



Case Report

1	Case Number	0200/16
2	Advertiser	Dr Eddy Dona
3	Product	Professional Service
4	Type of Advertisement / media	Cinema
5	Date of Determination	11/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for a plastic surgeon and features a number of scenes of women against a backdrop of music. We see the women reading material in the surgeon's office as well as preparing for and participating in a photo shoot. There are images of the surgeon interacting with women and the final scene reads, "Dr Eddy Dona. Plastic Surgeon".

THE COMPLAINT

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

Completely inappropriate for the film I was seeing (The Jungle Book). Not only did it focus on the over-sexualisation of women's bodies, but the film itself is aimed at children. Seeing such images on such a large screen can reinforce to children the idea that their bodies are "wrong" and that they require "fixing". This is not about censorship, this is about the complete inappropriateness of advertising for breast augmentation at 11:30AM when there are children in the audience. Children already face daily pressure from media and advertising; do they really need it at the cinema too?

THE ADVERTISER'S RESPONSE

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

The advertisement in question commenced on the 3 April 2014.

Prior to screening and approval, modifications were made to align with SMP guidelines of compliance. I also note the original advertisement was also amended specifically for the cinemas to ensure it complied with these guidelines.

The 30 second advertisement promotes beauty and how it means far more than just the physical appearance of an individual. Indeed, it promotes the concept that beauty is about confidence and personality far more than the physicality of an individual. It does not advertise or imply Breast Augmentation, nor does it mention the same, as stated in the complaint.

The advertisement does not depict discrimination or vilification, violence, or the degrading or exploitation of women.

The advertisement does not imply sex, inappropriate language, and does not compromise health and safety.

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 was focussed on women’s bodies, and breast augmentation which, in an audience with children, reinforced that bodies can be ‘wrong’ and require ‘fixing’.

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

The Board 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 and degrading of any individual or group of people.”

The Board noted that the advertised service is a clinic offering plastic surgery.

The Board noted that there was no nudity in the advertisement and the women represented were all engaged in the process and were seen in a series of shots, talking to consultants, completing forms, smiling and laughing. The Board considered that apart from depicting attractive women, there were no specific sexual references or sexual appeal used in the advertisement.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board 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 Board considered that in the context of plastic surgery, including breast augmentation procedures, it is reasonable to expect a provider of plastic surgery to show the potential results of those treatments in order to promote their business. In this particular advertisement, the images used were not sexually explicit, nor was there inappropriate nudity.

Whilst the placement of the advertisement before a children’s movie may not be ideal, the Board did not consider that it was inappropriate for a child to see this advertisement.

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

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 concern that the advertisement may raise issues around body image and consistent with its determination in case 0162/16 the Board considered that the women all appear fit, healthy and happy and there is not a strong suggestion that this is only achievable due to the use of the advertised service.

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

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.