



CASE REPORT

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| 1. Complaint reference number | 313/09 |
| 2. Advertiser | The No Brace Centre |
| 3. Product | Health Product |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code – Other – section 2.4
Advertising to Children Code - Social value – section 2.4 |
| 6. Date of determination | Wednesday, 26 August 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The No Brace Centre TVC shows children talking about how traditional braces are terrible and "no braces" are cool. The children do not have any braces apparent in their mouths.

THE COMPLAINT

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

For children who may require braces there is already a lack of confidence and embarrassment in regards to how their teeth look and for those who are advised that braces are required or already have them anxiety occurs and I believe this add is using that to exploit their product. I believe that this add is no different to one child in a school play ground being bullied and picked on about their braces and how terrible they look. I don't believe that that type of behaviour would be tolerated at a school and therefore it should not be tolerated on T.V or on radio for that matter.

THE ADVERTISER'S RESPONSE

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

I have received the single complaint regarding our "no braces" advertisement and feel that this person is incorrect in his/her ideas about its message. Having aired the ad to millions of viewers over the last year we have been inundated with parents and children who tell us how grateful they are to have seen the ad. Parents tell us that they had braces when they were younger and wish they had have known about another option. First and foremost this ad is simply conveying the message that there is an alternative to braces for children and I think we do that very clearly and simply, without any horrible descriptions of how painful and ugly braces can be. At no stage do we have images of metal mouth braces and try to convince kids and parents that braces are bad or unattractive or uncool. I would certainly consider that in poor taste and that is why we used extreme caution when producing the ad.

Having examined the AANA Code of Ethics, I believe that the ad is well within the expected standards of advertising and the fact that you have had only one complaint must surely be a factor in your consideration of this matter. The complaint draws a comparison of our ad and that of a child with braces being bullied and picked on in the school ground. I find this ridiculous. Firstly, we are not picking on or bullying any child in any way shape or form in our ad. There is no statement, images, or suggestion that could be interpreted as bullying or picking on a child who has braces. Secondly, there is no reference or insinuation whatsoever that a child with braces should be picked because of how terrible they look.

The person complaining states that this type of behaviour shouldn't be tolerated in schools and therefore should not be tolerated on television. I agree with this. Imagine an ad that had a close up face of a kid with metal braces and a face of acne and put it with wording like "who wants to be called metal mouth" and you would have an ad that is picking on kids or encouraging that behaviour.

Our ad is certainly nothing like that and I find this comparison absurd. The Nobrace Centre has been established to help children develop beautiful balanced faces by starting treatment early and correcting jaw alignment, breathing habits and crooked teeth. This treatment is enormously popular and such is the demand, A Current Affair contacted us recently to produce a story about what we do. In went to air last Monday 11th August and we have had 15 000 hits on our website in a week, thousands of emails and appointments to come and see us.

I have sent you a copy of this segment as I feel it is important that you understand that the community interest in this is extremely high and the expectation of parents is that they be informed of other options. Our advertisement sends a simple message that alerts children and parents that there may be another way to fix their crooked teeth. A Current Affair is a great indicator of what the community is interested in and having spoken to the senior producer since the segment was aired, the response has also been enormous on their website. You will see that the whole concept of their story was that kids are having treatment that avoids extractions and braces, similar to our ad.

I believe the advertisement cannot possible contravene community standards. It is factual and does not promise to fix all children's teeth, as it simply states that we can help children avoid braces and extractions. Children are not misled or deceived into thinking that we will give them something that we cannot. The ad gives the child the knowledge that we may be able to help them. As previously discussed there are no images or events that are unduly frightening or distressing for children. It is such a straight forward, non emotional ad that is clear in its message. I think frightening or distressing would be to have a child in the dental chair ready to have a tooth pulled out, looking terrified. That would be completely unnecessary imagery, certainly with potential to cause distress.

In relation again to community standards, you may recall the television hit series "Ugly Betty." The advertisements to this enormously popular show featured ugly Betty close up with her full metal mouth braces. The show is called "Ugly Betty" and of course the viewer is led to believe that braces will make someone ugly. Whether this is offensive or not to children who have braces on, certainly the community accepted this show on mass, with its enormous ratings worldwide. So our ad cannot possibly contravene community standards, it simply did not use any negative connotations towards people with braces and does not attempt to embarrass or cause distress to children needing braces or those who have them. The community accepts the advertising of Ugly Betty showing her braces enlarged on the screen and calling her ugly, which is way different to the contents in our ad.

The complaint states that "there is already a lack of confidence and embarrassment (spelt incorrectly) in regards to how their teeth look." I don't agree that this is an issue. Many children are very confident whether they have straight or crooked teeth, or if they have braces or no braces. The complaint assumes that these children all have confidence issues and that's simply not the case. Even if a child does lack confidence due to the appearance of their teeth then this ad would certainly bring some helpful information that may indeed help overcome this problem. If a child already has braces and sees this ad, I am absolutely sure that it would not cause concern or embarrassment as the content does not show horrible images or have degrading wording towards braces. As previously discussed, the ad is simple and informative, nothing like the images of "Ugly Betty" advertising.

There is absolutely no way we have used any material to exploit our product as the complaint accuses us of doing. I think that it has been misinterpreted by this particular viewer and he or she is completely unaware of what the community desires to see and watch. It would be great if he or she could spend a day in our office and witness the transformations in the children's teeth and talk to them about how they felt when they saw the advertisement. I question the intelligence of the person making the complaint and the integrity of the complaint overall as in the description of the ad the following has been given:

"It shows young children talking about how traditional braces are terrible and no braces are cool." There is absolutely no talk of how traditional braces are "terrible" and this part of the complaint is simply fabricated. In reality the ad says "My Dentist said that I need braces," the

next child says “But I don’t want them.” This is not children talking about how terrible braces are (perhaps this is his or her view on braces). This person then accuses us of putting that discussion next to our product being cool. This description of the advertisement is incorrect and considering that this is the basis for the reason for concern, I believe that this complaint is completely without validity or merit.

Samples of patients testimonials provided.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Advertiser Code of Ethics (the Code).

The Board noted the complainant's concern that the advertisement plays on children's anxiety about getting braces to sell the product. The Board considered that the advertisement is selling a service which is an alternative to braces and that the presentation of the advertisement does not denigrate children with braces. The Board considered that the references to having no braces as 'cool' is likely to be a reflection of what children would think and is made in a manner that is not, in the Board's view, inappropriate. The Board considered that this advertisement did not breach the Code.

The Board then considered whether the advertisement comes within the AANA Code for Advertising and Marketing to Children (the “Children's Code”). The Board noted that the product is being represented as a product or service that is targeted towards and has principal appeal to Children. The Board then considered that the advertisement 'having regard to the theme, visuals and language used, are directed primarily to children.' (section 1 of the Children's Code). The Board considered that the use of children telling the benefits of the product in their own words, given that the product is designed for children, was likely to make it an advertisement to which the Children's Code applies.

Section 2.3 refer to Social Values

Advertisements to Children:

(a) Must not portray images or events in a way that is unduly frightening or distressing to Children; and

(b) must not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability.

The Board noted the complainant's concern, that the advertisement was likely to affect the self-esteem of children who wore traditional braces to school for fear of being bullied or picked on.

The Board reviewed the advertisement and considered the response provided by the advertiser.

The Board considered that the advertisement was not discriminatory and did not depict any negative images of children wearing traditional braces, and that the mention of this product being preferable to traditional braces did not amount to vilification of people who used traditional braces. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.