

ASA Adjudication on Nicofresh Ltd

Nicofresh Ltd

94 High Street
Belfast
BT1 2BG

Date:

6 August 2014

Media:

Poster

Sector:

Leisure

Number of complaints:

6

Agency:

Bloom

Complaint Ref:

A14-268557

Background

Summary of Council decision:

Two issues were investigated, both of which were Upheld.

Ad

A billboard poster, which appeared in various locations in Belfast, featured an elderly white woman sitting on a sofa alongside a young black man. The man had his arms around the woman and his eyes were closed, whilst the woman held an electronic cigarette and was looking directly at the camera. Text alongside the image stated "NO TOBACCO. NO TABOO".

Issue

1. Six complainants challenged whether the ad was offensive on the grounds of race, because it implied that an interracial relationship was socially unacceptable.
2. Four of the complainants challenged whether the ad was offensive on the grounds of age, because it implied that a relationship between an elderly woman and a younger man was socially unacceptable.

CAP Code (Edition 12)

[4.1](#)

Response

1. & 2. Nicofresh Ltd explained that the campaign was based on the observation that, over the last 30 years, cigarette smoking had come to acquire taboo status in Irish and British society. Smoking was banned in most public places, meaning that smokers were not free to smoke in most of the everyday smoking situations that make up the 'public sphere', including public transport, public houses and cinemas. They said the restrictions placed on cigarette smoking had been followed by a generation of intense anti-smoking advertising and publicity designed to associate smoking with ill-health and a lack of consideration for others, including family and friends.

They said, if "taboo" was defined as "social or religious custom prohibiting or restricting a particular practice or forbidding association with a particular person, place or thing", there was little doubt that smoking had acquired taboo status in 21st century British society. They said the ad asserted that, thanks to Nicofresh, and the social permissibility of e-cigarettes, smokers could indulge in a variation of social smoking without feeling the sense of disapproval that smoking could result in. Therefore, they stood by the literal claim "No Tobacco, No Taboo".

Nicofresh stated that the complaints related to the visual representation used in the ad. They believed it could not be denied that relationships between two people of different races, or age groups, had, within living memory, been subject to social taboo status. They said, contrary to the complainants' understanding, the ad made the point that prejudice regarding relationships between two people of different race, or age, no longer existed, and that it was perfectly acceptable to depict such a relationship as there was "no taboo". They believed that consumers viewing the ad would at first think that the woman was smoking a traditional cigarette, but upon further investigation would see that she was in fact smoking an e-cigarette, and realise that nothing taboo was being depicted in the ad. Therefore, they asserted that the message at the heart of the ad was an entirely positive one, just as there was "no taboo" associated with relationships between people of different races and age groups, now there was "no taboo" associated with a variation of smoking.

JCDecaux, the media owner of sites where the ad appeared, stated that they had not received any complaints regarding the ad directly, but did not comment on why they considered the ad to be compliant with the Code.

Assessment

1. & 2. Upheld

The ASA considered that consumers were likely to interpret the ad to mean that, contrary to the relationship depicted, to smoke e-cigarettes was not a taboo issue. We noted the pronounced age gap between the man and woman, the fact they were a couple, and that the image was accompanied with the text "NO TOBACCO. NO TABOO". We considered that consumers would believe that the ad was presenting a relationship between an older and younger individual, particularly an older woman and a younger man, and a couple of different races, as something that was unusual or socially unacceptable. Because of that, we concluded that the ad was likely to cause serious or widespread offence on the grounds of race and age.

The ad breached CAP Code (Edition 12) rule 4.1 (Harm and offence).

Action

The ad must not appear again in its current form. We told Nicofresh Ltd to ensure their marketing communications did not contain anything that was likely to cause serious or widespread offence in future, and to take particular care to avoid causing offence on the grounds of race or age.