



Case Report

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| 1 | Case Number | 0321/15 |
| 2 | Advertiser | Cosmetic Elegance |
| 3 | Product | Professional Service |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 26/08/2015 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts two male friends sitting drinking a beer. A lady walks toward them and one says, "look at that gorgeous blonde." The other man replies to say that she is his wife and that she has a new man in her life (implying Dr Eddie Roos from Cosmetic elegance clinic). Images are shown of the lady having a consultation.

THE COMPLAINT

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

It objectified the woman, was sexist. The woman needed to have plastic surgery to be attractive for her husband. The ad was aired during a children's movie. This sends a terrible message to children.

THE ADVERTISER'S RESPONSE

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

The ad was made with the intent to make the public aware that the treatments at Cosmetic Elegance Clinic are supervised by a Medical doctor as it is the case. There is no advertising

of any surgery and the clinic does not provide any plastic surgery procedures.

Discrimination or vilification: The advertisement does not contain any form of discrimination or vilification.

Exploitative and degrading: In our opinion there are no grounds for claiming that the ad has any reference to be degrading and Exploitative.

Violence: There is no violence in the ad.

Sex, sexuality and nudity: None of this is present in the ad.

Language: The language is suitable.

Health and Safety: Not applicable.

As far as the placement of advertisements on Channel Seven, we do not have any control on when ads are going to air.

Being a Christian father of three daughters I find it strange that a person can complain about the mentioned ad.

Finally, I am not a plastic surgeon and no mention is made of plastic surgery.

We are keen to hear from the board on their opinion and recommendation. We have asked Channel Seven to withhold this ad and use our other ads instead until we hear from the board.

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 concern that the advertisement is sexist and objectifies women in its suggestion that women need to have plastic surgery to be attractive to their husbands.

The Board viewed 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 television advertisement features a man telling his friend that the woman he is admiring is his wife and that she has a new man in her life: a cosmetic Doctor.

The Board noted the complainant’s concern that the advertisement is sexist. The Board noted that the focus on the advertisement was cosmetic procedures available for women and

considered that there was no suggestion that only women should have these procedures or that these procedures would not also be available for men or that men should not have cosmetic procedures.

The Board 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 their gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 the complainant’s concern that the advertisement objectifies women. The Board noted that at that start of the advertisement the two men are admiring the woman. A minority of the Board considered that the men’s focus on the woman and her appearance – “check out that gorgeous blonde” – is degrading as it reduces the woman to an object to be admired. The majority of the Board however considered that in the context of a product aimed at improving a person’s appearance, the depiction of a man admiring his wife with his friend does not use sexual appeal in a manner that is both exploitative and degrading.

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

The Board then 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 suggests women need to have plastic surgery to be attractive for their husbands.

The Board noted that the advertisement does not mention plastic surgery and that the advertiser’s response states that they do not provide any plastic surgery procedures. The Board noted that cosmetic procedures are legally allowed to be advertised and considered that it is reasonable for an advertiser to highlight the positive effects of their product. The Board considered that the advertisement does not say that women should have cosmetic procedure to be attractive to men.

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

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.

