



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 373/07  |
| 2. Advertiser                 | Medical Vision Australia (PIP implants)             |
| 3. Product                    | Professional Services                               |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination      | Monday, 19 November 2007                            |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on a quote from Eleanor Roosevelt "The future belongs to those who believe in the beauty of their dreams" and is followed by a view of a woman naked, but with a chiffon wrap draped to cover her lower body and with her hands covering her breasts. As the camera encircles the woman's body, a female voiceover announces "A woman's body changes. Change is inevitable...accepting it is not. Life is about choices and some of them are personal. PIP breast implants have been the choice of women and their doctors for 20 years." A silhouette of the woman lying on her side appears as the voiceover concludes "For more information, visit [personalchoice.com.au](http://personalchoice.com.au)."

## **THE COMPLAINT**

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

*I was appalled that an ad like that could be shown on television, before 8pm. It was sexually exploitive to women and I do not need my daughters thinking they should get breast implants! Surely little children have enough pressure for everything else that is pushed down their throats, without now having breast implant advertising slammed in their face.*

## **THE ADVERTISER'S RESPONSE**

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

*The said complaint relates specifically to the MVA commercial in the program McLeod's Daughters (scheduled at 7.30pm on Wednesday night) and also refers to being shown before 8pm generally. The commercial is rated 'P' by CAD (Commercial Advisory Division).*

*McLeod's Daughters is rated PG and therefore no rules or guidelines have been breached however with respect to the complaint, we have moved the commercial so that it is not shown between 3pm and 8.30pm.*

*We trust that this is a satisfactory solution. This is the first time we ever advertised on TV and we were guided by the Production Company and Nine Network Adelaide.*

*Medical Vision Australia is a long serving supplier of medical devices to Australian clients, we consider our company to be a good corporate citizen, however Company's management disagrees with the complainant that the above TV ad is sexually exploitive to women and that it should not be on television.*

## **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 is inappropriate to be shown on television and should not be shown in a timezone that is shared by small children.

The Board noted that the service advertised is a legal service and is able to be advertised provided that it complies with the Code. The Board considered that the advertisement emphasised the personal choice nature of the procedures offered and that the images used were not sexually explicit, nor was there inappropriate nudity considering the 'P' timezone.

The Board noted that the advertiser has voluntarily moved the commercial so that it is not shown between 3pm and 8.30pm. The Board considered that the advertisement was not inappropriate in its current form and P timezone and did not breach section 2.3 of the Code.

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