



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

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Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0315-20
2. Advertiser :	Cosmetique
3. Product :	Health Products
4. Type of Advertisement/Media :	Transport
5. Date of Determination	21-Oct-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.0 Other

DESCRIPTION OF ADVERTISEMENT

This transport advertisement features an image of a woman in a pink bikini top. Text covering her face states "Breast augmentation from \$5999 all inclusive!". Text covering her torso states "Put your job seeker to bigger use".

THE COMPLAINT

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

Your not sexy if you don't look this this model, this is the way to getting employment by showing your breasts to perspective employers. It made me feel less of a woman, it is sexist and demeaning to all females!! This is not appropriate for young impressionable teenagers of both genders. Surely we should be able to travel around Perth town without being forced to look at a picture that screams out sex!

Firstly, I take great exception to, and am offended by, seeing women being portrayed in this sexist and gratuitous manner, the implication being that bigger breasts are more important than substance and character. When is the Me Too movement going



to gain traction in this country? What message is being sent to young people, male & female?

Secondly, I take great exception to, and am offended by, the advertiser promoting that Job Seeker funds (ie the taxpayers' money) be used in this fraudulent & wasteful, even futile manner instead of what they should be used for, which is obviously finding work.

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

Cosmetique – Transport – 0047/19

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 complainants' concern that the advertisement:

- Suggests that Job Seeker funds provided by the government to help look for a job should instead be used towards a breast augmentation, which is inappropriate.
- Is sexist and demeaning to women
- Suggests that the way for women to get employment is to show their breasts to prospective employers
- Suggests that big breasts are more important than substance and character
- Is sexually suggestive
- Is not appropriate for impressionable teenagers.

The Panel viewed the advertisement and noted the advertiser did not provide a response to the complaint.

The Panel noted complainant's concern that it is inappropriate to suggest that people use JobSeeker payments to obtain surgery. The Panel noted that while some members of the community may find this suggestion to be improper or in poor taste, this is not an issue under the Code and the Panel is unable to adjudicate on this matter.

The Panel 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 or degrading of any individual or group of people."



The Panel first considered whether the advertisement used sexual appeal.

The Panel noted this transport advertisement for a cosmetic surgery featured a woman's upper body in a pink bikini top and the text "Breast augmentation from \$5999 all inclusive!". The Panel considered that this image did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel considered that the advertisement is clearly for the service of breast augmentation and that the image is not a depiction which implied the model was an object or commodity and was not exploitative of the woman. The Panel considered that there is a focus on the model's breasts, however considered that this was directly relevant to the product/service of breast augmentation.

The Panel noted that the model's face is obscured by text, however considered that this was not a depiction which portrayed the woman as an object but rather was a result of limited usable space on that medium (on a bus).

The Panel considered that the advertisement was not exploitative of the model or of women in general.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel noted that there were two possible interpretations of the phrase "Put your job seeker to bigger use". The first possible interpretation is that viewers could use the Job Seeker payment to obtain a breast augmentation. The second possible interpretation is that breasts are the job seeker and chances of gaining employment are increased with bigger breasts.

The minority of the Panel considered that although the second interpretation may be less likely, the suggestion was still apparent and any implication that a woman's job skills or experience are less valuable than her breast size is inappropriate and does lower women in general in character and quality.

The majority of the Panel considered that the phrase in the advertisement is "job seeker" singular, not "job seekers" plural as would be expected if the advertisement



was referring to breasts being the job seeker. The majority considered that while some members of the community may interpret the advertisement using the second meaning, this is not an interpretation that is likely to be shared by most members of the community.

The Panel considered that the depiction of the model and the accompanying text did not lower the character or quality of the model and did not degrade the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel 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 Panel noted the complainant's concern that the advertisement depicted sexualised content.

The Panel noted that this transport advertisement was on the back of a bus, and considered that the relevant audience for this poster would be broad and would include children.

The Panel considered that the model's breasts are clothed and considered that the advertisement does not depict nudity. The Panel noted that the model has large breasts, however considered that the depiction of a woman with a large bust was not itself a depiction of sexualised imagery.

The Panel considered that the image was not overly sexualised, and considered that the imagery included on a bus that is visible to members of the community is not sexually explicit and does not depict nudity.

In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 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 noted complainants' concerns that the advertisement is not appropriate for impressionable teenagers.

The Panel noted that breast enhancement is a service legally available but noted that it is possible for an advertisement for this type of product to be executed in a manner that would make people feel that this is essential to achieve positive body image.



The Panel considered that this advertisement makes no references or statements other than the price of the product/service and the advertiser name. The Panel noted that the advertisement does not imply that all women with a small bust should have surgery, or that they are somehow lesser for not having breast augmentation.

In the Panel's view most members of the community would be unlikely to view the context of this advertisement for breast surgery as promoting negative or unsafe body image.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding body image. The Panel 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 Panel dismissed the complaints.