

COMPLAINT NUMBER	19/462
COMPLAINANT	J Hill
ADVERTISER	GlaxoSmithKline NZ Ltd
ADVERTISEMENT	Television
DATE OF MEETING	9 December 2019
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for a GlaxoSmithKline vaccine for meningitis showed several children with scarring and limb loss, as a result of meningitis. The voiceover said "...Even if your child has been immunised they may be missing protection against meningococcal disease, a rare but potentially deadly and devastating disease..."

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

Complainant, J Hill, said: They were basically guilted parents into getting a meningococcal vaccination by showing images of children who have lost limbs. The meningococcal vaccination costs over \$300 so it is out of the financial viability of the majority of families. It's actually not ok

The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Principle 2, Rule 1(c):

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.

Principle 2: Truthful Presentation: Advertisements shall be truthful, balanced and not misleading. Advertisements shall not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

Rule 1 (c) Vulnerable audiences: Advertisements should not portray unrealistic outcomes or prey on or misrepresent vulnerable audiences (e.g. sick, elderly, pregnant women, overweight people).

The Chair noted the Complainant's concerns the advertisement was encouraging parents to buy a costly vaccination by showing images of children who have lost limbs.

The Chair referred to a precedent decision, 19/302, which Not Upheld. It concerned another complaint about a different GlaxoSmithKline television advertisement for Bexsero, a new vaccine to help protect against Meningococcal B disease. In that decision the Complaints Board said the advertisement did not portray unrealistic outcomes or prey on vulnerable audiences. This is because there are serious risks associated with Meningococcal B and the way these risks were conveyed in the advertisement was not scaremongering. The Complaints Board noted that while this information may be potentially distressing to parents, it was not unjustified in the circumstances.

Turning to the complaint before her, the Chair said that the precedent decision, 19/302, was relevant. Like the advertisement in the precedent decision, this advertisement was also using powerful evidence to support the reasons for vaccinating against meningitis. The Chair said the advertisement was not misleading.

The Chair ruled 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.