



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0025/19
2	Advertiser	Youfoodz
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/02/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has eight different versions. Each one has a variation of a person saying "I lost mine". Advertisements include "I lost mine with the delivery driver"; "We lost ours together"; "I lost mine in aisle 3"; "I lost mine with the entire office"; "I lost mine with the girls"; "I'm losing mine right now". The advertisement ends with the voiceover "Weight loss refreshed. How will you lose yours?"

THE COMPLAINT

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

it is simple to sexual and very discomfoting

The insinuation of the advertisement was that people had lost their virginity somewhere eg 'we lost it together', 'I lost it at work'

Really tacky and irrelevant to the product being advertised.





I feel annoyed and offended every time the ad comes on and I would never buy the product.

All of the subjects on the ad say that they "lost mine" - a clearly intended reference to losing their virginity - in reference to a number of situations - e.g. in bed, with a fitness team, with the whole office, etc. etc. - in order to draw the viewer in to a salacious circumstance and then turn to promoting their health/weight loss product. Additionally, the ad was shown at least twice during ad breaks (high frequency) throughout family shows (e.g. watching Touched By An Angel during the holidays with kids and we have noticed it during other shows). I and my family found the content itself offensive - trivialising and demeaning sexual activity for the sake of an ad - in addition to displaying it in the context of family shows and the high frequency of display.

THE ADVERTISER'S RESPONSE

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

Comments in relation to Section 2 inclusive:

The Youfoodz "I Lost Mine" TVCs have generated positive interest in the new 70 30 weight loss range with strong growth in searches online for the terms "Youfoodz, Youfoodz 70 30 and Youfoodz Diet" and growth in website traffic to youfoodz.com weight loss pages.

Noting the above, we believe the ad is having the intended and appropriate affect to drive awareness and consideration of the new Youfoodz 70 30 weight loss range across the market in general.

In relation to any complaints the advertisement goes to supporting a range of occasions for weight loss and doesn't discriminate in helping the audience to consider how they can use Youfoodz to support weight loss. At no point does the ad exploit, degrade, use bad language or promote violence or poor health & safety. If any sexual connotations are perceived by viewers they are dispelled by way of the advertisement linking the talent directly with their Youfoodz products and the end frames clearly highlighting the "weight loss refreshed" tag line in helping potential consumers to "lose theirs" as part of a clear weight loss connotation.

THE DETERMINATION

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



The Panel noted the complainants' concerns that the advertisement featured language and innuendo which was too sexualised for a general audience.

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

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted that there are several versions of this television advertisement. The Panel noted that each version of the advertisement features a person or couple talking about the places and contexts in which they 'lost it'. At the end of the advertisements it is revealed that 'lost it' refers to eating YouFoodz meals and losing weight.

The Panel noted the complainants' concerns that the sexual references in the advertisement were too sexualised for an audience that would include children.

The Panel noted the complainants had viewed the advertisement during the day and on Prime-time television and considered that the relevant audience for this advertisement was broad and would include children.

The Panel considered that the advertisement was clearly intended to be sexual innuendo and that most adults would recognise the language in this advertisement to be sexual innuendo.

The Panel considered that the initial reference to 'lost it' in the advertisement is quickly seen to mean consuming the food product for the first time and therefore losing weight and there is no sexual activity or depictions in the advertisement.

The Panel noted that it had previously considered a similar issue in case 0030/18, in which:

"The Board considered while the drawing may be suggestive of parental intimacy there is no direct reference to or portrayal of sexual activity. The Board considered that the sexual connotation was humorous, and that the focus of the advertisement is on the parents' discomfort, and that overall the impact of the sexual suggestion is sensitive to a broad audience which would include children."

Consistent with the previous determinations the Panel considered that while the current advertisement may be suggestive of sexual activity there is no direct mention of, or portrayal of, sex.



The Panel considered while the innuendo may be understood by some children, young children would not understand the innuendo and while the advertisement may initially be confusing the message of the advertisement would become clear when the product was revealed at the end.

The Panel considered that while some might consider the advertisement to be in poor taste the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined that the advertisement did not breach Section 2.4 of the Code

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted the complainants' concerns that the sexual references in the advertisement were too sexualised for an audience that would include children.

The Panel considered that while there may be an allusion to sexual themes, there is no strong or obscene language in the advertisement and considered that the language was not inappropriate for the relevant broad audience.

The Panel determined that the advertisement did not use language which was inappropriate in the circumstances and did not breach Section 2.5 of the Code.

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

