

Written evidence submitted by Advertising Standards Authority [GRAMiss0067]

Dear Caroline

Thank you for inviting me to give evidence to the Women and Equalities Committee as a part of your inquiry into body image. I look forward to reading the Committee's report, particularly in light of the Call for Evidence which we plan to run next year.

At the evidence session, I promised to give the Committee further detail on some of our work, including our recent rulings on weight loss injections, and our response to attempts to exploit the Covid-19 pandemic for gain.

In October, we ruled against online ads (some of which were promoted by influencers on social media) by three different weight loss injection providers. We considered that the message that people who were not overweight would benefit from weight loss treatment was irresponsible.

[One of the ads](#), which I highlighted to the Committee, specifically focussed on potential weight gain during lockdown. We concluded that people, particularly young women who were already body conscious because of pre-existing societal pressures (regardless of their actual weight or size), were likely to have had their concerns about putting on weight heightened by changes to their lifestyle during lockdown, and we banned the ad for playing on those anxieties.

I've provided an annex to this letter with examples of similar rulings which I hope will be helpful to the Committee.

We've acted swiftly on ads which seek to exploit consumers' vulnerabilities during the pandemic. Like many organisations, the Covid-19 emergency presented us with new challenges. From the initial onset, we've had to be fleet of foot in tackling irresponsible Covid-19 related claims in ads.

We established an internal task-force to triage and assess incoming complaints. We also created a [quick-reporting form](#) on our website, making it easier for consumers to highlight ads which might be misleading, irresponsible or harmful. This has helped us fast-track a number of investigations into ads which exploited the crisis. For instance, we recently banned ads published by a number of health clinics which made misleading claims about the [effectiveness of their antibody tests](#), as well as ads from retailers who'd made [certain claims about facemasks](#) but hadn't demonstrated that they met PPE standards.

We've also been alive to more general concerns about the potential harms the advertising of age-restricted products could cause during a time when many are isolated, have more time on their hands and are potentially more vulnerable. We remain mindful of the uncertainty and financial hardship felt by many and that in particular, to some, gambling

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might be seen as an escape from the situation they find themselves in. That's why we issued a [warning to gambling operators](#) to pay even more attention to their responsibilities under our Codes. We remain particularly vigilant to concerns about this sector.

Additionally, to help us understand how advertisers across different sectors have responded to the pandemic, we [analysed overarching trends](#) in advertising this year, which revealed that exposure to TV ads rose during the first lockdown. In addition, our analysis of the entire television advertising market shows the informative role advertising can play, with the significant increase in public health ads, and the reassurance that advertisers gave and continue to give their customers during uncertain times.

Finally, and with regret, I must correct the impression I fear I have given in regard to the regulation of Covid-19 misinformation in editorial material online. On reading the transcript of last week's session, I see that I may have inadvertently given the impression that this would be addressed through the Online Harms framework or the Audio Visual Media Services Directive (AVMSD), both of which we anticipate will be regulated by Ofcom. I meant only to indicate that editorial matters were the province of Ofcom. I'm concerned my remarks could be interpreted as suggesting that Covid-19 misinformation will be addressed within the Online Harms or AVMSD frameworks, when to my understanding it will not. I apologise for this confusion. As I said in the evidence session, it is beyond my competence to speak on the regulation of editorial matter, and I ought to have held to that line more consistently.

Please do get in touch if we can provide anything further.

Yours sincerely,



Malcolm Phillips
Regulatory Policy Manager, ASA

Letter to the Women and Equalities Committee December 2020: Annex on weight loss injection rulings

There are two groups of recent ASA rulings related to promotion of weight loss products online, including in social media and by influencers. They serve to demonstrate the robust approach the ASA takes to advertising of this type of product online.

[Three formal investigations into ads for weight loss injections, published 7 October 2020:](#)

<https://www.asa.org.uk/rulings/skinny-clinic-a20-1064726-skinny-clinic.html>: The advertisers' Instagram page included picture of glamour model & we upheld on responsibility, alongside two other points:

“We considered that the message that people who were not overweight would benefit from weight loss treatment was irresponsible”.

<https://www.asa.org.uk/rulings/skinny-revolution-ltd-a20-1064728-skinny-revolution-ltd.html>

– This also included an upheld on responsibility:

“People, particularly young women, who were already body conscious because of pre-existing societal pressures (regardless of their actual weight or size, and including those who were of a healthy weight) were likely to have had their concerns about putting on weight heightened by changes to their lifestyle during lockdown, such as prolonged periods of staying at home and experiencing disruption to ordinary diet or exercise routines. We considered that the “before” image of a slim Barbie doll and an “after” image of an overweight Barbie doll, together with the claims “Me in Quarantine” and “Don’t let lockdown knock you back”, poked fun at women’s physicality and played on those anxieties.”

<https://www.asa.org.uk/rulings/skinnyjab-ltd-a20-1064725-skinnyjab-ltd.html> -Included an upheld on responsibility point:

“We considered that the cartoon of a slim woman, together with the claim “Tired of craving and unable to control bad eating habits? SkinnyJab is here to help” implied that the injections offered by SkinnyJab could be used to help prevent cravings in people who were not overweight. We considered that the message that people who were not overweight would benefit from weight loss treatment was irresponsible.”

Two formal investigations into ads for weight loss food products published 23 October 2019:

<https://www.asa.org.uk/rulings/protein-revolution-ltd-A19-564759.html> - Included an upheld on responsibility, and noted the image appeared to have been manipulated:

“We considered that consumers would take from the ads that Georgia Harrison had taken the products over a long period of time in order to maintain her slim figure. It was clear from the ads that Georgia Harrison did not need to lose weight in order to achieve a healthy weight. We considered that the overall message of the ads was that she nevertheless used the product on an ongoing basis to help her limit her calorie intake. We were concerned that this created the impression that it was necessary or advisable for those who aspired to her body shape and lifestyle to use products that suppressed their

appetite. *We were also concerned that the photos of Georgia Harrison in both ads appeared to have been edited to make her waist look artificially thin with the result that the images were not representative of her real body shape. We considered that was particularly irresponsible in the context of an ad for an appetite suppressant that presented her as an aspirational figure.*”

<https://www.asa.org.uk/rulings/boombod-ltd-G19-1018366.html> - Included uphelds on responsibility, and we noted the image appeared to have been manipulated:

“Because the ads presented both influencers as aspirational figures, we were concerned that this created the impression that it was necessary or advisable for those who were already slim to use products that suppressed their appetite to quickly lose weight, which we considered was an irresponsible message in an ad for an appetite suppressant.... Ad (d) also stated that the product helped the influencer feel “more confident too”, which created the impression that those who were already slim could use products that suppressed their appetite to improve their confidence, which we considered was an irresponsible message.... We were also concerned that the photo of Lauren Goodger in ad (f) *appeared to have been edited to make her waist look artificially thin* with the result that the images were not representative of her real body shape. We considered that was particularly irresponsible in the context of an ad for an appetite suppressant that presented her as an aspirational figure.”

December 2020