



## CASE REPORT

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| 1. Complaint reference number | 193/07  |
| 2. Advertiser                 | Sydney Breast Enlargement & Cosmetic Surgery (Dr Lai) |
| 3. Product                    | Professional services                                 |
| 4. Type of advertisement      | Radio   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1   |
| 6. Date of determination      | Tuesday, 10 July 2007                                 |
| 7. DETERMINATION              | Upheld – discontinued or modified                     |

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a female voiceover asking "Do you have a Belly Apron from pregnancy or weight loss? That ugly, yucky, loose tummy skin covered in stretch marks. It's red, itchy and smelly underneath. And it flops all over! You hate looking in the mirror. And you can't hide your fatty muffin skin roll under any dress! YES there is Help! You can get a flat tummy again. Just see Dr. Lai from Sydney Tummy Tuck, a senior member of the Australian Society of Plastic Surgeons."

## THE COMPLAINT

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

*Derogatory. Loose tummies after birth or weight loss is a natural occurrence (sic). I feel it is written to make the person with the condition feel ugly.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*We are of the view that it is clear that the advertisement does not raise any issues under the Code. The complaint states that the advertisement is written to make people with loose tummies after giving birth or weight loss feel "ugly". While the language used in the advertisement is descriptive, it is;*

- 1. appropriate in the circumstances*
- 2. not strong or obscene*
- 3. does not aim to make women feel ugly but rather offers a solution for women who may feel that way.*

*The language accurately describes the feelings that some women have about their stomachs after pregnancy or weight loss using colloquial and descriptive terms.*

*In our view the advertisement is not offensive or psychologically damaging to the broader community. The advertisement merely presents the feelings that some women have about their stomachs after giving birth or losing weight and offers them a possible way of resolving these feelings by undergoing tummy tuck surgery. The advertisement must be considered in the context that the procedure being advertised can not be acquired on impulse or as the result of a flippant decision.*

*For the reasons outlined we submit that the advertisement is and continues to be suitable for broadcast under 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 listened to this radio advertisement several times. The Board recognised that the advertisement is designed to offer a surgical solution to unwanted body features - in particular those resulting from changes to the body following pregnancy and weight loss.

The Board considered whether the advertisement depicted material in a way that discriminates against or vilifies a person or section of the community on account of sex. The Board considered that the primary audience for the advertisement was women because of the predominant mention of pregnancy. The Board considered that the advertisement used language that would incite contempt for overweight or post partem women. The Board was particularly concerned by the reference to a loose stomach that is 'red, itchy and smelly underneath'. The Board considered that references of this manner to the physical condition of women post partum was in extreme bad taste and did amount to vilification.

The Board considered also that the references to women's bodies post partum were particularly insensitive and extreme and likely to undermine the important positive health messages given to women following pregnancy by many public health bodies.

On this basis the Board determined that the advertisement breached sections 2.1 and 2.6 of the Code.

## **ADVERTISER'S RESPONSE TO DETERMINATION**

Australian Radio Network is part of Australia's largest radio network. We place strong emphasis on compliance with all standards and codes that apply to the commercial radio industry. All advertisements which may raise an issue under those standards and codes are vetted by experienced managers. As a result we have a long history of compliance with the Advertiser Code of Ethics and with broadcasting standards generally.

We consider thousands of advertisements broadcast over our network every year. To the best of my knowledge this is the first advertisement broadcast by us, which has been found by the Bureau not to comply with the relevant Code.

As soon as a complaint was received from our audience in respect of this commercial, we withdrew the advertisement from our broadcast schedule (which was some time before the Bureau became involved), a step that is consistent with our responsiveness to our audience.

The advertisement in question was directed to an adult audience who, we believe are used to hearing about different health conditions and body shapes. The advertisement offered assistance and hope to people who may not be satisfied with their own body shape. Nevertheless, we accept that the Bureau has a different view and the advertisements in question will not be re broadcast. While we will have regard to the Bureau's Case Report when considering future advertisements, we would also encourage the Board to place emphasis on the nature, content and intended audience of an advertisement, including the diversity and robustness of a mature adult audience.

Australian Radio Network will continue to monitor the advertising on its network to ensure that our Advertisers comply with advertising and other broadcasting codes and standards. However, it is important that the Bureau place a complaint in context, we broadcast to over half a million people a week and our audience contains a broad range of interests and needs that we are trying to satisfy.

It is Australian Radio Network's intention to maintain our excellent record of compliance.