



## CASE REPORT

1. Complaint reference number	200/08
2. Advertiser	The CAPS Clinic
3. Product	Professional Services
4. Type of advertisement	Radio
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 11 June 2008
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

Background classical music plays as a female voice states:

Are you confused by the promises and statements made by different laser clinics? As technology changes can you be sure your treatments will be safe and effective? The CAPS Clinic Dermal Clinicians are trained to provide honest diagnosis and treatments. Unlike nurses or beauty therapists, Dermal Clinicians are University qualified in the science of skin conditions and treatments. All treatments provided at The CAPS Clinic are supervised by Plastic Surgeon, Dr Alastair Taylor. Experience the difference. Call CAPS on 6282 1155.

## THE COMPLAINT

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

*This advertisement was promoting cosmetic procedures and skincare by the Caps clinic (Dr Alastair Taylor). The advertisement stated that, "Unlike nurses, off our dermal clinicians are university qualified. "*

*I found this to be misleading and extremely offensive as the overwhelming majority of nurses are university qualified and this advertisement denigrates the very noble profession of Nursing. The motive in this style of advertising is also confusing considering that Dr Taylor and his staffs are all health professionals themselves and indeed employ nurses. If Dr Taylor feels the need to bring a whole profession down in order to promote his own profession then I feel he needs a wakeup call.*

*I am confident once you hear the advertisement for yourself you will see that it is indeed derogatory to nurses and needs to be removed from the air.*

## THE ADVERTISER'S RESPONSE

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

*In response to the telephone conversation of 2nd June 2008 and subsequent email, I wish to formally address the complaint. The CAPS Clinic is a highly professional organisation run by Dr Alastair Taylor, Plastic and Reconstructive Surgeon. As someone who has undertaken the full extent of formal qualifications himself, Dr Taylor is passionate about ensuring the clinic only hires staff who are suitably qualified in their specialist area. We take seriously any accusation which suggests we have degraded or undermined professionally recognised qualifications.*

*By way of background, the purpose of this most recent ad is to highlight the specific and relevant tertiary qualification which our staff has achieved pertaining to the treatment of dermal therapies.*

*Currently in Australia there are no specific guidelines or regulations relating to the use of laser or light therapies for the purpose of skin rejuvenation. This is a relatively new area, and*

*unfortunately anyone is able to purchase high powered equipment (in form of Class 4 Lasers – NdYag or intense pulse light system) with little or no training and call themselves experts in this field.*

*Our clinic has 4 registered nurses and not one of them during their nursing degree has undertaken any formal training in the area of dermal therapies or even understanding of the physics required to operate laser or light equipment. As a clinic that is often called on to ‘repair’ the damage done by untrained and inexperienced laser technicians, the purpose of the ad is to educate the general public to question the qualifications and training of the technicians providing these treatments and to be aware of the dangers involved.*

*The Victorian University has established a 2 ½ year Bachelor Degree in Health Science for Beauty Therapists who wish to undertake advanced training in Dermal Therapies. It is this degree which specialises in skin conditions, treatments and the safety and physics of laser/light therapies. At the successful completion of this degree graduates qualify as Dermal Clinicians.*

*This clinic has sponsored one of our team to achieve this qualification and is currently sponsoring another two of our staff who are mid way through their degree.*

*Because of this The CAPS Clinic currently is the only organisation in Canberra who can truthfully say our staff are qualified to use such equipment for dermal therapies.*

*The complainant writes, "Unlike nurses, off our dermal clinicians are university qualified. " In fact the ad reads "unlike nurses or beauty therapists, Dermal Clinicians are University qualified in the science of skin conditions and treatments".*

## **THE DETERMINATION**

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

The Board listened to the radio advertisement and noted that the complainant had taken a partial statement out of context and when placed in context with the rest of the advertisement it was clearly not suggesting that nurses who worked in other clinics were unqualified.

The Board considered therefore the advertisement was not discriminating against nurses or the nursing profession generally.

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