



Ad Standards Community Panel
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Case Report

1. Case Number :	0132-22
2. Advertiser :	ISPA Clinic
3. Product :	Beauty Salon
4. Type of Advertisement/Media :	Radio
5. Date of Determination	13-Jul-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a woman talking with kids playing in the background. She says, "Being a mum, yeah it changes your life. Nothing is the same. It's tough. I can't remember ever being this stressed. And it changes your body. Apart from the stretch marks from my pregnancy, I reckon I look five years older today than I did last week."

A voice-over then states, "At ISPA clinic we're here to help you look fresher, younger, and rejuvenated." And provides details of the clinic.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The ad suggests that mothers are overweight / tired / look older than other women who are not mothers, and that for these reasons, they require cosmetic surgery. The ad is suggestive that women must be slim and youthful looking, and if you are not, it is something that needs to be fixed. It is offensive to women, who are not obliged to look a certain way to be accepted in society. It is offensive to mothers who may have struggled on their journey to motherhood and who couldn't care less about their



physical appearance, but have now heard that they should be concerned and should fix it. It is damaging to the often fragile mental health of mothers, who may perceive that their postpartum body is a “flaw” that needs to be fixed, furthering possible mental health / anxiety 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 (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concerns that the advertisement:

- Suggest that mothers are overweight, tired or look older than women who have not had children, and therefore require cosmetic surgery
- Suggests that women must be slim and youthful looking
- Is offensive to women
- Is damaging to the mental health of mothers.

The Panel reviewed the advertisement and noted the advertiser did not respond.

Section 2.1: Advertising or Marketing Communication 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men.

Gender is distinct from ‘sex’, which refers to biological difference.

The Panel noted the Practice Note for this section of the Code:

“However, ads should be sensitive to the emotional and physical well-being of vulnerable groups of people who may be under pressure to conform to particular gender stereotypes. For example, an ad aimed at new mums which suggests that looking attractive or keeping a home pristine is a priority over other factors such as their emotional wellbeing.”



Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel considered that the advertisement is the point of a view of a woman who feels that being a mother changed her life and resulted in being stressed and having a changed body. The Panel noted that the woman feels she looks five years older however noted that that is her personal viewpoint and she is not represented as speaking for all mothers.

The Panel considered that the description the woman gives is one that many mothers can relate to and while it may be a negative depiction, it is not itself discriminatory or vilifying to depict a realistic viewpoint. The Panel considered that a woman sharing her feelings is not suggesting that all women feel this way, or suggesting that all mothers must be unhappy with their bodies and seek measures to change them.

The Panel noted that the advertisement makes no reference to being overweight. Although there is a reference to stretch marks, this is not a reference to being overweight as stretch marks are not exclusive to being overweight.

The Panel noted that the advertisement is promoting a business which provides plastic, reconstructive and aesthetic surgery, as well as non-surgical services such as laser treatments and dermal therapies. The Panel noted that the advertisement does not promote any specific service or treatment, only the statement that it can help you look “fresher, younger and rejuvenated”.

The Panel considered that as the advertisement is broadcast on radio there is no visual imagery depicting an ‘ideal’ or indicating a goal. The Panel considered that “fresher, younger and rejuvenated” can refer to a non-surgical beauty treatment such as a facial and this reference is not suggesting that all mothers need cosmetic surgery.

The Panel considered that the advertisement was specifically referring to mothers however there was not a direct statement that all women who are mothers need plastic surgery, but rather that some women who have had children may be considering surgery or medical procedures.

The Panel considered that the woman in the advertisement, and women in general, are not depicted in a way which humiliates, intimidates, incites hatred, contempt or ridicule of them because of their gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.



Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to Section 2.6 which includes:

“BODY IMAGE: Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Unrealistic ideal body image: Advertising that provides an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices, which is not justifiable in the context of the product or service being advertised, will be contrary to prevailing community standards relating to health and safety.

An unrealistic ideal body image may occur where the overall theme, visuals or language used in the advertisement imply that:

- a body shape, or feature, of the kind depicted (e.g. very thin or very muscular) is required to use the product or service or to participate in an activity associated with the product or service;*
- those people who do not have a body shape, or feature, of the kind depicted cannot use the product or service, or participate in a particular activity; or*
- those people who do not have a body shape, or feature, of the kind depicted should alter their body shape, or features, before they can use the product or service, or participate in a particular activity.*

An unrealistic ideal body image may also occur where models are depicted in a way that:

- promotes unhealthy practices*
- presents an unrealistic body image as aspirational; or*
- is reasonably likely to cause pressure to conform to a body shape that is unrealistic or unattainable through healthy practices (such as diet or physical activities), unless such depictions are justifiable in the context of the product or service advertised.*

BODY SIZE: The Code does not require the use of ‘healthy weight’ models as this term could exclude people in smaller or larger bodies from advertising and unnecessarily limit the portrayal of diversity in society. As such, advertisements may include a diversity of images, including people who have a variety of sizes and shapes, but advertisers should take care to avoid images of people with extreme body weights or shapes that are unrealistic or unattainable through healthy practices which are not justifiable in the context of the product or service advertised, and which are contrary to prevailing community standards relating to health and safety. While the use of people in smaller or larger bodies is itself not necessarily problematic, advertisers must ensure that models do not adopt a pose or are not depicted in a way which produces an unrealistic sense of body image, for example through the style of the advertising, the clothing, lighting, or make-up used. “



The Panel noted the complainant's concern that the advertisement is damaging to the mental health of mothers.

The Panel noted that many cosmetic surgery clinics have similar advertisements, suggesting that their services will make a person feel younger, sexier or more like their true selves. The Panel noted that there is significant community concern on the issue of body image, but noted that there is no mention of body shapes in the advertisement, and no suggestion that a person's worth or value is related to their body size or shape.

The Panel considered that some members of the community would prefer for cosmetic surgery procedures not be advertised out of concern for potential misuse of the service, however the Panel considered that cosmetic surgery is a service which is legally able to be advertised and that advertisers have a right to promote potential services in their advertisements, as long as such advertising complies with the Code.

In the Panel's opinion there is no suggestion that a person's worth or value is related to their body shape or weight and most members of the community would be unlikely to view this advertisement as promoting negative or unsafe body images, or as depicting material contrary to prevailing community standards on health and safety.

Section 2.6 conclusion

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

Conclusion

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