

COMPLAINT NUMBER	20/194
ADVERTISER	Johnson & Johnson (New Zealand) Ltd
ADVERTISEMENT	Sudafed, Television
DATE OF MEETING	8 June 2020
OUTCOME	Settled – advertisement removed

Advertisement: The Sudafed television advertisement by Johnson & Johnson promotes its Sudafed Nasal Spray. The advertisement shows a woman with a blocked nose in a bathroom before a job interview. The advertisement states the product is fast acting and provides relief for up to 12 hours. The advertisement concludes with the woman attending her job interview without any evidence of a blocked nose.

The Chair ruled the complaint was Settled

Complaint: I believe Johnson and Johnson is being socially irresponsible by advertising Sudafed nasal spray in a way which encourages people to use their product to go to a work interview while experiencing nasal symptoms. During a global pandemic threatening our economy and thousands of lives Johnson and Johnson is encouraging people to go out in public while sick instead of staying home and saving lives in direct contradiction to government orders and advice.

The Advertiser, Johnson & Johnson (New Zealand) Ltd, said: “This is regarding the Sudafed NZ TVC complaint 20/194.

The Sudafed NZ TVC was approved by TAPS PP4114 and first broadcast in May 2019, running throughout last year’s sinus season and extended in early 2020 (pre-COVID19).

On 22 May a decision was made to cease broadcasting this commercial at this time of the COVID19 pandemic.

Johnson & Johnson (New Zealand) Ltd recognizes the importance of ensuring that advertising that was previously approved in pre-COVID19 times, needs to be constantly reconsidered in keeping with public health advice during this unprecedented and constantly changing time.

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

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.

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).

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 2(a) Truthful presentation: Advertisements shall be accurate. Statements and claims shall be valid and shall be able to be substantiated. Substantiation should exist prior to a claim being made. For medicines and medical devices, therapeutic claims must be consistent with the approved indication(s) (for medicines) or the listed intended purpose (for medical devices).

The Chair noted the Complainant's concern the advertisement was irresponsible to encourage those with cold symptoms to go to work during a global pandemic.

The Chair acknowledged the Advertiser had taken action to remove the advertisement in light of the COVID-19 pandemic.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the complaint was settled.

Chair's Ruling: Complaint **Settled – advertisement removed**

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 calendar days of receipt of this decision.