

COMPLAINT NUMBER	19/072
COMPLAINANT	G Skilleter and P Lynch
ADVERTISER	Homecare Medical
ADVERTISEMENT	Homecare Medical Television
DATE OF MEETING	25 February 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Quitline showed a man, who is a smoker, in everyday situations including at home, with friends barbequing and at work. In each scene the man is coughing and in the last scene the phlegm he coughs up into a handkerchief includes blood. The voice-over says: "At any time, your smoker's cough can become smoker-with lung cancer's cough. The time to quite is now. Take the first step. Text Quit to 4006." The advertisement ends with the text information on screen and the Quitline and New Zealand Government logos.

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

Complainant, G Skilleter, said: The advert is for "Quit-line" To get people to stop smoking cigarettes. I am not a smoker but used to be, so I have no problem with the advert, just the time that it was aired. Right in the middle of breakfast. We had our granddaughter with us and she was almost sick as was I. This is the second time in the last few days this advert has appeared during mealtimes and it is very off-putting. I understand that we need to get the message across, but please not when we are eating.

Complainant P Lynch said: The quitline advertising shows a smoker coughing up bloody phlegm. It is a disgusting thing to see anytime let alone for a non smoker who doesn't want to see what filth smoking can do. It is particularly offensive when having a meal or drink.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(e).

The Chair acknowledged the Complainants' concerns about the graphic imagery in the Quitline advertisement, regardless of the value of the stop smoking message, and that the advertisement often screened at meal times.

Turning to the advertisement before her, the Chair confirmed the identity of the Advertiser, Quitline, was clear along with contact information. She confirmed it was an advocacy advertisement for the purposes of Rule 2 (e) of the Advertising Standards Code.

The Chair noted the offence caused by the imagery and timing of the advertisement, but said this was outweighed by the important message about the significant health risks from smoking and promoting an option to help smokers quit.

The Chair said the public health advertisement was rated GXC (General except children's programmes) which meant it may be broadcast at any time except during programmes which are intended specifically for children under the age of 13.

The Chair said the advocacy advertisement had not met the threshold to cause serious or widespread offence under Rule 1(c) and it complied with the advocacy requirements of Rule 2(e).

Accordingly, the Chairman ruled that there were no grounds for the complaint to proceed.

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

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.