



Case Report

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| 1 | Case Number | 0137/17 |
| 2 | Advertiser | Assure Cosmetic Centre |
| 3 | Product | Professional Service |
| 4 | Type of Advertisement / media | Print |
| 5 | Date of Determination | 12/04/2017 |
| 6 | DETERMINATION | Upheld - Modified or Discontinued |

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features an image of a cow's udder with the headline "Look familiar?" The text underneath reads, "Ladies, it's time to reclaim your breasts" then there is some information about the procedures available at the Assure Cosmetic Centre.

THE COMPLAINT

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

The message delivered by the advertisement is crude and unambiguous: women, unless you augment your breasts, you are cows.

The suggestion that women can 'reclaim' their breasts by having them surgically augmented is absurd, as it falsely implies that an unaugmented breast is 'lost'. The advertisement perpetuates the destructive and misogynistic belief that a woman's self-worth is measured by the shape of her breasts, and that female breasts are foremost (if not exclusively) objects of sexual desire.

THE ADVERTISER'S RESPONSE

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

Assure Cosmetic Centre are experts in plastic surgery, cosmetic surgery & non-surgical cosmetic treatments.

One of their surgical offerings is breast augmentations and / or breast lifts.

A key market segment for Assure is mums. It is medically proven that many women experience a change in their breasts after childbirth. This change is often even more evident in mums who have breastfed their children.

The overwhelming motivation for this market segment to explore breast surgery is to return their breasts to how they were pre-children. Many individuals within this segment are cautious. They are concerned about travelling overseas for surgery; they can be price sensitive; and they are likely to do extensive research before embarking on any procedure.

The intent for the 'Cow' advertisement was simply to catch the attention of mums who identify with the imagery in a light hearted way. It is not uncommon for mums to use this analogy themselves when referring to their breasts and the use of the headline 'Look familiar?' reinforces this position.

The sub-head 'Ladies, it's time to reclaim your breasts' was written as an empowering statement. That is, ladies who are not happy with their breasts can do something about this by exploring their options and deciding for themselves if breast augmentation is for them.

We purposely reference the difference between cosmetic and plastic surgeons in our copy to encourage mums to research the difference so they are making wise / informed decisions. Our practice is made up of seven specialist plastic surgeons who are all Members of the Australian Society of Plastic Surgeons. In their professional practice they see, and often repair, many breast procedures performed in sub-standard conditions by inexperienced practitioners- hence they have taken a more creative and targeted approach to appeal to and attract the attention of this market segment.

The opinions expressed in the complaint are, in our opinion, misinterpreted. Each has been addressed below.

1. Women, unless you augment your breasts, you are cows.

It is unreasonable to claim that we are suggesting to the very market we are trying to attract that they are somehow analogous to a cow. We are not suggesting women are cows unless they have their breasts augmented. We are simply using a light hearted image to make an observation many women quite openly make amongst themselves. The proposition that any plastic or cosmetic surgeon would seriously suggest to their own patients that they are cows unless they have a breast procedure is not reasonable.

2. The suggestion that women can 'reclaim' their breasts by having them surgically augmented is absurd, as it falsely implies that an unaugmented breast is 'lost'

The use of the word 'reclaim' was very deliberate for its intent to empower women. As stated previously, many mums look back on their pre-baby breasts with fondness – remembering them as 'perky', 'strong', 'womanly'. We simply wish to convey that they can change the

shape of their breasts surgically if they wish to remediate for some of the effects of child-birth and breastfeeding. Medicare provides applicable item numbers for breast lifts of this type on the basis that in certain circumstances, this is considered a necessary medical procedure.

3. The advertisement perpetuates the destructive and misogynistic belief that a woman's self-worth is measured by the shape of her breasts and that female breasts are foremost (if not exclusively) objects of sexual desire.

No. The ad does not imply that a woman's self-worth is measured by the shape of her breasts. It does not mention or imply anything about self-worth; confidence; happiness; or any other emotional outcome.

Furthermore it does not, in any way, say that a woman's breasts are objects of sexual desire (again, there is no reference to sexual presentation or emotional response).

It is worth noting it is our business to support women in making their own decisions regarding their breasts. Every woman considers surgery for different reasons. We do not make judgements on their motivations. Equally we do not promise or imply a woman will experience a specific outcome – emotionally or physically. We simply ensure our clients have all the information they need to make wise and informed decisions.

Based on these points, we feel very confident the ad does not contravene any of the Advertising Code of Ethics.

THE DETERMINATION

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

The Board noted the complainant's concern that the message delivered by the advertisement crude and offensive and suggestive that women are not attractive unless they have firm, augmented breasts.

The Board reviewed 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this print advertisement features a pair of cow udders and the words "Look familiar?" at the top and "Ladies, it's time to reclaim your breasts toward the bottom of the image.

The Board noted the complainant's concern that the image perpetuates the belief that a woman is measured by the shape of her breasts.

The Board noted that the service being advertised is for a plastic surgeon offering breast lifts and augmentation. The Board noted that it could not comment on the moral or social issues around breast enhancement and could only make a determination on the advertisement itself.

The Board noted that due to the nature of the services, the advertisement is specifically targeted to women. The Board noted that the use of the words “look familiar?” is a direct call to action to women to think about and consider the appearance of their own breasts and whether the udders shown in the image look in anyway similar to your own breasts.

The Board noted that the colloquial Macquarie Dictionary definition of the term cow as: “an ugly or bad tempered woman.” The Board noted that it had recently considered a case for Hayeswinckle (0542/16) where the advertisement referred to a property manager as an old grumpy cow. In that case, the Board noted that “the use in conjunction with the image of an older female is demeaning and that the use of the word ‘cow’ is also negative and is degrading to women.”

Similarly in the current case, the Board considered that the image of a cow used to promote a service of breast augmentation, which is relevant only to women is a negative depiction.

The Board noted the Practice Note to the code that states that ...“A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement.”

A minority of the Board noted that many women while breastfeeding in particular, will refer to themselves a ‘feeling like a cow’ and in this light the image can be seen as something that women will relate to and that it is light hearted and humorous.

The majority of the Board however, felt that although the advertisement is not suggesting that all women are unhappy with their breasts, the image of the cow’s udders in connection with the reference to ‘reclaiming your breasts’ creates an overall impression that is negative and draws a negative relationship between women and cows.

Overall the Board considered that the advertisement did portray material in a way which discriminates against or vilifies a person or section of the community on account of gender and did breach Section 2.1 of the Code.

Finding that the advertisement did breach the Code on the above grounds, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Whilst we are disappointed with the findings, we had already decided to withdraw the ad as we felt it didn’t align with our premium brand positioning.

