



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0358-19</b>
<b>2. Advertiser :</b>	<b>WeightLoss Solutions Australia</b>
<b>3. Product :</b>	<b>Slimming</b>
<b>4. Type of Advertisement/Media :</b>	<b>Radio</b>
<b>5. Date of Determination</b>	<b>13-Nov-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the voiceover:

Woman: I um, I've never been on a date but a friend, he's just invited me to drinks.

Man 1: After weight loss surgery, life can change in ways you never imagined.

Man 2: I just bought an old VTX1300, and I haven't ridden for 20 years.

Man 1: Weight Loss Solutions Australia has the latest info on how you can achieve profound, lasting weight loss, bypass, 12 month gastric balloon, sliv gastrectomy.

Man 1: Register online for next Tuesday September 10 [wsla.com.au](http://wsla.com.au)

### THE COMPLAINT

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

*I took offence at the woman saying she was asked out for a drink by this man she was acquainted with after losing weight with this company. The man made a statement with nothing of this nature.*

*It was a put-down to a woman, her appearance and body image. Listening to this advertisement, it made out you had a better chance of being attractive to a man if you were "thin".*



## THE ADVERTISER'S RESPONSE

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

*To our understanding, the complaint was based on the inference that a woman will be invited on a date only once she has lost weight. This was not the intended inference at all; the message was to highlight an increase in confidence; her willingness to consider a new social situation because she felt empowered.*

*Sometimes complaints are made by competitors of the advertiser as a means of gaining competitive advantage. We don't know if this is the case here.*

*If it is determined that the commercial falls outside the guidelines, it will be because the part has been interpreted as a 'testimonial' for the business, and someone has taken offence by interpreting the commercial as inferring overweight people are not invited on dates, or that the woman in the commercial was only asked on a date because she lost weight. The intended inference was a woman who is happy and confident in herself, to make a decision about a new social opportunity.*

## 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 complainant's concern that the advertisement puts down the woman by suggesting she had a better chance of being attractive to a man if she was thin, and that this contrasted with the male's experience of weight loss.

The Panel reviewed 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 provides the following definitions:

*"Discrimination – unfair or less favourable treatment.*

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

The Panel noted the advertiser's response that the intended message of the advertisement was to highlight an increase in confidence and the woman's willingness to consider a new social situation because she felt empowered.



The Panel considered that the advertisement could be interpreted as an implication that the woman has never been asked on a date before because she was overweight, and not because of internal characteristics, however this is not clear in the advertisement.

The Panel acknowledged there is a growing concern in the community around body image in advertising and considered that advertisers should avoid inferences in advertising that could be interpreted as suggesting there is a link between weight and attractiveness.

The Panel considered that the overall impression of the advertisement was two people giving testimonials of what it meant to them to have lost weight, and there was no indication that women in general are more attractive than men when thin.

The Panel considered that the advertisement did not depict the woman receiving unfair or less favourable treatment because of her gender and did not depict the woman in a way which humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel considered that the 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 and determined that the advertisement did not breach Section 2.1 of the Code.

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 the Practice Note for the Code provides:

*“Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. 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”*

The Panel noted that there is significant community concern on the issue of body image, but noted that there is no mention of body shapes in the advertisement, and no suggestion that a person’s worth or value is related to their body size or shape. The



Panel considered that the advertisement relates to an individual woman wanting to lose weight for her friend's wedding, and asking viewers to join her in completing the program.

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 a woman is only attractive if she is thin. 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 complaint.