



CASE REPORT

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| 1. Complaint reference number | 372/06 |
| 2. Advertiser | Jenny Craig Weight Loss Centres |
| 3. Product | Slimming product |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1
Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 10 October 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young woman (Rebecca) relating the reactions of her friends to her joining Jenny Craig, as some opinions were “you’re not fat”, and others told her “That’s a great idea”. Rebecca continues “It’s for anyone who wants to lose weight. My new body is 7 kilos lighter. I have more freedom now. I can do what I like. Buy what I like, go wherever I like. I feel wonderful.”

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

She is not FAT, as half of her friends told her. In the ad, she showed her old photos, who clearly did not look obese nor over weight. So the ad is targeting the group of female that is not "fat", but not slim either, to loose wait. Though obesity is a big issue and a big burden in our health system, but anorexia is also an issue. It affects the physical and phychological (sic) well beings of our next generation. I just thought the ad may instigate those young girls who are not! too happy about their body but not classified as obese, yet to go onto dieting programme and to loose weight. It sent a wrong impression to our young generation that the skinner the better; the skinner the happier.

THE ADVERTISER’S RESPONSE

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

We in no way encourage or endorse unhealthy weight loss practices... We advertise on a regular basis a range of healthy clients of varied weights to educate consumers that we cater for those with a little or a lot of weight to lose. All clients are screened to health conditions to ensure Jenny Craig is medically and nutritionally appropriate as stipulated in the weight management code of practice.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered whether the advertisement contravened section 2.1 of the Code on the basis that it discriminates against overweight women or women in general.

The Board noted that the complainant was concerned that female viewers of the advertisement who were not overweight would be made to feel like they should lose weight anyway.

The Board considered that the advertisement depicted a young woman who wished to lose a small

amount of weight, and who then described ways in which she had found her relatively small weight loss to be satisfying. The Board noted that the advertisement made no mention of or comparison to more overweight women, nor did it imply that more overweight women were in any way inferior. The Board considered that the advertisement did not discriminate against or vilify overweight women.

The Board also considered whether the advertisement depicted material contrary to prevailing community standards on healthy weight.

The Board noted that according to the response of advertiser, the woman depicted in the advertisement used the weight loss program to lower her body mass index within the healthy range of 20-25 (in this case from 24-21) and that after the woman had completed the program she did not look 'thin' and she certainly did not look unhealthy.

The Board agreed that the woman depicted in the advertisement was not overweight before joining the weight loss program. The Board also agreed it is the intention of the advertisement to attract women who are not obese or more significantly overweight to the weight loss program.

The Board determined that, on that basis that the advertiser was not promoting weight-loss to unhealthy levels, the advertisement does not depict material that was contrary to prevailing community standards on health and safety, specifically healthy weight or weight loss.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.