

Case Report

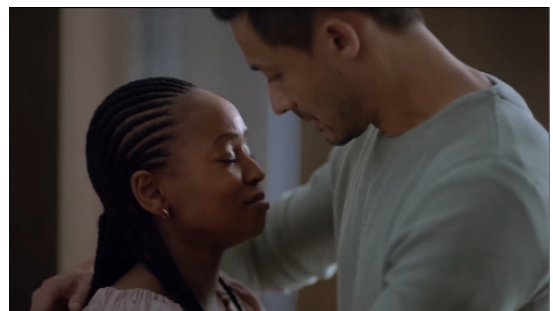
1. Case Number :	0029-24
2. Advertiser :	Monash IVF Group
3. Product :	Other
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	21-Feb-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.0 Other

DESCRIPTION OF ADVERTISEMENT

This television advertisement begins with a woman crying on the toilet. The scene changes to her walking to a man and them embracing. Further scenes show medical staff assisting patients and working in a laboratory. The voiceover states "Starting a family isn't always easy, it takes bravery. So we've spent over 50 years evolving our science to give you the best possible chance of success. We'll leave no stone unturned to get you answers, and our team of fertility experts will be by your side. At Monash IVF, we'll do what it takes together."



THE COMPLAINT

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

There is no need to show a woman miscarrying physically on a toilet. This is very confronting for a lot of women (including myself, I've suffered multiple miscarriages)

Why do they constantly play this ad at dinner time when the opening shot is a lady on the toilet! The ad would make sense without that shot. Grose, who wants to see someone on the toilet? Especially when viewers are eating.

This ad is clearly designed to be extremely emotionally triggering to provoke those who are considering IVF into action. For those hundreds of thousands, perhaps millions who have used IVF and failed, or have been unable to have children, or any person who has experienced the shattering disappointment associated with not conceiving, this ad is appalling. It runs on TV and radio, and is often run very frequently. This use of a female at the most vulnerable point of her life is utterly inappropriate and very triggering

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Monash IVF is a purpose driven organisation with a genuine commitment to creating a societal shift in how the community thinks and behaves in relation to their fertility. We want people to be better informed and empowered so they can take proactive steps to improve their chances of having a family, when they are ready.

From a very early age, we are educated about how to avoid becoming pregnant however the reality is one in six couples have difficulties conceiving. Our advertising campaigns are therefore developed with the clear intention to create a societal shift by breaking down myths, removing stigmas, and ensuring people do not feel alone.

We understand that infertility can be challenging on many fronts, and indeed very emotional. It is certainly not our intention to cause discomfort or angst to the many people experiencing fertility challenges. Instead, we want people to understand that what they may be experiencing is normal and that there are options for support.

We have tried to convey this in our advertisement with an opening scene of a woman sitting on the toilet and realising she has her period and that her attempts to conceive with her partner have not been successful. This is a very familiar scenario to those experiencing infertility. The advertisement then goes on to show how Monash IVF does what they can to support and how we partner with people to achieve their dreams of achieving a family.

The scene is not depicting a woman having a miscarriage and does not include any of the visual clues which would normally be associated with miscarriage such as severe abdominal cramping or contractions, overall body weakness, fever, severe back pain or extreme anxiety. On an ethical level, Monash IVF would never be comfortable portraying a miscarriage in our advertising when we know what an emotional trigger this could be and how it could cause distress.

Monash IVF has responded to one other complaint of a similar nature to this one (emailed to us directly), which suggests that there is not a broad view in the community that this is a woman miscarrying a child. It is also important to note that Monash IVF adopts a multi-tiered approval process for all of its content which includes representatives across legal, quality, Medical Directors, marketing and product managers. This approval process ensures that we are complying with all regulatory legislation and industry standards.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement:

- Includes vision of someone having a miscarriage
- Is emotionally triggering for people with fertility issues

The Panel viewed the advertisement and noted the advertiser's response.

The Panel acknowledged that fertility is a sensitive subject for many people. However, the Panel considered that the advertiser is promoting lawful services. The Panel considered that while the subject matter may trigger an emotional reaction in some viewers, the content of the advertisement was treated with sensitivity to these concerns. The Panel considered that the potential for the advertisement to be emotionally triggering did not in itself raise an issue under the advertising Codes.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

Does the advertisement contain violence?

The Panel noted the complainants' concern that the advertisement depicted a woman experiencing a miscarriage. The Panel noted that the advertisement was promoting a service which assists people who are having difficulties becoming pregnant, and considered the most likely interpretation of the first scene of the advertisement was that the woman had started a period and realised she was not pregnant. The Panel considered that the advertisement did not depict a woman experiencing a miscarriage, and did not contain violence.

Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.