



## **CASE REPORT**

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| 1. Complaint reference number | 170/08  |
| 2. Advertiser                 | Refine Cosmetics Clinic                         |
| 3. Product                    | Professional Services                           |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Monday, 19 May 2008                             |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

Classical music accompanies a black and white photographic image of a naked woman, viewed from behind. The camera pans up from waist to head. The woman has her arms raised above her head, holding her hair up. As the camera continues to pan up the logo and business name is provided. A female voice over states: 'At last your chance to refine the inner you, the highly acclaimed surgeons at Refine Cosmetic Clinic offer ...' At this point a different black & white image of a woman's face is accompanied by text: 'surgical and non-surgical treatments'. The voice over continues "... surgical and non-surgical treatments. Offering breast enhancements, body contouring surgery, facial rejuvenation, anti-aging and much more...". Again non-explicit artistic black & white images and text accompany the voice over. "Experience the ultimate refinement today, visit [refineclinic.com](http://refineclinic.com) or call 1300 788 742 to organise your free consultation. Logo, business name and contact details are displayed on screen.

## **THE COMPLAINT**

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

*I was disgusted, angry and very upset etc when I saw a topless woman advertising for BREAST ENLARGEMENT in between Funniest Home Video's show ... I couldn't believe what I was seeing between 6.30 and 7.30. That sort of inappropriate advertising should not be seen till after 11pm (Free TV has classified these advertisements to be shown after 11pm until 5am) ... we don't watch any nudity on TV (we screen shows) and our TV is turned off at 11pm to avoid those DISGUSTING ADDS OF WOMEN (The add should come off the air).*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*We are quite upset by the claims as we believe that our commercial is extremely classy, there is no full frontal breast shots and no nipple showing at any time and we have had only compliments from everyone that has seen it about how elegant and classy they think it is.*

*We apologise if the person that made this complaint was offended, but we believe that what we do is an art and is in no way "disgusting" or offensive and at the time slot that it was aired you are more likely to see more nudity in Neighbours or Home and Away.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the television advertisement and noted its art house feel.

They further noted that there were no full frontal shots of any of the female models and that the images of breasts were discrete and did not expose any nipple. They also commented that in the shot of the woman's back view she was wearing underpants.

The Board considered that the image of the man's torso was acceptable and did not constitute nudity.

The Board further considered that all of the images depicted were appropriate in context of the product being advertised and therefore did not breach Section 2.3 of the Code which states nudity must be treated sensitively to the relevant audience.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.