



Case Report

1	Case Number	0034/11
2	Advertiser	Cosmetic Culture
3	Product	Professional services
4	Type of Advertisement / media	Radio
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Voices of two women discussing the possibility of breast enlargement surgery. Then Dr Tim is heard suggesting to contact him to discuss.

THE COMPLAINT

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

I was offended by this advertisement as it involved young girls and am concerned that about it's impact on teenage girls especially in the age range of 12-16 who are still going through development. This advertisement was broadcast during the day and also during school holidays on a radio station specifically target at the younger generation.

While other types of plastic surgery are aimed at "improving" or changing physical appearance breast augmentation is of a sexual nature and is inappropriate for commercial radio.

I also find the commercial discriminatory and sexist implying women should spend their money on breast enlargements if they think their breasts are too small. This is particularly reinforced by Dr Tim using the term "helping thousands of women" making it sound like women "need help" if their "boobs" are too small.

In general plastic surgery of a sexual nature is inappropriate and offensive and should not be advertised on commercial radio especially during day time and peak time broadcast hours.

THE ADVERTISER'S RESPONSE

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

In response to the anonymous complaint itself, we would like firstly to assure the complainant that Cosmetic Culture does not wish to offend and we are happy to answer any concerns the complainant may have.

Firstly we have chosen to advertise our services on the Edge 96. One as it reaches a broad market with its core being 18-39 year olds, not 12 -16 Year olds. The voices that we have used for the ads were chosen for their appeal to the station's listeners in the age group above, not because they sounded young.

The campaign we have on the Edge is a 12 month campaign and the fact that the ad was played in school holidays, was purely co-incidental. We are running a similar campaign on the Edge's sister station, MIX 106.5 and in order to be able to track effectively we are running a one week on, one week off strategy. The campaign on the Edge was meant to have started in late December (not in school holidays) but unfortunately the start date was delayed until we returned from leave.

Breast enlargement is a surgical alternative for many wOmen who feel unhappy about their physical appearance, just as men or wOmen may feel unhappy about the shape of their nose or size of their stomach and seek cosmetic surgery as a solution. There is as such nothing "sexual" at all about breast enlargement, just as there is nothing sexual about a nose "job" as they are colloquially referred to.

Regarding the ad being discriminatory, it is true that Dr Tim has indeed helped thousands of people with all sorts of cosmetic surgery, However as this ad is about breast enlargement it is of course the women listeners that we are speaking to, It would be absurd to speak of the thousands of men Dr Tim has helped with their cosmetic surgery needs in ads about breast enlargements.

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 concern that the advertisement features a product of a sexual nature and is inappropriate for airplay during the day, and that it is sexist in its implication that women should get enlargements for small boobs.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray

people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... sex...”

The Board noted that in this radio advertisement a young woman can be heard complaining that she looks too flat-chested and her friend suggests breast enlargement surgery. The Board considered that the advertisement was not saying that all women should have breast enlargement surgery but rather that if a woman was unhappy with her breast size then surgery could be an option. The Board also noted that the woman appears to want to enhance her breasts for her own reasons and not to please others.

Based on the above, the Board determined that the advertisement did not depict any material that discriminated against or vilified any person or section of the community on account of their sex. The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the complainant’s concern that “breast augmentation is of a sexual nature”. The Board noted that breast augmentation can be undertaken for a variety of reasons and that the advertisement is not sexualised or sexually suggestive.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that some people do not approve of breast augmentation surgery on the basis that it contributes to issues about women’s body image however the Board noted that cosmetic surgery is legally allowed to be advertised. The Board considered that the advertisement did not depict any material which was contrary to prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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

