

Complaints dealt with by the Communications Authority (“CA”) (released on 29 April 2022)

The CA has considered the following complaint case –

[Television Advertisements for “Vitagreen Naturo Derma – 7 Days Bvrn™” \(「維特健靈 7 日瘦」電視廣告\) broadcast by Television Broadcasts Limited \(“TVB”\)](#)

The CA also reviewed the decision of the Director-General of Communications (“DG Com”) on a complaint case.

Having considered the recommendations of the Broadcast Complaints Committee, the CA decided –

1. that the complaints against the television advertisements for “Vitagreen Naturo Derma – 7 Days Bvrn™” (「維特健靈 7 日瘦」電視廣告) were **unsubstantiated** and no further action should be taken against TVB; and
2. the decision of the DG Com on the complaint case should be upheld. Details of the case are set out in the [Appendix](#).

29 April 2022

Case – Television Advertisements for “Vitagreen Naturo Derma – 7 Days Bvnr™” (「維特健靈7日瘦」電視廣告) broadcast from July 2020 to May 2021 on Jade Channel of Television Broadcasts Limited (TVB)

10 complaints were received about the captioned television advertisements. The main allegations were that the artiste featured in the advertisements was too thin and was unhealthy, and the shots showing her waist while she buttoned up her pants were unnerving.

The Communications Authority (CA)’s Findings

In line with the established practice, the CA considered the complaint case and the representations of TVB in detail¹. The CA took into account the relevant aspects of the case, including the following –

Details of the Case

- (a) there were two versions of the advertisement for a weight loss product;
- (b) in one version, an artiste (the Artiste) posed for photo shooting in crop top and bra top. She expressed appreciation for the product and the brand;
- (c) in another version, the Artiste was depicted to finding it difficult buttoning or zipping up her attire with a brief shot focusing on her waist. The voice-over introduced the features of the product and suggested that the Artiste was able to fit in different attire after taking the product; and
- (d) both versions of the advertisement were broadcast with the caption “需配合均衡飲食” (“needs to be combined with a balanced diet”) superimposed on screen.

Relevant Provisions in the Generic Code of Practice on Television Advertising Standards (TV Advertising Code)

- (a) Paragraph 2 of Chapter 3 – the content, presentation and placement of all advertising material must comply with the Generic Code of Practice on Television Programme Standards (TV Programme Code);
- (b) Paragraph 21(g)(iv) of Chapter 6 – no advertisements for products, services and establishments which offer or provide treatment aimed at the achievement of weight loss or reduction of body fatness are acceptable unless these advertisements state that their services/products are adjunct to having a balanced/healthy diet to achieve such effect. Such advertisements must not suggest or imply that to be underweight is acceptable or desirable. Those giving testimonials must neither be nor appear to be underweight²; and

¹ The advertiser has not submitted any representations.

² For the purpose of paragraph 21 of Chapter 6 of the TV Advertising Code, the Body Mass Index (BMI) for a normal person is between 18.5 and 25 kilograms/metre² as recommended by the World Health Organisation. BMI over or under this range would be considered as obese or underweight.

Relevant Provision in the TV Programme Code

- (c) Paragraph 1 of Chapter 3 – licensees should ensure that their programmes are handled in a responsible manner and should avoid needlessly offending audiences by what they broadcast.

The CA's Consideration

The CA, having regard to the relevant facts of the case including the information submitted by TVB, considered that –

- (a) while some unverified information could be found on the Internet about the weight and height of the Artiste, the accuracy of such information could not be ascertained for a definitive assessment of the Artiste's BMI at the time the advertisement was filmed. On the other hand, an assessment of whether the Artiste appeared to be underweight would be subjective. There was insufficient evidence to establish a breach of paragraph 21(g)(iv) of Chapter 6 of the TV Advertising Code; and
- (b) regarding the allegation that the advertisements were unnerving, the CA considered that the attire and movements of the Artiste were within bounds of propriety. Viewers in general would unlikely be offended by the presentation of the advertisements.

Decision

In view of the above, the CA considered that the complaints were **unsubstantiated** and decided that no further action should be taken against TVB.

Appendix

Review of the Director-General of Communications' Decision on Complaint Case by the Communications Authority

Title	Broadcast Channel	Broadcast Date	Substance of Complaint	Decision Upheld
TV Programme "Wealth 360" (智富360)	TVB Finance & Information	31.8.2021	Inaccuracy & Unfairness	Unsubstantiated