



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0231-20
2. Advertiser :	One to One Diet
3. Product :	Slimming
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	12-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features an animated woman standing on a stage singing into a microphone.

She sings, "Something big in my life, was causing me stress,

My butt didn't fit, in my little black dress.

So I found myself this diet...I recommend you try it.

'Cos this is the one."

The woman is shown trying to zip up the back fo her dress.

A number of other people appear on the stage and all sing, "this is the one".

The woman says, "The one with a personal diet consultant to give you a big scoop of support!"

The background chorus continues to sing "this is the one" and animated vision of the people running and dancing on green grass and flying into blue sky is shown.

The woman says, "It's the One-to-One Diet. Want the weight gone? Do the one-to-one."

THE COMPLAINT

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



Because young girls are still awake at this time and the product is encouraging girls to diet if they have a "large bum" it is contributing to girls having poor self esteem and saying that they should be a certain way to be happy with themselves. I am usually not one to complain about ads but this is quite disturbing for an 8 year old to be smart enough to question me on why someone needs to diet.

Basically they're fat shaming. My 12yo daughter was with me at the time & she asked me " what was wrong with the lady? ". It came across that being big as bad & a problem that needs to be fixed. Not a healthy message.

Because it is directed towards ONLY WOMEN

THE ADVERTISER'S RESPONSE

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

Background:

In the attached supporting documents you will observe reference to Cambridge Weight Plan (CWP). We have gone through a rebrand and are now called The 1:1 Diet by Cambridge Weight Plan and this advertisement formed part of our brand activation campaign.

Response:

The code highlights a number of areas which must be complied with, and addressed within response – these are:

*Discrimination or vilification
Exploitation or degradation
Violence
Sex, sexuality, nudity
Language
Health and safety
Distinguishable as advertising*

Having reviewed the criteria for each of the there is no merit for challenge in these respective areas with the potential exception of "degradation" where one could argue that the ad highlights weight as a negative issue – this is addressed below.

The issues raised specify concern with respect to clause 2.6 – which focuses on Health and Safety/Body Issue. 'Body Issue' is not specifically mentioned in Clause 2.6 within the ANAA summary document however so can not be responded to specifically however, I trust my response below will satisfy this.



Our parent company is located in the UK and were the first country to use the TVC as part of the rebrand campaign. This has been to market 18 months, without challenge. When undertaking compliance to air this in the UK (Jan 2019) the UK bodies questioned our focus on “appearance” and “fit into clothing” as reasons to diet; suggesting a move to a more broad proposition which talked about general benefits of losing weight. To address and refute this, we supplied original CWP consumer research, which proved that people do in fact diet to look better (and feel good in their special clothes). This can be found on slide 4 on attached deck. We supported this with quotations from our dieters – who consistently reference their look and self-image as primary triggers to commence weight loss, and the resulting mental and physical wellbeing achieved by acting on it in a positive way, and achieving target. This argument was accepted as fair and relevant and the TVC has aired without complaint.

Our aim is to directly address a genuine source of stress and frustration and a primary motivation for a significant proportion of people who wish to lose weight. Not degrade in any way.

In Australia, there is an obesity epidemic and the need for an effective weight loss solution that offers 100% nutrition and one to one support, is needed more than ever. In 2017-18, the Australian Bureau of Statistics’ National Health Survey showed that two thirds (67.0%) of Australian adults were overweight or obese (12.5 million people), an increase from 63.4% in 2014-15:

<https://www1.health.gov.au/internet/main/publishing.nsf/Content/Overweight-and-Obesity#:~:text=In%202017%2D18%2C%20the%20Australian,63.4%25%20in%202014%2D15.&text=The%20Department%20of%20Health%20implements,to%20tackle%20obesity%20in%20Australia>.

In society, people often find it difficult to talk about weight and the very real impacts it has on health and wellbeing. We aim to create an environment where these conversations can occur in a real and honest way.

As addressed in the attached Clearcast response, it is not our intention to shame anyone; quite the opposite. Our aim is to address an important motivation for dieters/potential dieters which is:

“A desire to improve the way I look”

Our consumer research establishes that how you look is a key element in building self-confidence and self-esteem and often how you feel (or felt) in your favourite clothes is a direct trigger point to start a diet. In doing so it improves health/wellbeing/lifestyle and reduces weight.

Our lead line is intended to reference an accepted trigger that people will relate to and recognise – based on real life insight. Getting back in to “favourite clothing”, feeling and looking better are consistently highlighted within the 1:1 Diet customer stories as something of real importance; driving the decision to diet and lose weight. Improving “the way I look” is a key motivation to start a diet programme and is consistently evident in our customer testimonials which can be found here. Please read the online content and the attached quotes from dieters supporting this.



Precedent:

The advert is running in UK, Netherlands, ROI, and Cypriot markets, without complaint and the proposition has been used on TV, Radio, Digital, Web, PR and Social also without issue.

Airtime and Scheduling:

The trading demographic is women 25-54 and as will see in the attached ClearAds approval, our Rating is G which means we can air it even more broadly than what we are as our target audience are adults.

I trust the above assists the panel on reaching a decision.

Thank you for the opportunity to respond; we welcome the dialogue.

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:

- Is directed towards only women
- Is fat shaming
- Is promoting an unhealthy message which is damaging to young girls

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

The Panel 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 Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel noted a complainant's concern that that advertisement is directed only towards women.

The Panel considered that advertisers are allowed to use women to advertise to women. The Panel noted that the advertisement is presented in a first-person perspective, and is the viewpoint of a single (animated) woman and is not suggesting that this is the perspective of all women.



The Panel noted that the advertisement depicts the women interacting with a group of people including men at the end of the advertisement.

The Panel considered that the advertisement does not depict the women in the advertisement or women in general in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of gender.

The Panel considered whether the advertisement complied with 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 Panel noted that the woman in the advertisement states "Something big in my life, was causing me stress, My butt didn't fit, in my little black dress. So I found myself this diet...I recommend you try it. 'Cos this is the one..."

The Panel considered that the advertisement suggests that the woman already owned a little black dress but no longer fits into it, and that this suggests that her current body size was not her normal figure or that she had put on weight. The Panel considered that the concept of wanting to fit into clothes that used to fit but no longer do is not an unusual scenario.

The Panel considered that this advertisement is presented in first-person context, and that it was stating that this particular woman was unhappy with her current body size rather than suggesting that all women need to lose weight.

The Panel noted that there is significant community concern on the issue of body image, but considered that this advertisement does not promote a certain body size or suggest that all women need to lose weight. The Panel considered that the advertisement relates to an individual woman wanting to lose weight to fit into a piece of clothing again, and recommending the program to others.

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

In the Panel's view most members of the community would be unlikely to view this advertisement for a weight loss program as advising that all women need to lose weight or be of a certain body size. The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Panel 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 Panel dismissed the complaints.