



Case Report

1	Case Number	0318/16
2	Advertiser	DHI Medical Group Australia
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	10/08/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Physical Characteristics

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a man being visited by his “future girlfriend” who has teleported back in time to suggest he visits DHI Australia to cure his baldness and avoid their future breakup.

THE COMPLAINT

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

We live in a world where it is not acceptable to discriminate against people for their physical characteristics for example being overweight or having a certain skin colour. What is this company feel that it is acceptable to screaming oh against men who are losing their hair through no fault of their own to suggest that they are not attractive as a result of the loss of their hair? This ad is unacceptable and is from the dark ages.

THE ADVERTISER’S RESPONSE

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

We refer to the complaint received regarding DHI’s radio advertisement for its hair loss treatment services (Advertisement).

The Advertisement was broadcast on The Edge 96.1FM.

DHI

By way of background, DHI is a global leader in the hair transplant industry with over 45 years' experience and 53 clinics worldwide. In Australia, DHI has locations in Sydney, Brisbane and the Gold Coast.

The Advertisement

A transcript of the Advertisement has been provided.

The Advertisement involves a man being visited by his "future girlfriend" who has teleported back in time to suggest he visits DHI to cure his baldness and avoid their future breakup. The tone of the Advertisement is 'tongue in cheek', playful and fictitious – hence the references to time travel. In our view, no reasonable person would listen to the Advertisement and think that their relationship status or attractiveness is directly influenced by their follicle count.

For the record, DHI has not received any complaints in relation to this Advertisement.

AANA Code of Ethics

DHI takes great care in ensuring compliance with the AANA Code of Ethics (Code) when it comes to advertising.

In relation to Section 2 of the Code, please see our comments on each part.

Part 2.1 (Discrimination or Vilification): The Complaint alleges that the Advertisement involves discrimination or vilification based on a person's gender or physical features. Whilst DHI does treat women, the vast majority of DHI's clients are male. Whilst a generalisation, in our experience, men can find it difficult to seek treatment for medical issues, particularly those which they may feel are superficial. Often, it is the partner of the male customer who supports/encourages them to contact us and frequently, it is the partner that makes first contact on their behalf. This is why the Advertisement features a couple discussing the issue of hair loss together (albeit in a humorous and fictitious manner).

DHI aims to make its clients feel comfortable in seeking out our services. Whilst we are very serious about what we do, our customers feel most relaxed when the issue of hair loss is tackled in a light hearted, "normalised" manner – and not in an overly scientific or serious way.

Nothing about this Advertisement discriminates against any person on the basis of gender. Whilst this Advertisement is targeted at males, we also offer services to women.

Nothing about this Advertisement discriminates against any person on the basis of physical characteristics, for example, baldness. The Advertisement is not seriously implying that a person would lose a relationship due to hair loss or that they would be any less loveable or attractive. Anyone who takes the Advertisement literally is not considering this from the perspective of the reasonable, everyday member of society.

Part 2.2 (Exploitative and Degrading): The Advertisement does not employ sexual appeal in an exploitative or degrading manner. There are no lewd, offensive or suggestive words. The man speaking in the Advertisement is not being degraded or exploited by his “future girlfriend” suggesting he seeks hair loss treatment.

Part 2.3 (Violence): The Advertisement does not contain any violence.

Part 2.4 (Sex, Sexuality and Nudity): The Advertisement contains no references to sex nor does it contain any nudity or sexual connotations.

Part 2.5 (Language): There is no offensive language in the Advertisement.

Part 2.6 (Health and Safety): There are no health or safety issues arising from the Advertisement.

DHI considers that the Advertisement fully complies with the Code.

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 complainant’s concerns that the advertisement is discriminatory as it suggests that how you look will affect how you are perceived and treated.

The Board viewed the advertisement and noted the advertiser’s response.

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 that the radio advertisement is promoting DHI hair implant services.

The Board noted the advertiser’s response that the advertisement involves a man being visited by his “future girlfriend who has teleported back in time to suggest he visits DHI to cure his baldness and avoid their future breakup.”

The Board considered that the advertisement highlights male baldness, and as baldness is more common for men than women, it is not discriminatory to present a man.

The Board considered that the advertisement reflected poorly on the woman who appears shallow and the conversation suggests that their relationship is not off to a great start in any case. The Board considered that the man does not react in a negative way to the suggestion by the woman to cure his baldness, saying “I’ve been told that” which suggests he was already aware of hair loss as an issue.

The Board considered that the advertisement is an attempt at humour to present an issue and does not suggest that without the treatment he will be shunned, and it does not present the

man is a contemptuous way.

The Board noted it had previously upheld an advertisement (0476/14) which referred to using a product to assist men with sexual performance. The Board considered that in that case, consistent with the current advertisement, an identifiable section of the community were singled out. However, in the previous case:

“The Board considered that the advertisement was denigrating and demeaning towards a section of the community who are experiencing or have experienced premature ejaculation or trouble sustaining an erection and it goes beyond light humour to suggesting ridicule or contempt for this group of men. The women’s attitudes of being unhappy with their partners, the tone and language they use and their behaviour in shouting their frustrations to their partners and from their balconies amounts to a depiction which ridicules men with sexual performance issues and implies that these men should be thought less of as a result of their condition.”

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

The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.