



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0018/15</b>
<b>2</b>	<b>Advertiser</b>	<b>SKYN</b>
<b>3</b>	<b>Product</b>	<b>Professional Service</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/01/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

Full page newspaper advertisement featuring the text: "Why is everyone talking about the Designer Vagina?".

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

- 1. Offensive values being promoted. Sexist, gender and body image issues.*
- 2. Offensive use of medical processes, producing "designer vaginas" .*
- 3. Untrue claims e.g. "everyone talking about"*
- 4. Size and prominence of the advertising is excessive.*
- 5. Is it a way of advertising that an illegal procedure (female genital circumcision) can be obtained from this provider?*

## THE ADVERTISER'S RESPONSE

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

*SKYN is a medical clinic located in Nedlands, Western Australia and has been operating since 2004.*

*SKYN has been running fortnightly print advertisements in Community Newspapers 'The Western Suburbs' paper for several years. Over the Xmas break, the ads are upgraded to full page by the newspaper at no additional cost.*

*The Action II Petit Lady device by Lutronic is an erbium 2940nm laser. The Petit Lady received CE mark clearance in June 2014 for the treatment of Vaginal Relaxation Syndrome (VRS) and Stress Urinary Incontinence (SUI). VRS is a common medical condition described as a loss of the optimal vaginal structure and is usually associated with vaginal delivery and natural ageing. SUI refers to the involuntary loss of control of the bladder and it can occur following normal activity, such as sneezing, coughing, running, lifting or even just bending over.*

*Current treatments include surgical procedures and pharmacological therapies; the surgical options available require long recovery and the pharmacological options may cause undesirable side effects. Clinicians and patients have been looking for a better, minimally invasive solution that provides short or no downtime and low risk of side effects.*

*The Petit Lady is a non-surgical, non-invasive and easy to perform laser treatment that enables the physician to effectively treat a wide range of vulva-vaginal symptoms and conditions and helps patients solve their most private problems.*

*The Petit Lady approach is suggested for females who have VRS but for whom a surgical procedure might not be appropriate because the symptoms are mild and the patients concern about pain and downtime. Symptoms include post-delivery vaginal alterations, stress urinary incontinence, vaginal dryness, burning sensation, vaginal relaxation syndrome, tightening, chronic vaginitis, and pigmented vulva.*

*The Petit Lady is particularly recommended to menopausal patients because the mechanism of laser remodelling not only rejuvenates the condition of the vagina but also enhances sexual gratification and better quality of life.*

*The Action II Petit Lady treatment is rejuvenating not only women's vaginas but their lives. It is giving them confidence and returning intimacy to many relationships. Instead of suffering in silence, women now have a simple, non-surgical, safe treatment for ongoing embarrassing issues.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement features a reference to

designer vaginas which is sexist and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that this print advertisement features the text, "Why is everyone talking about the Designer Vagina?"

The Board noted the complainant's concern that it is sexist to promote a designer vagina as it implies women should change what nature gave them, and that it is suggestive of illegal procedures on women.

The Board noted that whilst the advertisement does not provide any context for the phrase, 'designer vagina' the website link provided takes you to the advertiser's webpage which provides information on the non-surgical procedures available to women for issues such as post child-birth vaginal tightening. The Board noted that the advertisement does not suggest that all women need or should need a designer vagina and considered that the use of the phrase 'designer vagina' is not of itself demeaning to women.

The Board noted the complainant's concern regarding the promotion of female genital circumstantial but considered that there is nothing in the advertisement itself, or the associated website, to suggest that this practice is either offered or condoned.

The Board considered that the advertisement did not present or portray material in a way which discriminates against or vilifies a section of the community on account of their gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concern over the use of the word 'vagina' in a print advertisement. The Board noted that vagina is the correct anatomical name for a part of a woman's body and considered that the word is not being used in a sexualised context and there are no images in the advertisement.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted it had previously dismissed the use of the word ‘vagina’ in case 0305/12 where:

“The Board noted that the word ‘vagina’ is used in the advertisement and that the complainants were concerned that this word is offensive and inappropriate.

The Board noted that the word ‘vagina’ is the correct anatomical name for the part of the woman’s body that the advertisement is concerned with. The Board considered that whilst some members of the community may be uncomfortable with the use of the word ‘vagina’ in the Board’s view it is not a word which would be considered inappropriate in the context of the advertisement. The Board noted it had previously dismissed an advertisement featuring the use of the word ‘vaginal’ (60/07) where it found that the use of the word was not ‘explicit or inappropriate’.

The Board considered that in this instance the advertiser handles the subject matter in a factual, straightforward manner using language appropriate for the subject and the relevant audience.”

In the current advertisement the Board acknowledged that some members of the community may feel uncomfortable about the use of word ‘vagina’ in the context of a full page print advertisement for a provider of non-surgical procedures for women. The Board noted that the word is written in bold pink letters and does stand out, however the Board considered that consistent with its previous determination the use of the word ‘vagina’ in reference to medical procedures is not of itself language which is strong or obscene. The Board considered that the inclusion of the word ‘vagina’ in an advertisement appearing in a community newspaper is appropriate in the context of the services provided.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds the Board dismissed the complaint.

