



CASE REPORT

1. Complaint reference number	470/06
2. Advertiser	Mix 106.5 (Dr Lai)
3. Product	Professional services
4. Type of advertisement	Radio
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 12 December 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

There are three radio advertisements in this series, featuring a female voiceover commenting:

“When it comes to wearing a bikini, many women are not happy with the size and shape of their breasts. Some complain they’re too small. Some lop-sided. Some sag. Others blame breast-feeding or weight-loss. If you’re not happy with your breasts, Dr Lai of Sydney Breast Enlargement can help. A senior member of the Australian Society of Plastic surgeons, he’ll take you through every step: from your first consultation, to life after breast enlargement.”

“This summer, going to the beach can make you feel unattractive, unfeminine and totally insecure. If you think your breasts are too small, uneven or droopy. Don’t despair! Dr Lai of Sydney Breast Enlargement can help. Dr Lai is a senior member of the Australian Society of Plastic surgeons, he’ll take you through every step: from your first consultation, to life after breast enlargement. Find out how you could feel good about yourself!”

Are you self-conscious about the size of your breasts? Are you continually hiding yourself away from your partner? Have weight-loss or childbearing caused sagging and uneven breasts? If your feelings about your breasts are negative, then you’ve probably already given breast enlargement a thought! Dr Lai of Sydney Breast Enlargement, is a member of the Australian Society of Plastic Surgeons, with over 20 years experience. He prides himself on personally taking you through every step: from your first consultation, where all your questions will be answered, through to ALL examinations and measurements, and life after breast enlargement.”

THE COMPLAINT

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

It seems aimed at younger audiences and gives a really dangerous message that cosmetic surgery is something to try. It preys on younger girls' immaturity and impressionability.

This ad is completely socially irresponsible. It is also psychologically damaging to young woman and teens who are highly influenced by the many messages in the media, and it causes women to feel anxious that they are not feminine or attractive if they do not have "perfect" breasts.

THE ADVERTISER’S RESPONSE

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

I note that the complaint suggests that it is "inappropriate for a young child or teen to hear this ad". The Advertisements are not directed at young children or teenagers. This is clear from the use

of the words "women" and "childbearing" in the Advertisements.

I submit that the language used in the Advertisements is appropriate in the circumstances. The language used is not absolute and is merely suggestive, for example "can make you feel", "if you think", "are you", "if your", "some complain". The language accurately describes the feelings that some women have about their breasts without suggesting that all women within a certain category have these feelings.

The Advertisements are about breast enhancement surgery. This is a cosmetic issue rather than a health issue. Accordingly, I submit that the Advertisement does not depict material that is contrary to prevailing community standards on health. Additionally, I submit that the Advertisements are not offensive or psychologically damaging to the broader community. The Advertisements merely present the feelings that some women have about their breasts and offers them a possible way of resolving these feelings by undergoing breast enhancement surgery.

The Advertisement must be seen in the context that the product being advertised can not be acquired on impulse or as a result of a flippant decision. The Advertisement appropriately deals with a sensitive issue.

THE DETERMINATION

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

In particular the Board considered whether the advertisement breached Section 2.1 of the Code dealing with discrimination against gender.

The Board listened to the advertisements and took note of the language used. The Board agreed that the advertisements were directed to women who are clearly a target market for plastic surgery. The Board noted that advertisers are free to advertise legal products and services provided that such advertising complies with the Code.

The Board considered that the advertisement could be considered to 'play on' insecurities that women might hold about their breast size and shape, and that the suggestion that surgery was a 'solution' to these insecurities was unfortunate.

However the Board agreed that the advertisement was not discriminatory against women nor did it promote unsafe behaviour.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.