



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0026-21
2. Advertiser :	WW Australia & New Zealand
3. Product :	Slimming
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	
6. DETERMINATION :	

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement has two versions, a 30s second version and a 15 second version.

The 30 second version features:

- A woman exercising in her lounge room while watching an exercise class on a laptop. She states, "Get more of what you need to lose weight with the new my WW+. With the at home workouts it makes it easier to fit exercise into your schedule."
- Another woman is seen opening a fridge in her kitchen, checking the app and serving food to two children. She states, "It takes what's in your fridge and gives you healthy recipes to make for your family."
- Another woman is lying in bed, holding a sleeping baby and looking at the app, then shows her standing and lifting her baby. She states, "It tracks my sleep, makes sure I'm eating the right foods and having enough water."
- A man is shown serving a platter of food to a group outside. He states, "and with hundreds of zero point foods you can lose weight and still have a life."
- A voice over states, "more holistic, more personalised, more weight-loss. New my ww+ from weight watchers reimagined".

The 15 second version features:

- A voice over stating, "introducing new ww+"
- A man serving food to a group of people outside, and eating and interacting with them. He states, "with hundreds of zero point foods you can lose weight



and still have a life." Superimposed text appears on the screen with the words "Peter - lost 15kg".

- A woman is lying in bed, holding a sleeping baby and looking at the app, then shows her standing and lifting her baby. She states, "It tracks my sleep, makes sure I'm eating the right foods and having enough water." Superimposed text appears on screen with the words, "Jordan - lost 8kg".
- A voice over states, "more holistic, more personalised, more weight-loss".

THE COMPLAINT

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

The advert contains a breastfeeding woman with a very young baby. After feeding the baby, she uses her Weight Watchers app. Not only do I believe that it is entirely inappropriate to make new mums feel like they should be focussing on weight loss or promoting body image issues post-partum, it is also simply bad advice to suggest dieting while breastfeeding. This is not healthy. Breastfeeding requires additional calories, not fewer.

THE ADVERTISER'S RESPONSE

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

WW's response to each section of the AANA Code of Ethics:

2.1 - Discrimination or vilification (gender)

WW does not consider this section relevant to the TVCs, however we note that the complainant in the TV case seems to have mistakenly lodged her complaint citing this provision of the Code. Self-evidently there is nothing in the TVCs that discriminates or vilifies any person on the basis of their gender (or any other basis). The complainant has also filed her complaint under 2.6, and this ground is discussed in more depth below.

For the sake of completeness however, WW disagrees strongly that the TVCs breach section 2.1 of the Code. myWW+ is a science-backed holistic program designed to inspire healthy habits for everyone. As a weight loss and wellness program, members can follow myWW+ with or without a weight loss goal and benefit from holistic features that support them with nutrition, fitness, mindset and sleep, as well as connecting with WW's community via the app. myWW+ is designed to be all-inclusive and act as a useful program for our members at nearly all points of their lives.

Given the diversity of our member base and target audience (a large part of which is mums who want to get healthier and lose weight following pregnancy), our ads seek to reflect an equally diverse range of real life member stories and scenarios that speak to the benefits of our services.



In line with this, the scene featuring real life WW member Jordan and her baby is a realistic depiction of how the WW app and holistic program has supported her in safely reaching her weight loss and wellness goals, since giving birth. WW's program is carefully and specifically designed, with appropriate professional guidance from healthcare professionals and appropriate limits in place, so as to cater to women in this time should they require it.

Jordan's voiceover speaks specifically to some of these holistic features she relies upon, including sleep, nutrition and hydration support. Nothing in the TVCs include any reference to any "shaming" or similar. Jordan is seen calming her baby while tracking her sleep in the app. While she is not breastfeeding (her baby is using a pacifier in the ad), it is important to note that women can safely follow WW while breastfeeding. For reference, WW has very clear guidelines for all members who are breastfeeding while on the program, which can be found at <https://www.weightwatchers.com/au/weight-loss/breastfeeding-weight-loss-guide>.

Far from reflecting a harmful gender stereotype about what it means to be a woman or suggesting women should lose weight following pregnancy, Jordan's authentic scenario reflects how WW's app features have helped her maintain and focus on her wellness during a busy and crucial time in her personal life. This scenario also demonstrates common wellness challenges faced by parents with young children including getting quality sleep, enough hydration and the right nutrition. These features are beneficial to everyone, although particularly pertinent for new mums, like Jordan, whose lives have undergone radical changes during pregnancy and birth, and key health factors such as sleep are particularly challenged.

Further, far from depicting unsafe, unrealistic and unattainable body shapes, all of the members included in this ad are real WW members who have achieved their weight loss and wellness goals on our program at a safe rate. No models are used in our ads, only real members, all with different body shapes and sizes and different weight loss achievements. These members are not discriminated against or vilified, they are celebrated.

2.2 - Exploitative or degrading

Not relevant to the TVC, there is no use of sexual appeal in the TVCs, no exploitation and no degradation.

2.3 – Violence

Not relevant to the TVC, there is no violence in the TVCs.

2.4 - Sex, sexuality and nudity

Not relevant to the TVCs. In particular, all treatments of Jordan (the mother calming her child and using the app to track her sleep) are natural and treated sensitively in terms of the depictions.

2.5 – Language

Not relevant to the TVCs.



2.6 - Health and Safety\Body issue + Unsafe behaviour

We don't deem this point relevant to our ad, however it is this provision which most closely matches the content of the complaints so a detailed response regarding section 2.6 is given below.

The complainant in case 0026/21 states: 'The advert contains a breastfeeding woman with a very young baby. After feeding the baby, she uses her Weight Watchers app. Not only do I believe that it is entirely inappropriate to make new mums feel like they should be focussing on weight loss or promoting body image issues post-partum, it is also simply bad advice to suggest dieting while breastfeeding. This is not healthy. Breastfeeding requires additional calories, not fewer.'

The complainant in case 0027/21 similarly states: the inclusion of a mother of a young baby taking part in a weight loss program is an unhealthy and emotionally manipulative message to mothers at a vulnerable time in their lives, which puts undue pressure on women whose bodies have changed due to childbirth.

Again, Jordan is seen calming her baby while tracking her sleep on her phone. While she is not breastfeeding (her baby is using a pacifier in the ad), it's important to note that breastfeeding mothers can follow WW safely and we have dedicated guidelines to support them (as shared previously). It is incorrect to assume that WW has no place in aiding WW members during the stages after a child is born, a period when a great many of our members seek a flexible program that (with the guidance and oversight of their GP where appropriate) can be implemented for them to support them through this time.

As previously explained, myWW+ is not simply a weight loss program, it is a wellness program that provides a variety of lifestyle aids through the app. WW never has and never will manipulate or pressure a member to do anything – implying otherwise indicates an unfortunate misunderstanding of the myWW+ program and a clear misread and misinterpretation of the TVCs.

Section 2.6 requires that 'advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards.

UNSAFE PRACTICES

Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.

In relation to the portrayal of farming, the dangerous use of quad bikes, children riding on tractors or other unsafe practices involving farming machinery will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a



wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable.

Advertising which demonstrates the unsafe use of machinery, even when not the focus of the advertisement, is likely to be seen as unsafe and against prevailing community standards on health and safety.

Advertisers should take care not to depict behaviour that children may imitate. For example, advertisements which are likely to attract the attention of children or could indicate to children that appliances or other domestic/commercial equipment are a safe place to hide, are seen to encourage unsafe behaviour.

Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.

This rule is not intended to prevent advertisers from depicting unsafe behaviour as a means to demonstrate potential negative effects, such as an advertisement for road safety depicting someone driving in a car after drinking alcohol.

BODY IMAGE

Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Exposure to unrealistic body ideals can lead to harmful body dissatisfaction and disordered eating and for this reason it is not acceptable in advertising.

UNREALISTIC IDEAL BODY IMAGE

Advertising that provides an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices, which is not justifiable in the context of the product or service being advertised, will be contrary to prevailing community standards relating to health and safety.

An unrealistic ideal body image may occur where the overall theme, visuals or language used in the advertisement imply that:

- a body shape, or feature, of the kind depicted (e.g. very thin or very muscular) is required to use the product or service or to participate in an activity associated with the product or service;*
- those people who do not have a body shape, or feature, of the kind depicted cannot use the product or service, or participate in a particular activity; or*
- those people who do not have a body shape, or feature, of the kind depicted should alter their body shape, or features, before they can use the product or service, or participate in a particular activity.*

An unrealistic ideal body image may also occur 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.*

BODY SIZE

The Code does not require the use of 'healthy weight' models as this term could exclude people in smaller or larger bodies from advertising and unnecessarily limit the portrayal of diversity in society. As such, advertisements may include a diversity of images, including people who have a variety of sizes and shapes, but advertisers should take care to avoid images of people with extreme body weights or shapes that are unrealistic or unattainable through healthy practices which are not justifiable in the context of the product or service advertised, and which are contrary to prevailing community standards relating to health and safety.

While the use of people in smaller or larger bodies is itself not necessarily problematic, advertisers must ensure that models do not adopt a pose or are not depicted in a way which produces an unrealistic sense of body image, for example through the style of the advertising, the clothing, lighting, or make-up used.

Again, as discussed in depth above the TVCs do not breach section 2.6. myWW+ is a science-backed, holistic program designed to inspire healthy habits for everyone, regardless of their life stage (with some exceptions, i.e. young people, who can only participate in the program under extremely limited circumstances and with appropriate involvement from a GP, and pregnant women). As a weight loss and wellness program, members can follow myWW+ with or without a weight loss goal and can benefit from holistic features that support them with nutrition, fitness, mindset and sleep, as well as connecting with WW's community via the app. There is nothing unhealthy about a focus on nutrition and fitness after childbirth – in fact, the opposite is true and our members have made clear that our tools make this time so much easier for them to navigate, always of course putting their child and their own wellness first.

In line with this, the scene in the ad featuring WW member Jordan and her baby is a realistic depiction of how the WW app and our holistic, science-backed program have helped her to develop and maintain healthy habits after having a baby. Jordan's voiceover speaks specifically to some of these holistic features, including sleep, nutrition and hydration support.'

Nothing shown in this ad is unsafe or promotes unhealthy body image or similar. Indeed, the opposite is true. In short, WW is of the view that the complainants have misunderstood the content of the TVCs or conflated separate parts of the TVCs to create an entirely different message in their own minds.

While WW respects the complainants' views and certainly does agree that postpartum care for mothers is of paramount importance, the complaints in this case misrepresent the actual content of the TVCs and as a result we look forward to confirmation from AdStandards that the complaints have been dismissed.



*2.7 - Distinguishable as advertising
Not relevant to the TVCs.*

Additional supporting information:

Please see below a testimonial from WW member Jordan on why she used the program and why she wanted to be involved in advertising myWW+:

"I chose to join WW and appear in its TVC because I've had a positive experience on the program. I chose it because it's cost-effective, and also because having a young family can be extremely time consuming and WW is easy, convenient and motivating. I'd used WW after my first child and it helped me reach my pre-pregnancy weight, so I was eager to get back into it after my second child.

As I breastfeed, I'm able to enjoy more SmartPoints and it doesn't limit the types of foods I can eat. For someone who enjoys exercising, it also includes workouts that I can easily do at home with my children."

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 complainant's concerns that the advertisement:

- makes new mums feel like they should be focussing on weight loss or promoting body image issues post-partum
- promotes dieting while breastfeeding which is not healthy.

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.

Does the advertisement promote an unhealthy body image for new mothers

The Panel noted the Practice Note to Section 2.6 which includes:

"BODY IMAGE: Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Unrealistic ideal body image: Advertising that provides an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices, which is not justifiable in the context of the product or service being advertised, will be contrary to prevailing community standards relating to health and safety.



An unrealistic ideal body image may also occur 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.*

The Panel considered that the people depicted in the advertisement do not appear to be of a weight or size that is not realistically attainable through healthy practices.

In particular, the Panel noted that when the new mother is shown, the voice over refers to getting enough sleep, and drinking enough water and does not state or suggest that the woman needs to alter her appearance. The Panel noted that the 15 second version does show superimposed text on screen stating that the woman has lost 8kg while using the program. The Panel considered that there is no indication that the woman is unhealthy, or has achieved weight loss in a way which is unhealthy. Rather, the suggestion is the woman has used the service and lost weight, as well as achieving other health-related goals.

The Panel noted that there is significant community concern on the issue of body image particularly for women who have given birth or are breast feeding, but considered that the advertisement does not make a suggestion that women who have just given birth must lose weight or diet.

In the Panel's opinion there is no suggestion that a person's worth or value is related to their body size or shape and the overall advertisement does not promote an unhealthy or unrealistic body image.

Does the advertisement promote dieting while breast feeding?

The Panel noted that while the 15 second version does show superimposed text relating to the woman's weight loss, this was not the focus of the advertisement. The Panel noted that when the new mother is shown, the voiceover refers to getting enough sleep, and drinking enough water, rather than weight loss. The Panel noted the advertiser's response that the program advertised contains features other than dieting.

The Panel considered that the advertisement is a promotion of a program which is not limited to weight loss, but which also promotes healthy lifestyles in other ways. The Panel considered that the advertisement does not focus on a suggestion that new mothers should lose weight, and does not otherwise promote material which would be against prevailing community standards on health and safety.

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 complaint.