



Case Report

1	Case Number	0162/16
2	Advertiser	The Cosmetic Institute Bondi Junction
3	Product	Professional Service
4	Type of Advertisement / media	Poster
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisements are photographic images of three young women. All the women are shown from the waist up and are wearing swimming costumes - one woman is shown in a one piece bathing suit and the other two are shown in bikini tops. One poster also contains the words "They help me look and feel better than I thought possible". Each street frontage poster also contains the clinic contact details and the words "Breast Implants \$5,990 no hidden extras".

THE COMPLAINT

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

I found this to be quite confronting for my young daughter who immediately began to question her own body. There is no getting away from this advertising as it is so large and in your face. I have no women's magazines in our home, as I am conscious of the damage that they are doing to girls' perceptions of their own and other's bodies. However this completely took away from my efforts to protect my daughter from insidious advertising which creates negative questions about the adequacy of a girl's body.

THE ADVERTISER'S RESPONSE

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

Complaint regarding street signage on TCI premises Bondi Junction

The complaint falls under the category 'sex, sexuality and nudity (though TCI notes that it has been asked to comment on any of the relevant parts of Section 2 of the AANA Code of Ethics). In essence, the complainant's concern is that TCI's external wall advertising 'creates negative questions about the adequacy of a girl's body' from which the complainant wishes to protect her young daughter.

I have attached photographic images of the external walls of TCI's premises at Bondi Junction which are the subject of the complaint. These photographs show that there are images of three young women depicted on the external walls of TCI's premises. All women are shown from the waist up and are approximately twice actual size. One woman is shown in a one piece bathing suit and the other two are shown in bikini tops. One poster also contains the words "They help me look and feel better than I thought possible". Each street frontage poster also contains TCI contact details and the words "Breast Implants \$5,990 no hidden extras".

The Cosmetic Institute offers breast augmentation procedures and therefore the images are directly related, and relevant, to the services it offers to the public. The images are of ideal female figures of the kind that potential clients of TCI may wish to achieve through surgery. While the women are pictured from the waist up in swimming costumes very little breast tissue is shown in the photographs. There is no nudity. The images are not sexualised in any manner. The images are not exploitative or gratuitous – they show the kind of results that may be achieved by patients of TCI and depict the type of end result of services being offered to the public by TCI. In short, the external walls of TCI's premises depict images of the result of acquiring goods and services offered by TCI and the prices charged for those goods and services.

The advertising used by TCI on the external walls of its Bondi Junction premises is compliant with the requirements contained in the Health Practitioner Regulation National Law (s133) and the Guidelines For Advertising Regulated Health Services developed by the Medical Board of Australia and the Australian Health Practitioner Regulation Agency. The advertising is compliant with the requirements of the Competition and Consumer Act 2010 (and the Australian Consumer Law contained in Schedule 2 thereof).

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 images of women promoting breast implants and is confronting to children.

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

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 that there are three images used by the advertiser on their premises to promote their services: two images show women wearing bikini tops, and the third image shows a woman in a swimsuit. The Board noted that the premises are located in the suburb of Bondi.

The Board noted that in each image the woman's breasts are covered by swimwear and considered that the level of nudity is consistent with the wearing of such attire and no nipples are visible. The Board noted that the advertised service is a clinic offering breast implants and considered that it is reasonable to expect a provider of surgical/beauty treatments to show the potential results of those treatments in order to promote their business.

The Board noted that the women appear happy and confident in the images and considered that they are not depicted in a sexualised manner and there is no undue focus on their breasts or any other part of their bodies and that the context of breast augmentation procedures provides a non-sexualised context for the images.

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

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

The Board considered 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 the complainant's concerns that the advertisement is confronting to children and raises issues around body image. The Board acknowledged that some members of the community would prefer that this type of service not be advertised but considered that plastic surgery and body enhancement procedures are legally allowed to be advertised.

The Board noted that the women in the advertisement appear to be fit and healthy and considered that there was no suggestion that all women should look like they do. The Board noted that the advertised product is breast implants and considered that the advertisement does not suggest all women should have breast implants.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on healthy body image.

The Board 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 Board dismissed the complaint.

