



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0047/19
2	Advertiser	Cosmetique
3	Product	Professional Service
4	Type of Advertisement / media	Transport
5	Date of Determination	20/02/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Body Image

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features an image of a woman's naked torso, as she has her arms crossed over her breasts. Text states "Breast implants from \$5990. Thinking breast augmentation? Think Cosmetique".

THE COMPLAINT

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

There are other ways to portray the same message and represent this company. You could have a women wearing a dress (that has cleavage to show her renewed figure) heading out somewhere. The public does not need to be exposed to sexualised content. There would be people seeking this type of material but that is their personal business. Don't impose sexual content on Australian families and have young children feeling that women can only be adequate and pretty if they have large breasts. Teenagers already have enough self esteem issues.



THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is sexualised, is harmful to children's self-esteem and did not require a naked woman to market the product.

The Panel viewed the advertisement and noted the advertiser did not provide a response to the complaint.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the complainant's concern that the advertisement did not require a naked woman to market the product/service.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted this transport advertisement for a cosmetic surgery featured a woman's naked torso with her hands covering her breasts, and the text "Breast Implants from \$5990". The Panel considered that this image did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.



The Panel considered that the advertisement is clearly of the service of a breast augmentation and that the image is not a depiction which implied the model was an object or commodity and was not exploitative of the woman. The Panel considered that there is a focus on the model's breasts, however considered that this was directly relevant to the product/service of breast augmentation.

The Panel considered that the depiction of the model and the accompanying text did not lower the character or quality of the model and did not degrade the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel then 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 Panel noted the complainant's concern that the advertisement depicted sexualised content.

The Panel noted that this transport advertisement was on the back of a bus, and considered that the relevant audience for this poster would be broad and would include children.

The Panel considered that the model is well covered and considered that the advertisement does not depict nudity. The Panel noted that the model is well-endowed, however considered that the depiction of a larger busted woman was not of itself a depiction of sexualised imagery.

The Panel considered that the image was not overly sexualised, and considered that the imagery included on a bus that is visible to members of the community is not sexually explicit and does not depict nudity.

In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

The Panel considered whether the advertisement complied with 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 Panel noted the complainant's concern that the advertisement is harmful to



teenagers and young adults with low self-esteem as it gives the message that they can only be adequate or pretty if they have large breasts.

The Panel noted that breast enhancement is a service legally available but noted that it is possible for an advertisement for this type of product to be executed in a manner that would make people feel that this is essential to achieve positive body image.

The Panel considered that this advertisement makes no references or statements other than the price of the product/service and the advertiser name. The Panel noted that the advertisement does not imply that all woman who are small-busted should have surgery, or that they are somehow lesser for not having breast augmentation.

In the Panel's view most members of the community would be unlikely to view the context of this advertisement for breast surgery as promoting negative or unsafe body image.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding body image. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

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

