



Ad Standards Community Panel  
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AdStandards.com.au

Ad Standards Limited  
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## Case Report

1. Case Number :	0020-22
2. Advertiser :	Noom
3. Product :	Slimming
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	2-Feb-2022
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a man eating in various scenarios, primarily dining out, finishing all the food on his plate before allowing his plate to be cleared. At the conclusion of the advertisements, the man realizes that he has been conditioned to finish his plate since childhood.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*I am writing to you with my concern that this advert creates an image that's associates mental health with weight and fitness in a negative connotation, in particular I'm appalled that Noom is enforcing the idea that people should feel guilty for merely finishing a plate of food. Especially or particularly in the current climate when poor mental health levels are at record highs and during covid/lockdowns many people have struggled with mental health issues. I feel this advert will look to increase eating disorders or dangerous eating habits.*

*I was completely offended by this advertisement. If I viewed this as a young child I would most definitely feel conscious that if I always finished my plate of food I would be overweight.*



*I object and am offended by the advertisement due to the nature of the advertisement. There are many people who are battling eating disorders and do not need to see anything affirming their disordered ideas surrounding eating, body image and weight loss. Content such as this has the potential to cause people with eating disorders to spiral. I particularly find the use of Eating Disorder psychology and psychological terms to be predatory in the use of their ads and purposely target ill people.*

*These ads promote eating disorders under the guise of 'health'. They are damaging to young people and old alike. As somebody in active eating disorder recovery - I find these ads triggering.*

### **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*I write in response to the letter dated January 14, 2022, received by me on January 27, 2022, concerning four (4) complaints related to broadcast advertisements created by Noom, Inc. ("Noom") airing between December 27, 2021 and January 10, 2022 (the "Advertisements"). As described more fully below, the Advertisements do not depict material contrary to the AANA Code of Ethics.*

*Based on the description of the Advertisements provided in the January 14 letter, the Advertisements at issue depict a man eating in various scenarios, primarily dining out, finishing all the food on his plate before allowing his plate to be cleared. At the conclusion of the Advertisements, the man realizes, with the help of Noom, that he has been conditioned to "finish his plate."*

*The Advertisements do not depict material contrary to the AANA Code of Ethics Section 2.6 specifically identified by the January 14th letter (or any other sections of the AANA Code of Ethics, all of which Noom submits are irrelevant to the complaints received).*

*Section 2.6 states "Advertising shall not depict material contrary to Prevailing Community Standards on health and safety" and requires advertising "not depict content that would encourage or condone unhealthy or unsafe behavior having regard to Prevailing Community Standards." See AANA Code of Ethics Section 2.6; AANA Code of Ethics Practice Note dated February 2021. Section 2.6 is primarily concerned with depictions of an "unrealistic ideal body image" defined as portraying body shapes or features that are unrealistic or unattainable through healthy practices [or] where models are depicted in a way that: promotes unhealthy practices[,] presents an unrealistic body image as aspirational; or is reasonably likely to cause pressure to conform to a body shape that is unrealistic or unattainable through healthy practices (such as diet or physical activities); unless such depictions are justifiable in the context*



*of the product or service advertised.” AANA Code of Ethics Practice Note dated February 2021.*

*To the extent that Section 2.1 could be considered to be at issue, it prohibits the portrayal of “people or depict[ion of] material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.” AANA Code of Ethics Section 2.1. Section 2.1 defines discrimination to mean “unfair or less favourable treatment” and vilification to mean “humiliates, intimidates, incites hatred, contempt or ridicule.” See AANA Code of Ethics Practice Note dated February 2021.*

*The Advertisements depict none of these scenarios. Noom Weight, the service being advertised, is a weight management program centered around psychology and building healthy habits for the long term. The Advertisements do not depict unrealistic or unattainable body shapes and/or features and do not suggest conformance to unrealistic body image. Further, the Advertisements do not depict, discriminate, or vilify any person or class of persons, including those with mental illness. The Advertisements, like Noom Weight itself, focus on providing a science-backed, sustainable, holistic solution to understanding the why behind an individual’s behaviors and help them achieve various health goals, including but not limited to, weight loss.*

*To address a concern articulated in the complaints related to eating disorders, Noom takes eating disorders very seriously, and actively works to avoid causing harm to or triggering someone who has experienced a harmful relationship with food in the past. We do not allow those with diagnosed eating disorders to sign up for Noom Weight, and a team of coaches with specialized clinical experience monitors and responds to cases of users who may be struggling after entering the program, directing them away from Noom and towards appropriate care.*

*Please let us know if any additional information can be provided to help the Community Panel in reaching its decision.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concerns that:

- The advertisement enforces the idea that people should feel guilty for finishing their plate
- The advertisement could be dangerous for young viewers by suggesting that they will be overweight if they finish their plate, possibly leading to eating disorders
- The advertisement promotes eating disorders
- The use of eating disorder psychology and psychological terms is predatory.



The Panel viewed the advertisement and noted the advertiser's response.

**Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel considered that the advertisement does not indicate whether finishing your plate is good or bad, simply an observation that the habit itself is ingrained, and not necessarily a conscious choice.

The Panel noted that the 15sec version of the advertisement states that "Richard has been conditioned to finish his entire plate his entire life, even when he's full", and the 30sec version contains an image of the program on his phone, which states "Finishing your plate even when you're full".

The Panel considered that the intent of the advertisement is to indicate that many eating habits are ingrained and that the advertised program relies on psychology to assist users to be informed about their choices.

The Panel considered that most viewers would not find the advertisement to promote, encourage or condone unhealthy eating behaviours.

**Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

**Conclusion**

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.