

ASA system submission to the Health and Social Care Committee's inquiry into the impact of body image on physical and mental health

1. Background and Introduction

- 1.1. This submission is provided by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) – the 'ASA system.'
- 1.2. The ASA is the UK's independent advertising regulator. We have been administering the non-broadcast Advertising Code (written and maintained by CAP) for 59 years and the broadcast Advertising Code (written and maintained by BCAP) for 17, with our remit further extended in 2011 to include companies' advertising claims on their own websites and in social media spaces under their control.
- 1.3. We are responsible for ensuring that advertising is legal, decent, honest and truthful and our work includes undertaking proactive projects and acting on complaints to tackle misleading, harmful or offensive advertisements. We are committed to evidence-based regulation, and we continually review new evidence to ensure the rules and our application of them remain fit-for-purpose.
- 1.4. As the UK's frontline advertising regulator, the ASA brings together different statutory, co-regulatory and self-regulatory enforcement mechanisms so they appear seamless to people and businesses. Our system involves the active participation of a range of legal backstops in the consumer protection landscape. We work closely with a network of partners including Ofcom, the Gambling Commission, the Information Commissioner's Office, the Medicines and Healthcare products Regulatory Agency, the Financial Conduct Authority and the Competition and Markets Authority.
- 1.5. Through the sharing of information, joined-up enforcement action and referral processes, our partners bolster our regulation and assist us, where necessary, to bring non-compliant advertisers into line. Together, this 'collective regulation' helps to protect people and responsible business from irresponsible ads: ads that mislead, harm or offend their audience.
- 1.6. We bring together the ad industry and media owners to set, maintain and police high standards. The UK Advertising Codes are drafted and maintained by the industry committees of CAP and BCAP, supported by experts in our Regulatory Policy team. This means businesses have a direct stake and an enlightened self-interest in adhering to the standards they set and creates a level-playing field amongst them. There are multiple checks and balances in place to ensure the committees' development of rules and guidance is transparent, open to scrutiny and adheres to the principles of good regulation. These include calls for evidence and public consultations; mandatory regard to the advice of an expert independent consumer panel; Ofcom signing off on BCAP rule changes; the ASA System's processes being open to judicial review and more besides. All to ensure the system is wholly accountable to everyone with a stake in advertising.
- 1.7. The UK Advertising Codes include rules reflecting specific legal provisions and rules developed through separate regulatory process, which in combination ensure ads don't mislead, harm or seriously offend their audience. The inclusion of the rules in the UK Advertising Codes has enormous one-stop-shop benefits for the marketing industry in their application of the rules and for consumers, who benefit from the protection they afford.

- 1.8. In addition to investigating ads, we also provide a wealth of training and advice services (most of which are free) for advertisers, agencies and media to help them understand their responsibilities under the Codes and to ensure that fewer problem ads appear in the first place. CAP and BCAP provided over 850,000 pieces of advice and training in 2021.
- 1.9. The ASA system is providing this written submission in response to the Health and Social Care Committee's inquiry into the impact of body image on physical and mental health

2. ASA rules and remit regarding body image

- 2.1. The UK Advertising Codes contain an overarching principle that ads must be prepared with a sense of responsibility to consumers and to society. The 'social responsibility' rule sits alongside other general theme-based and product specific rules and enables the ASA to take action if the content or placement of the ad has insufficient regard to the audience for the ad, to the extent that it is irresponsible or potentially harmful to particular members of that audience.
- 2.2. The advertising rules place a particular emphasis on protecting children as well as young and vulnerable people. They require that ads, where addressed to, targeted directly at or featuring children must contain nothing that is likely to result in their physical, mental or moral harm. Ads must not condone or encourage an unsafe practice, portray or represent anyone who is, or seems to be, under 18 in a sexual way and must not include gender stereotypes that are likely to cause harm, or serious or widespread offence.
- 2.3. Our rules require that the content of ads are appropriate for the audience that is likely to see, hear or interact with them. We also require that ads are targeted responsibly, for example age-restricted ads for products, such as gambling, and alcohol must not be targeted at an under-18 audience. The ASA acts, in response to complaints and through our own proactive monitoring and enforcement work, to have ads that break the rules removed and prohibit them from appearing again.
- 2.4. We take the issue of body image and advertising very seriously. Whilst perceptions of body image are affected by a myriad of different factors, the content of some ads can play a part, in affecting people's concerns and doubts about how they look and behave. We set and enforce standards to ensure that ads are not likely to cause physical, mental or moral harm to their audience within our wider role of ensuring ads are socially responsible. Advertisers should ensure that they don't portray particular body types in an irresponsible manner, for example by depicting in an aspirational way a model who appears to be unhealthily thin. Advertisers should not imply people can only be happy if they look a certain way, exploit insecurities, or create pressure to conform.
- 2.5. We are also focussed on providing advertisers with the help, advice and training to get their ads right before they are published. CAP and BCAP has produced a raft of [guidance](#) for advertisers in this area. We have issued guidance, which, in part, mitigates the possibility of ads having a negative impact on audience members' body image and cautions that particular care should be taken if an ad is likely to appeal to young people. And we have produced further guidance around [weight-loss products](#) and [cosmetic interventions](#), with a specific focus on social responsibility.
- 2.6. In 2019, CAP and BCAP implemented a new rule which prohibits ads from including gender stereotypes that are likely to cause harm, or serious or widespread offence. The accompanying [guidance](#) to this rule sets out a number of guiding principles, including two that seek to mitigate the potential harm arising from an ad that suggests a person's happiness depends on conforming to an idealised gender-stereotypical body shape. It also cautions advertisers to be sensitive to the emotional and physical well-being of vulnerable groups of people (such as children, young people and new mothers) who may be under pressure to conform to particular gender stereotypes.

- 2.7. The ASA has the tools to make important interventions in advertising to guard against a negative impact on body image and we have used those tools when we've judged ads as likely to have that effect. We banned a TV ad for breast enlargement surgery on the grounds it exploited young women's insecurities about their bodies, trivialised breast enhancement surgery and portrayed it as aspirational ([MYA Cosmetic Surgery Ltd](#)). We took action when a women's clothing retailer promoted summer and swimwear in a way that objectified women and was likely to cause offence ([Misguided Ltd](#)). And we banned an Instagram post by a TV personality promoting a weight loss food supplement for encouraging an unsafe practice, namely consuming products during pregnancy that were intended to aid weight loss ([The White Star Key Group Ltd](#)).

3. Cosmetic intervention advertising

- 3.1. CAP and BCAP already have specific [guidance](#) relating to the marketing of both surgical and non-surgical cosmetic interventions. The comprehensive guidance, which was updated following the Keogh Review in 2013, covers a range of issues concerning misleading advertising such as the use of exaggerated or unrealistic claims, including through the use of image production techniques, before and after images, and the inclusion of testimonials and endorsements. It also outlines CAP and BCAP's position on marketing claims made in relation to practitioners' qualifications and experience. For example, the guidance sets out the circumstances under which it is acceptable for doctors to refer to themselves as "surgeons" and "cosmetic surgeons", as well as the use of other terms, including "qualified", "skilled", "consultant", "specialist" and comparative claims such as "leading" and "highest calibre".
- 3.2. Additionally, the guidance covers issues of responsible marketing of cosmetic interventions. This includes the need to avoid the trivialisation of such treatments and playing on consumers' insecurities in ads; age-appropriate targeting of such ads; and how to run time-limited promotions responsibly and ensure the promotional period does not pressurise consumers to take up the offers advertised.
- 3.3. Following a public consultation in October 2020, the ASA [introduced a new rule](#) in November 2021 that prohibits cosmetic interventions advertising from being directed at under-18s. The evidence base considered in the consultation forms a clear picture that children and young people are particularly vulnerable to body image pressures and negative body image perceptions are prevalent amongst those groups, which can have an impact on their self-esteem, wellbeing, mental health and behaviours. The period of adolescence, in particular, has been highlighted as a life stage in which children and young people's body image positivity may rapidly decline. Children and young people's body image perceptions and their susceptibility to pressures to change their appearance, including considering cosmetic interventions as a potential means to address those concerns, are influenced by a number of social and cultural factors. Nevertheless, the evidence shows there is potential that exposure to different forms of media including advertising, particularly those that focus on body image 'improvements' such as cosmetic intervention procedures, is likely to exacerbate body image dissatisfaction and negativity during vulnerable stages of their lives.
- 3.4. CAP and BCAP recognise that individuals undergo cosmetic interventions for a variety of reasons and that the majority of cosmetic interventions are legally available to under-18s, some of which are subject to legal requirements relating to capacity to consent.
- 3.5. Taking into account the inherent risks of cosmetic interventions and the potential harms to children and young people arising from exposure to advertising of these treatments and procedures, CAP and BCAP decided to implement age-based targeting restrictions for cosmetic interventions advertising to help appropriately limit children and young people's exposure to cosmetic interventions advertising, and play a part in mitigating the potential wider body image related harms experienced by those age groups.
- 3.6. The new targeting restrictions will come into effect on 25 May 2022 and requires that:
- Ads for cosmetic interventions must not appear in non-broadcast media directed at under-18s

- Ads for cosmetic interventions must not appear in other non-broadcast media where under-18s make up over 25% of the audience
- Broadcast ads for cosmetic interventions must not appear during or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to under-18s.

CAP and BCAP will conduct a 12-month post-implementation review to ensure that the new rules are functioning as intended.

4. Call for Evidence on body image

4.1. In October 2021, CAP and BCAP launched a [Call for Evidence](#) to seek an up-to-date understanding of the current evidence base surrounding potential body image related harms from advertising and the potential detrimental impact of those harms on consumers. In particular, The Call for Evidence is focussing on the following:

- Types and themes of ad content that give rise to body image concerns
- Impact of advertising on self-perception of body image experienced by different audience groups
- Impact of social media advertising, including influencer marketing, on body image concerns, in light of increased online media use
- Potential impact of advertising content for specific product sectors (for example, cosmetic interventions, weight control and reduction, beauty and cosmetics, etc.)
- Positive impact of advertising on consumers' body image perceptions

4.2. CAP and BCAP will evaluate the evidence they receive with the primary objective of understanding whether there are body image harms arising from advertising that are not adequately addressed by existing rules and guidance, or the ASA's application of those. CAP and BCAP will publish its analysis, together with an outline of any related actions later this year.

5. Compliance work around Botox advertising on social media platforms

- 5.1. Botox injections are prescription-only medicines and as such cannot be advertised to the public. In 2020 we issued an Enforcement Notice to the beauty and cosmetic services industry on advertising Botox and other botulinum toxin injections on social media platforms.
- 5.2. The Enforcement Notice compelled businesses to make immediate changes to non-compliant ads. This includes paid-for ads, including influencer marketing, and non-paid for posts. Working with over 25 trade bodies, regulators and pharmaceutical companies the Enforcement Notice was sent to over 130,000 practitioners across the cosmetics services industry, with over 12,000 irresponsible Instagram posts removed within three months.
- 5.3. Our Compliance Team have been proactively monitoring online ads for products like Botox and reporting them to the social media platforms to get them taken down, leading to 26,175 takedowns, as well as working with the MHRA to ensure enforcement.

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