



Case Report

1	Case Number	0025/15
2	Advertiser	Pharmabrands Labs
3	Product	Slimming
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	11/02/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Advertisement begins with a healthy sized person scoffing food and a voice over says "are you disgusted with how much weight you've put on over the holiday season". It follows with some pictures of people eating food and the voice over says "do you wish you'd stop stop stopped". The advertisement then introduces Rapid Loss as a means of weight loss.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The advertisement is incredibly offensive and dangerous as implying people should be "disgusted" by their weight can trigger people with eating disorders, especially as the actor used is of a healthy weight (the advert implies they are too fat and should be disgusted by their appearance). The advertisement purposely tries to manipulate people by using aggressive emotive words and pictures of people looking unattractive whilst eating to sell their product. The wording and imagery used in the advert is hateful, derogatory, insensitive and potentially very dangerous, and therefore it is not appropriate for television. Please remove it, thank you.

THE ADVERTISER'S RESPONSE

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

The advertiser did not respond.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features material that is derogatory and insensitive and is contrary to prevailing community standards on body image. The Board viewed the advertisement and noted the advertiser did not respond.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict 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 preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement commences with a female presenter talking about weight gain over the festive season and how the product can assist with weight loss. The advertisement shows women talking about the success they have had and includes photos of “before and after” images of themselves.

The Board noted the complainants’ concerns that it is manipulative and unsafe to use wording and images like these and can trigger eating disorders.

The Board noted that the product advertised is a weight loss aid and considered that in the context of a weight loss product it is reasonable to show before and after images of people who have used the product and had some success. The Board noted that the advertisement only features women and considered that the advertiser has the right to target their advertising material to whatever target market it prefers.

The Board noted it had recently dismissed complaints for a similar advertisement for the same product (0563/14). In that case, the Board noted that “the product advertised is a weight loss aid and considered that in the context of two women on a beach talking about losing weight for summer the depiction of the women in bikinis is relevant rather than gratuitous.”

The Board considered that the advertisement did not portray or depict material in a manner which discriminates against or vilifies a person or section of the community on account of gender or physical attributes.

Consistent with the decision above, the Board determined that the current advertisement did not breach Section 2.1 of the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainants’ concerns that the advertisement suggests that being overweight is ‘disgusting’ and that this could encourage unsafe eating disorders.

The Board noted that the presenter refers to weight gained over the festive season and how many people may wish they had stopped overindulging before putting on weight.

The Board noted that the presenter does not suggest that putting on weight is disgusting or that people who are overweight are disgusting but rather highlights how the viewer may feel

disgusted with themselves for overdoing things during the festive season and gaining undesired weight.

The Board noted that the women providing testimonials in the advertisement are presented as healthy and active and considered that the on-screen disclaimers regarding healthy diet and exercise in conjunction with the images of the women is suggestive of being healthy rather than thin. The Board noted that the advertised product is a weight loss aid and considered that it is appropriate to depict women who appear to have successfully used the product.

The Board acknowledged that there is significant community concern about the promotion or encouragement of unhealthy body weights but considered in this instance the advertisement does not depict, promote or encourage women, or men, to be underweight.

The Board considered that the advertisement did not present material which would be contrary to prevailing community standards on health and safety around body image.

The Board determined that the advertisement did not breach Section 2.6 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.