

## Case Report

1. Case Number :	0101-24
2. Advertiser :	City Fertility Centre
3. Product :	Health Products
4. Type of Advertisement/Media :	Radio
5. Date of Decision:	17-Apr-2024
6. Decision:	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a voice over repeatedly stating "you're still not pregnant".

### THE COMPLAINT

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

*The ad that states "you're still not pregnant" is such an awful ad to hear whilst going through IVF. It is low, triggering and bullying. I turn my radio off every time it comes on.*

*The ad repeatedly uses the line "you're still not pregnant" in a fear mongering and aggressive way that is likely to be triggering to people who have infertility issues or trouble conceiving.*

### THE ADVERTISER'S RESPONSE

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

*We have always been very mindful of how sensitive the topic of conceiving and falling pregnant is - with every single ad we create, a LOT of thought goes into finding the balance of being considerate and careful in our wording, yet still maintaining an ability to connect with our target audience by addressing their problem within the commercial. Ultimately, the reason people come to City Fertility is because they haven't been able to fall pregnant & they want a baby.*

*Sometimes they are already trying to fall pregnant via IVF with another fertility clinic - we also specifically want to talk to these people....to give them another avenue of hope if their current treatment methods haven't been working (the path to pregnancy can vary immensely for everyone - and there are so many treatment options...it's about finding the right one for your exact situation).*

*Radio can be such a powerful advertising medium when used to really connect in a meaningful way with the intended potential client/customer/patient.*

*From a business perspective, that's all we have tried to do here - connect with the person having these problems and trying to show them that there can still be hope if they are open to talking with us at City Fertility.*

*Sometimes it's a change of perspective that's needed to help them find the result they are after, and for us, that's what this whole ad is about.*

## **THE DECISION**

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

The Panel noted the complainants' concern that the advertisement may be distressing for people who have fertility issues.

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

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel acknowledges that the simple, repeated message would likely be effective in gaining the attention of people who may benefit from this service. However, the Panel considered that infertility is a highly sensitive topic and the insistently repeated phrase, "you're still not pregnant" would be upsetting to people who are having difficulties conceiving, or people who are unable to conceive. The Panel considered that this advertisement has the potential to cause psychological harm to people in this position.

The Panel considered that this was a highly sensitive topic, and this advertisement's repeated use of a distressing phrase was not treating the topic with the sensitivity that would be expected by the community. The Panel considered that the lack of sensitivity in the advertisement could be damaging to the mental wellbeing of vulnerable people.

The Panel considered that the content of the advertisement was against prevailing community standards on health and safety.

### **Section 2.6 conclusion**

The Panel found that the advertisement did breach Section 2.6 of the Code.

**Conclusion**

Finding that the advertisement breached Section 2.6 of the Code, the Panel upheld the complaints.

**THE ADVERTISER'S RESPONSE TO DECISION**

I can confirm that this ad has been taken off air and we will not put it back on.