



CASE REPORT

1. Complaint reference number	367/09
2. Advertiser	Meei
3. Product	Health Product
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The Meei Advertisement features an animated female figure and the voice over says that you can now experience "pain free cell rejuvenation therapy combining the wisdom of ancient Chinese medicine with modern body sculpting ...". The advertisement shows the hand of the clinician working on a person's body.

THE COMPLAINT

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

There are peoples bums on my TV screen, without warning. This would not be viewable in a TV show without a warning before hand.

THE ADVERTISER'S RESPONSE

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

The commercial has been aired over 130 times since May 2009, and this being the first complaint, it is clear that this is not the majority view. We have had the commercial approved and cleared by CAD and we firmly believe this commercial has not contravened Section 2 of the Advertiser Code of Ethics.

The intent of this commercial is to clearly demonstrate the scientific repair of body cells in a scientific and bio-medical context. The illustration is based on anatomical illustrations that can be found in standard academic text. This is the reason why the main female figure is not a real woman, it is merely an animation. The photography is also presented in an objective medical before and after context.

It is important to also note that we provide a specialised service to reduce cellulite and the photography is a direct response to our core business. The images are not included to simply attract attention. To the contrary; the images are central to the service we provide. Our customers are seeking treatment in that area of the body.

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 concern that the advertisement featured a scantily clad woman and that her nipples and bottom were revealed and that this type of imagery would not be viewable

on a TV show without prior warning.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code relates to the requirement that sex, sexuality or nudity be treated with sensitivity to the relevant audience and where appropriate, the relevant time zone.

The Board noted the advertiser's response that the advertisement had been pre-approved by CAD prior to airing and that the advertisement depicted anatomical illustrations that would be ordinarily found in a standard academic text.

The Board agreed with the advertiser that the advertisement was relevant to the product/service being promoted and noted that having regard to the fact that the animated presentation a woman was not portrayed in a sexualised manner, the advertisement was not in breach of section 2.3 of the Code.

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