

NUFFIELD COUNCIL ON BIOETHICS

Consultation on the placement and scheduling of cosmetic interventions advertising: response

16 October 2020

Summary

1. The Nuffield Council on Bioethics welcomes CAP's and BCAP's consultation on this issue and supports a stronger regulatory approach to ensure under 18s' exposure to advertisements for cosmetic procedures is appropriately limited.
2. Our response addresses the four questions posed by the [consultation document](#), with reference to our 2017 report [Cosmetic procedures: ethical issues](#). Although we are broadly supportive of the rule changes proposed by CAP and BCAP, we raise two concerns:
 - that the concerns applied to under 18s also extend to a degree to adults; and
 - that the language of 'non-invasive' is not an appropriate description of the procedures covered by the new rules.

Response

Question 1

Whether the introduction of an age-specific placement restriction on non-broadcast advertising for cosmetic interventions in the CAP Code is necessary and proportionate? Please provide your rationale and any relevant evidence in support of your answer.

3. The consultation document notes that concerns have been raised surrounding the insecurities and body image pressures that children and young people may experience and the "potential detrimental impact of those ads on children and young people when placed alongside body image pressures that could be prevalent through online and social media interactions, posing a risk to their mental health." Such concerns might also include susceptibility of adolescents to peer and social pressures, and the fact that they are at a stage of their lives when their sense of identity might be tentative and malleable. CAP – in its role in setting the rules for UK non-broadcast advertising – has an important protective role to play in ensuring that these potential vulnerabilities are not exacerbated by advertisements that are focused at – and made accessible to – under 18s. We therefore suggest that **the introduction of age-specific placement**

restrictions on non-broadcast advertising is both necessary and proportionate.

4. The [Botulinum Toxin and Cosmetic Fillers \(Children\) Bill](#), which is being read for a second time on 16 October, restricts under 18s' access to specific non-surgical procedures (i.e., those involving botox and dermal fillers) for cosmetic purposes. CAP's proposed new rule complements the aims of this Bill. If both changes are realised, they could lead to much stronger regulatory protection for under 18s in both the practice and promotion of cosmetic procedures.
5. The consultation document states:

“Under the proposed rules, non-broadcast ads for cosmetic interventions would be prohibited from being directed at under-18s through the selection of media or context in which they appear, including online media, social media platforms, and influencer marketing on social media. This would mean cosmetic interventions advertising cannot be placed in media that are aimed at under-18s, and in media in which 25% or more of the audience profile is under-18s.”
6. However, it is also important to recognise that concerns about body image do not stop when a person turns 18. **We therefore suggest that CAP explores further ways to take a more proactive approach to responsible advertising of cosmetic procedures to audiences of any age.**

Question 2

If your answer to Question 1 is 'Yes', do you agree with CAP's proposed wording for a new rule in Section 12 Medicines, medical devices, health-related products and beauty products of the CAP Code? Please explain your reasons in your response.

Marketing communications for cosmetic interventions must not be directed at those aged below 18 years through the selection of media or context in which they appear.

Cosmetic interventions mean any intervention, procedure or treatment carried out with the primary objective of changing an aspect of a patient's physical appearance. This includes surgical and non-surgical interventions, both invasive and non-invasive. This does not include cosmetic products as defined in Regulation (EC) No 1223/2009. See Advertising Guidance: Cosmetic Interventions.

7. **We urge caution over the use of the term 'non-invasive' to describe cosmetic procedures.** All the cosmetic procedures listed on page 19 of the consultation document are invasive. We suggest that describing procedures as 'surgical and non-surgical' defines them accurately. 'Non-invasive' might suggest triviality and downplay physical risks that may be involved. Such perceptions must be avoided.

Question 3

Whether the introduction of an age-specific scheduling restriction broadcast advertising for cosmetic interventions in the BCAP Code is necessary and proportionate? Please provide your rationale and any relevant evidence in support of your answer.

8. As we highlight in our response to Question 1, body image concerns do not stop as soon as a person reaches the age of 18. Watching a programme which discusses or portrays people who have had cosmetic procedures might have an influence on someone who is over 18 in ways similar to its influence of those under 18. We raised some of these issues in a [blog post](#) on how advertisements had been placed during the broadcast of Love Island.

Question 4

If your answer to Question 3 is 'Yes', do you agree with BCAP's proposed wording for a new rule in Section 32 Scheduling of the BCAP Code. Please explain your reasons in your response.

These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:

...

Cosmetic interventions, procedures or treatments carried out with the primary objective of changing an aspect of a patient's physical appearance. This includes surgical and non-surgical interventions, both invasive and non-invasive. This does not include cosmetic products as defined in Regulation (EC) No 1223/2009. See Advertising Guidance: Cosmetic Interventions.

9. Again, we urge caution for the use of the term 'non-invasive'. See our comments above at paragraph 7.

Conclusion

10. We support the increased protection for under 18s that the proposed rules changes could bring about. However, we urge caution in describing any cosmetic procedure as 'non-invasive'; and suggest that there may be future work for CAP and BCAP to explore further ways in which it can promote more responsible advertising of cosmetic procedures to audiences of all ages.

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