



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0112-21
2. Advertiser :	The Derm Lab
3. Product :	Professional Service
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	12-May-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features two images of a person's stomach. The first image has the text "Baseline" under it, and the second has the text "12 weeks post treatment" under it. Text over the images states "New Year New you!".

THE COMPLAINT

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

I would like to say that this add is absolutely disgusting. If you are unsure, the advertisement that I am referring to is the Derm Lab advertisement. This advertisement directly compares a woman's body from before she has had their treatment to the same woman 12 weeks later, who looks far thinner. This advertisement is clearly suggesting that being skinner is better and as their treatment has absolutely no health benefits, it is purely suggesting their treatment as a way to improve a person's appearance, and their appearance only. Not only does it overtly highlight insecurities that many women already have about their bodies, but it also shames a perfectly normal body, and strongly suggests that this body needs improving upon. As a young woman myself, I know that so many women, especially in Australia, struggle a lot with their body image, and this can also have a negative effect on their mental health. Which, will in turn, immensely effect their lives and in some circumstances, even cause some men or women to develop an Eating Disorder.



Furthermore, I would like to alert you that on the same street as this sign, no more than 500m away, is King David School. This means that not only are older and middle-aged women subjected to feeling the pressure that this advertisement places upon them, but young children are seeing this sign every single day on their way to school and thinking that their only value in life is their appearance and whether they are perceived as “skinny” by society. Did you know that 42% of girls in grade 1 to grade 3 want to be thinner? And that 98% of all eating disorder cases occur in people age 12 through to 35. This advertisement is teaching young children that the only way they can be beautiful or important is to be thinner and that the woman in the first photo is “too fat” or “ugly”. This is absolutely appalling and I will not stand for it.

THE ADVERTISER’S RESPONSE

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

The Billboard depicts one of our Patient’s Before and After Photos from a fat freezing treatment. The “New Year New You” Campaign arose as a result of one of our suppliers adopting a campaign in January 2021 across print media New Idea, Womans Weekly and Who magazine. Their advertisement is enclosed. The supplier has run this campaign worldwide without complaint. The Derm Lab advertisement is a more subtle and modest advertisement. We are confident the advertisement does not violate any of the Codes.

However, with respect to the complainant, we have contacted JC Decaux and the earliest we can change this skin is 10th May 2021.

Addressing Section 2

2.1 – Discrimination of vilification

Complies - there is no discrimination against or vilification of a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief

2.2 – Exploitative or degrading

Complies - there is no indication of sexual appeal or exploitive or degraing of an individual or group of people.

2.3 - Violence

Complies

2.4 -

Sex, sexuality and nudity

Complies - the patient is not nude, and with no relevance to sex or sexuality

2.5 - Language

Complies



*2.6 - Health and Safety
Complies*

*2.7 - Distinguishable as advertising
Complies*

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 suggests that people of a healthy body weight such as the woman depicted should still be unhappy with their body shape and that they should alter their appearance.

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 noted the Practice Note to Section 2.6 which states:

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 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, by unnecessarily limiting 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.”

The Panel considered that the woman depicted in the advertisement in both the before and after images does not appear to be of a weight or size that is not realistically attainable through healthy practices, or has been edited using photoshop techniques.

The Panel noted that there is significant community concern on the issue of body image, but considered that the advertisement does not make a suggestion that people of a certain size should use the service, and does not suggest that people of a certain size should alter their body.

The Panel considered the use of the term ‘New Year, new you’ and considered that while it’s suggesting that people may want to use the service to achieve New Years resolutions, it is not making any direct claim that the woman’s life has been changed or that losing weight or toning up is the only path to achieve happiness in the New Year.

In the Panel’s opinion there is no suggestion that a person’s worth or value is related to their body size or shape.

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.