



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0209-20
2. Advertiser :	Horizon Plastic Surgery
3. Product :	Health Products
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	8-Jul-2020
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 billboard advertisement features an image of a middle aged woman wearing glasses who is frowning. The text above the image reads "HOME + SCHOOLING =".

THE COMPLAINT

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

The messaging of this billboard is offensive to both women and children. It suggests that women of a certain age need to "improve" their facial features with plastic surgery, that having wrinkles is undesirable, and that invasive plastic surgery is a "normal" response. It perpetuates the social overemphasis on women's physical appearance, which in turn contributes to poor mental health amongst women and society's ongoing objectification of women. Additionally, it tells children that they are the cause of their mother's wrinkled face (which is something undesirable that should be fixed). I would ask that it be removed.

THE ADVERTISER'S RESPONSE



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

Thank you for your time and efforts. The complainant states that this is an advertisement of a "Billboard promoting plastic surgery to women" - this statement is correct - it is the greatest demographic in our business.

I would like to state at the outset that it is obvious that the complainant is strongly opposed to cosmetic surgery and whilst that is her right we respectfully disagree with her views and will strongly defend the right of our business to advertise its services.

I will begin with a rebuttal of the complainant's issues with our advertisement. We deny that this advertisement is offensive to women and children. Displaying a photo of a middle aged woman with wrinkles is not offensive. The statement "Home + Schooling" is not offensive. Our logo similarly is not offensive.

The advertisement explicitly does not state 'that there is a need to "improve" their facial features with plastic surgery, that having wrinkles is undesirable, and that invasive plastic surgery is a "normal" response'. These statements are all inferred by the complainant and are hyperbole. The art of advertising is to give context to a current situational topic which this billboard does. The majority of our patients are middle aged women with children at school. The directors of HPS are both fathers of schoolchildren and participated in the very challenging environment of home schooling. We have wives and daughters that have found home schooling challenging. In nearly every consultation we have performed over the last 2 months it has been a topic of conversation with our patients. This billboard is an attempt at light hearted empathy with our patients whilst promoting our brand. It must also be stated that the inference that wrinkles require invasive plastic surgery is factually incorrect.

The statement - "It perpetuates the social overemphasis on women's physical appearance, which in turn contributes to poor mental health amongst women and society's ongoing objectification of women." has no basis in fact. Whilst the causes of objectification of women in society are diverse and complex our billboard in no way depicts in any way society's views on the status of women.

The statement "Additionally, it tells children that they are the cause of their mother's wrinkled face (which is something undesirable that should be fixed)" is quite frankly insulting. Any message that may be inferred by a reader is certainly not pitched at school aged children. There is no marketing to children and no subliminal message.

With specific respect to the code of ethics most relevant section 2.1 we believe there is no discrimination or vilification of any group by any means. We don't believe that a photo of a woman wearing reading glasses is gender stereo-typing. The billboard is not advertising a specific product or service or operation. It is advertising our brand and is designed for people to take notice which is not a breach of any regulation.



Let us be clear - this is a simple photo with a nebulous message which can be interpreted as each viewer sees fit. Whether the complainant likes it or not, plastic and cosmetic surgery and non-surgical treatments is a multi-billion dollar industry which has the right to advertise its services. When compared to campaigns such as the Ultratune TV advertisements it pales into insignificance. This is a frivolous claim and we hope that the panel agrees.

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 concerns that the advertisement:

- Is offensive to women and children
- It suggests that women of a certain age need to improve their facial features
- In perpetuates the social overemphasis on women's physical appearance, which in turn contributes to poor mental health
- And it tells children that they are the cause of their mother's wrinkled face.

The Panel viewed the advertisements and noted the advertiser's response.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the complainant's concern that the advertisement suggests that women of a certain age need to improve their facial features.

The Panel noted the advertiser's response that the advertisement does not state that there is a need to improve facial features rather the purpose of the advertising is to give context to a current situational topic.

The Panel considered that the advertisement may be inferring that the woman's forehead has become more wrinkled due to stress, however considered that while the brand name and plastic surgery were given as a possible solution there was no negative statement in the advertisement about how the woman looks or that she needs to be improved.



The Panel considered that due to the nature of the services, and the target audience of the advertisement, the advertisement was specifically referencing women however it was not a direct statement that all women of a certain age need plastic surgery.

The Panel considered that the advertisement is not a suggestion that all women who have children at home are in need of surgery, but rather that some women in this situation may be considering surgery or medical procedures.

Overall the Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did not breach Section 2.1 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 considered the complainant’s concern that the advertisement tells children that they are the cause of their mother’s wrinkled face.

The Panel noted the advertiser’s response that the advertisement is not pitched at school aged children and this is a message that has been inferred by the complainant.

The Panel considered that the advertisement was making a suggestion that home schooling children could be stressful. The Panel considered that this suggestion could be viewed as a humorous comment on how many parents are feeling during the current situation. The Panel considered that most members of the community viewing the advertisement would not interpret it to be a message which would be likely to have negative mental health impacts on children. The Panel considered that the content of the advertisement did not depict material contrary to Prevailing Community Standards on children’s mental health.

The Panel noted the complainant’s concern that the advertisement perpetuates the social overemphasis on women’s physical appearance, which in turn contributes to poor mental health.

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 advertiser’s have a right to promote potential services in their advertisements, as long as such advertising complies with the Code.

The Panel noted that many cosmetic surgery clinics have similar advertisements, depicting a part of a person’s body which can be changed through plastic surgery or other medical procedure.



In the Panel's view 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.

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

Finding that the advertisement did not breach any other Section of the Code, the Panel dismissed the complaint.