

COMPLAINT NUMBER	21/290
ADVERTISER	Merz Aesthetics
ADVERTISEMENT	Xeomin Print
DATE OF MEETING	8 June 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Merz Aesthetics print advertisement promoting Xeomin anti-wrinkle treatment has an image of a woman blowing a kiss with the text "You discover your daughter's boyfriend is older than yours". Below the image is the text "The pure way to smooth out life's wrinkles...Life is full of little hiccups. And little hiccups can cause little wrinkles. Luckily, Xeomin® is the first and only anti-wrinkle injectable to contain no unnecessary proteins. This purity* means there could be less risk of your body developing resistance to the treatment. For up-to four months of pure* confidence, visit xeomin.co.nz to locate your nearest Xeomin® clinic. * XEOMIN contains Zero Complexing proteins. Below this was a paragraph of additional information about the product, which is a Prescription Medicine. It included a list of possible side effects such as headaches, nausea, tenderness.

The Chair ruled there were no grounds for the complaint to proceed.

There were two complaints about this advertisement:

Complaint 1:

I believe this advertisement breaches Rule 1c of the Advertising Standards code. It is offensive in that it assumes heterosexuality as a norm and secondly the definition of females via their male partners. Are cis-gendered people the only people who should or could use this product? Are females really defined by who or how old their boyfriends are?

Complaint 2:

I am pro-aging so I find the plethora of so-called anti-aging advertisements and advertorials hard to stomach and I usually ignore them. HOWEVER this is impossible for the advertisement on the back page of VIVA dated 12 May 2021. It is offensive, anti-ageing, ageist, sexist, gendered and promotes the idea that by "hiding" the natural process of ageing a woman will find happiness by "cheating" on her age and thus "scoring" a younger man. A younger woman is not an option! My daughter is almost 24 and this advertisement promotes the fantasy that a mature women (the one in the ad has been air brushed to within an inch of her life so goodness knows how old she really is but old enough to have a daughter over 16 surely?) can only find happiness and success from competing with other women to get a boyfriend (emphasis on the word boy) and that competition includes her daughter... so a relationship with a 21 year old boy/man is something mature women should aspire to...????? Notwithstanding all of the above, the advertisement promotes the idea that the road to this nirvana can be achieved by some toxic injectable whose list of side effects (I checked out the small print) includes nausea, tenderness, swelling, redness, numbness and bruising of the skin. I cannot believe the advertising market is so tight that NZME has to take money from MERZ Aesthetics in Germany to get an edition over the line. VIVA constantly runs editorial and advertorial about ethical fashion choices, sustainable food, and cosmetics that are made without harm to the environment or animals. Then they print this drivel which makes a mockery of all that they purport to stand for. I note that the TAPS number is MR7406. Despite

a quick search, I have been unable to establish whether this ad was generated in NZ or overseas. But in my opinion, it was probably dreamt up by a bunch of young male “creatives” (and I use that ADJECTIVE noun very loosely) who talk about MILFS and say things like “She is really hot for her age”. Advertising is riddled with these numbskulls - I should know having worked in and around the industry in my past careers. PLEASE could you ask NZME to make a conscious effort to actually think about what an advertisement like this really says about how mature women in NZ are represented in 2021? Ageing is a natural process that cannot be permanently reversed by expensive products like the one advertised here) As a 56-year-old professional who is as I say - PRO AGEING - I have to say ageing is pretty fantastic and none of it I owe to products but to education, attitude, exercise and the confidence and wisdom that yes - cliché I know - comes of being a GROWN UP not from trying to get a boyfriend who is young enough to be my son - who incidentally is almost 21.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c); and the Therapeutic and Health Advertising Code - Principle 1

Advertising Standards Code

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Therapeutic and Health Advertising Code

Principle 1: Social Responsibility: Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

The Chair first considered the complaints under the Advertising Standards Code. The Chair said Rule 1(c) of the Advertising Standards Code required her to consider whether the advertisement contained anything that was exploitative or degrading or was likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair considered each of the issues raised by the Complainants in turn.

The Chair noted the Complainants’ concern the advertisement appeared to be addressing a heterosexual cis-gendered audience. The Chair agreed this is the most likely consumer takeout. The Chair acknowledged this focus in the advertisement was offensive to the Complainants but confirmed the Code does not restrict Advertisers from targeting a particular audience for their product.

The Chair said the scenario presented is designed to catch the reader’s attention and uses a particular family dynamic around age that is often referenced in social commentary as a device to promote the product.

The Chair then considered the second Complainant’s concerns the advertisement was anti-ageing, sexist and gendered and promoted the idea that a woman will only find happiness from competing with other women to get a boyfriend.

The Chair acknowledged the scenario presented in the advertisement is based on an assumption that the majority of the intended audience would prefer to be seen as more youthful and attractive than they actually are. The Chair said this subtext is a reflection of the

values held by some groups in society, particularly those who might be interested in the advertised product.

The Chair said that despite the Complainants' objections to the product and how it is promoted, the advertisement did not reach the threshold to breach Rule 1(c) of the Advertising Standards Code in relation to decency and offensiveness.

The Chair confirmed that as the product was for a prescription medicine, the Therapeutic and Health Advertising Code also applied. The Chair confirmed the TAPS number in the advertisement meant that it had been reviewed by a Therapeutic Advertising Pre-vetting Adjudicator for a New Zealand audience. The Chair said the content and placement of the advertisement complied with Principle 1 of the Therapeutic and Health Advertising Code.

The Chair said the advertisement was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code or Principle 1 of the Therapeutic and Health Advertising Code

The Chair ruled there were no grounds for the complaints to proceed.

Chair's Ruling: Complaints **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.