertisement is clearly marketing Vicks VapoDrops as a **sore throat lozenge** (as opposed to a food attractive to a child). This can be seen by the words and actions of the actors and the requisite warning statements (see attached) which are not generally associated with products that are attractive to children.

(d) Lastly, it is important to acknowledge that the Complainant viewed the Advertisement at approximately 12.10 a.m. whilst watching *The Tonight Show* on Prime TV. This is at a time where a child is highly unlikely to be watching television and during a show that will likely have little to no appeal to children (given it is adult entertainment show).

13. In light of the above, we do not consider the Advertisement encourages children to emulate placing the Vicks VapoDrops up their nose (as the Complainant suggests). In fact, it is our view that the Advertisement **discourages** this type of behaviour.

Therapeutic and Health Advertising Code — Principle 1

14. Principle One provides that:

PRINCIPLE 1: SOCIAL RESPONSIBILITY Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

15. We do not accept the Advertisement has breached this principle. Instead, we consider the Advertisement observes a high standard of social responsibility. This is because:

- (a) the Advertisement is targeted at adults and is unlikely (and not intended) to appeal to children (as noted earlier in our letter);
- (b) the humorous and light-hearted nature of the Advertisement reinforces the fact that Vicks VapoDrops are not intended to be placed up the nostril (and that the Advertisement actively encourages a person not to do this); and
- (c) the Advertisement only runs on mainstream television during time slots that are outside of likely children's viewing hours or at times that are likely to be supervised by an adult.

16. In light of the above, we do not consider it is reasonable to suggest that children are likely to emulate the Advertisement. We therefore consider the Advertisement observes a high standard of social responsibility.

17. For completeness, we also note that Therapeutic Advertising Pre-vetting Service (**TAPS**) approval of the Advertisement was obtained prior to the Advertisement being aired and no issues were raised in this regard.

16. Thank you for providing us with the opportunity to respond.

RESPONSE FROM MEDIA: COMMERCIAL APPROVALS BUREAU

We have been asked to respond to this complaint under the following codes:

Code of Ethics – Rule 12

Therapeutic and Health Advertising Code – Principle 1

CAB approved this Vicks commercial on 01/04/16 with a GXC classification. The PGR classification is a restrictive one, and prevents the commercial from playing during children's programming hours.

We would like to note that the complainant viewed this commercial after midnight on the Prime channel.

The complaint cites a safety concern where one comedian is shown with Vapodrops inside his nostrils, with a genuine worry the behaviour could be emulated by small children. The complainant does not identify an age range, but a generous guess might be children under the age of 10.

Concern for the safety of child viewers is an important issue, and is the primary reason the GXC classification exists. The GXC rating creates a safe time for young New Zealand viewers – it is a targeted rating to make sure that commercials do not air in the hours when children can enjoy the programming directed to their interests.

The GXC classification makes sure that advertising directed towards older viewers, parents and consumers is relayed to that audience. It allows material suited for grown-ups to be shown to grown-ups.