

PRIMARY CARE TRUST DIRECTOR OF STANDARDS v JANSSEN-CILAG

Invega journal advertisement

The director of standards at a primary care trust alleged that an advertisement for Invega (paliperidone prolonged release tablets) placed by Janssen-Cilag in *Doctor*, breached the Code in its unacceptable use of naked people and sexual imagery. Invega was indicated for the treatment of schizophrenia.

The Panel noted that the advertisement featured a photograph of a young naked woman who was in the process of shedding her skin. The woman was positioned such that her torso was not completely visible. The Panel did not consider that in the context of the advertisement, noting in this regard the claim 'For the person within', the photograph was unacceptable in relation to the prohibition on the use of naked people or sexual imagery to attract attention. The Panel did not consider that the majority of health professionals would be offended by the advertisement. The Panel ruled no breach of the Code.

The director of standards at a primary care trust complained about an advertisement (ref IBE/07-0052) for Invega (paliperidone prolonged release tablets) placed by Janssen-Cilag Ltd in *Doctor*, 18 September. Invega was indicated for the treatment of schizophrenia.

COMPLAINT

The complainant alleged that the advertisement breached Clause 9 of the Code in its unacceptable use of naked people and sexual imagery.

When writing to Janssen-Cilag, the Authority asked it to respond in relation to Clauses 9.1 and 9.2 in particular.

RESPONSE

Janssen-Cilag refuted breaches of Clauses 9.1 and 9.2 as it considered that high standards had been maintained and that the advertisement did not depict naked or partially naked people for 'the purpose of attracting attention to the material or the use of sexual imagery for that purpose'.

The depiction of a woman shedding her skin was a metaphor for the potential effect of this antipsychotic and the focus was on the efficacy of the medicine and the potential improvement of the patient's mental state subsequent to taking Invega. This was linked to the strapline 'For the person within'. The strapline further

explained the image and it was important to view the piece in its entirety. The woman was not depicted clothed since an essential element of the concept was of 'shedding skin' to reveal 'the person within'. This image was not designed to be in any way sexual in nature and Janssen-Cilag was convinced that most health professionals would not find the image offensive or sexual in nature. Janssen-Cilag also contended that the image was not unsuited to the concepts of improving a patient's well-being within a psychiatric context and hence did not believe that its format or suitability were in breach of Clause 9.

Janssen-Cilag, of course, would not wish to offend health professionals, and as such the image used in the advertisement had undergone market research testing, involving 43 psychiatrists, during the various stages of its development. The advertisement had also been pre-vetted by the Medicines and Healthcare products Regulatory Agency (MHRA); no issues of unsuitability of the image or taste were raised.

Janssen-Cilag believed that the diligence undertaken during the development of this concept, which convinced it that the advertisement would not be likely to cause offence to the majority of health professionals, such that it would be consistent with the requirements of Clause 9.2, also demonstrated awareness of the requirements of Clause 9.1 and Janssen-Cilag contended that high standards had been maintained. While recognising differences in personal taste, the company was satisfied that the vast majority of health professionals viewing this advertisement would not find it offensive or sexual in nature.

PANEL RULING

The Panel noted that the advertisement featured a photograph of a young naked woman who was in the process of shedding her skin. The woman was positioned such that her torso was not completely visible. The Panel did not consider that in the context of the advertisement, noting in this regard the claim 'For the person within', the photograph was unacceptable in relation to the prohibition on the use of naked people or sexual imagery to attract attention. The Panel did not consider that the majority of health professionals would be offended by the advertisement. The Panel ruled no breach of Clauses 9.1 and 9.2.

Complaint received	26 September 2007
Case completed	29 October 2007