



CASE REPORT

1. Complaint reference number	385/09
2. Advertiser	Enhance Plastic Surgery
3. Product	Health Products
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 14 October 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement appeared in "Style", a women's magazine. The advertisement is for plastic surgery and shows a female's breasts in a before and after shot.

THE COMPLAINT

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

This advertisement contains explicit nudity in a free and unrestricted magazine distributed in public places where families frequent. This sort of advertising exploits and demeans women and makes all people believe that the natural female body needs enhancing. Furthermore, the nudity is too confrontational for children. The company offers other services (such as rhinoplasty and face and brow lifts). Photos of these services would have been a more appropriate and dignified approach for all the readers of this magazine.

THE ADVERTISER'S RESPONSE

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

Enhance Plastic Surgery would like to apologise for any offence it may have caused due to an advertisement placed in Style Magazine.

The advertisement was intended to show the benefits of breast augmentation and was not in any way intended to demean women.

We were shocked and disappointed to hear of the complaint you had received as we were assured by Katie Mitchell at Style Magazine that advertising in this way was effective and tasteful. We were told that there were no reasons for concern and therefore took the advice of the Style Magazine producers when considering placing this advertisement.

Style Magazines would like to apologise for its part in the placement of this ad in its publications. We were surprised to learn that these advertisements might have been considered sexual in any way as we believed that the clinical aspect of Enhance Plastic Surgery superseded any sexual connotation whatsoever.

We are disappointed to hear that you have had a complaint, however, we understand that as a free publication there is the risk that children may be able to access the content without their parents' consent and therefore can see the reasoning for your concern. We will in the future note this and assure that we too abide with these guidelines.

Enhance Plastic Surgery definitely did not intend to upset anyone, as they use these kind of images in their brochures on a day-to-day basis, however, they also do understand the concerns.

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 pictures of the woman's breasts in the advertisement were exploitative and demeaning of women and makes all people believe that the natural female body needs enhancing.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity and Section 2.1 relating to discrimination and vilification on the basis of gender.

The Board noted that the catalogue featured pages showing a woman's breasts and that the before and after photographs were explicit and that some members of the community might feel objectified by the promotion of the product. However, the Board did not consider that the exposure of the woman's breasts to be at all sexualised and that they were relevant to the product being advertised. The Board considered that the photographs were not offensive and that most members of the community would not find them unacceptable. The Board considered the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience and therefore found no breach of Section 2.3 of the Code.

The Board noted that it is not its role to comment upon the availability of the service and in finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.