This response was submitted to the call for evidence issued by the Nuffield Council on Bioethics’ Working Party on Cosmetic procedures. Responses were gathered from 11 January to 18 March 2017. The views expressed are solely those of the respondent(s) and not those of the Council.

Anonymous

Cosmetic procedures: ethical issues

Call for evidence

11 January 2016

(Closing date: 18 March 2016)
Introduction

The availability and use of invasive cosmetic procedures, both surgical and non-surgical, to enhance or ‘normalise’ appearance has grown significantly in recent decades: both in terms of the number of procedures on offer and the numbers of people who choose to undergo them. The Nuffield Council on Bioethics has established a working party to explore the ethical issues that arise in connection with this increasing access to cosmetic procedures.

The working party would like to hear from as many people and organisations as possible who have an interest in cosmetic procedures, and this call for evidence is open to anyone who wishes to respond. In addition to the call for evidence, we will be using a variety of consultative methods to ensure that we hear from a diverse range of people with personal or professional experience of cosmetic procedures, or opinions about the impact of the growing availability of such procedures on social attitudes to appearance. Please contact us if you would like to be kept up-to-date with opportunities to contribute, or to alert us to other people or organisations who would be interested in knowing about this project.

When responding to this call for evidence, feel free to answer as many, or as few, questions as you wish, and please use the ‘any other comments’ section to contribute any opinions or evidence that do not fit elsewhere. Where possible, please explain the reasons behind your responses, and the evidence or experience on which you are basing them, as this is more useful to the working party than simple yes/no answers.

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Any other comments?

How to submit your response

Definitions and aims
There are no clearly agreed definitions as to what constitutes a cosmetic procedure. Even in surgical procedures, it is not always straightforward to draw clear dividing lines between reconstructive or therapeutic procedures and those undertaken for cosmetic purposes: breast reconstructions after mastectomy, for example, are essentially undertaken for aesthetic reasons, rather than because they are medically necessary; and procedures regarded as ‘cosmetic’ may also be necessary after bariatric surgery.

People seeking cosmetic procedures may do so in order to enhance their appearance in accordance with prevailing beauty norms (for example in seeking breast augmentation, facelifts, and liposuction, or in the routine use of dental braces for children), or alternatively in order to ‘normalise’ their appearance (for example when seeking surgery for prominent ears). Less routine examples of procedures offered include: limb-lengthening surgery, the removal of additional fingers or toes, and gender reassignment procedures. The desire to be ‘more beautiful’ or look ‘more normal’ may also be underpinned by the hope that changes in appearance will lead to greater happiness, or greater success.

For non-surgical procedures, it is difficult to draw clear dividing lines between everyday beauty routines and procedures that span the beauty/clinical divide, such as chemical peels, laser treatments, skin-whitening treatments, dermal fillers and botulinum toxin (‘Botox’). Further distinctions arise between these procedures and other methods used to change appearance, such as tanning, piercing and tattooing, which are not ordinarily described as cosmetic procedures.

Questions 1-3

1. What, in your view, counts as a ‘cosmetic procedure’?

Any procedure that enhances the physical appearance in accordance with the prevailing beauty norms and helps the individual to feel good in his skin and in his social environment. The cosmetic aspect is more important than the therapeutic aspect.

2. What do you see as the underlying aim of cosmetic procedures (a) from the perspective of those seeking a procedure and (b) from the perspective of those providing procedures? How does this differ for different social groups?

(a) The aim is to enhance the physical appearance in accordance with the societal perception of beauty; it helps the individual to feel good in his skin and his social environment.

(b) First aim: technically, normalize the appearance; second aim: realize even more = more beautiful; final goal: make the client/patient happy. Furthermore, as the procedure is not primarily therapeutic, there is less constraint concerning pricing. Therefore financial gain might be a (secondary) aim of those providing this kind of procedures.

Depending on the social groups, social pressure can lead to unrealistic expectations. Moreover, the relative financial burden is higher for the lower social class.
3. Most people use their clothes, hairstyle, and make up to beautify themselves. Does it make a difference when appearance is altered through biomedical or surgical procedures?

Yes. The balance risk/benefit is an important aspect that is often neglected. The use of clothes, hairstyle and make up is reversible, and generally does not harm the individual (except from contact dermatitis, which is also reversible). Cosmetic procedures often break the skin barrier and therefore bring along infectious risks. Moreover these biomedical and surgical procedures are not, or at least less reversible.

Increasing demand for cosmetic procedures

While there are no authoritative figures on the number of surgical or non-surgical procedures carried out in the UK or elsewhere, it is clear from the limited statistics available that the number of cosmetic procedures carried out has grown considerably in recent decades. Although it remains the case that the majority of people undergoing procedures are women, the ratio of men to women having procedures has remained constant as the numbers choosing procedures has grown (men continuing to make up around a tenth of all those undertaking procedures). Research exploring the factors that motivate people to undertake cosmetic procedures has highlighted both societal factors (such as the pressure to look young, media and celebrity influence, and seeking to confirm to cultural or social ideals), and intrapersonal factors (such as body dissatisfaction and impact on self-esteem, teasing, and experience of family and friends).

There is less research evidence exploring the reasons underpinning the radical growth in use of cosmetic procedures. Suggested explanations include increasing affordability; technological change making more procedures available; the pervasiveness of celebrity culture; the development of digitally manipulated photographs (leading to ever-more unrealistic representations of beauty); the rise in the use of social media (including the trend of postings ‘selfies’ online) and self-monitoring apps; and easier access to pornography depicting unrealistic images of what is normal or desirable. In the context of the UK, these proposed explanations are also embedded in a society where body image is poor compared with other countries.

The substantial increase in the number of cosmetic procedures performed has led to some commentators to argue that these procedures are becoming ‘normalised’: that is, that both cosmetic surgery, and invasive non-surgical procedures such as the use of injectable fillers and Botox, are increasingly perceived as routine, rather than exceptional, ways of changing one’s appearance. This perception has, in turn, led to concerns that what is regarded as a desirable, or even acceptable, appearance may become increasingly narrow, increasing pressure on those whose appearance does not conform to these norms, and reinforcing stereotypes with respect to factors such as age, gender, sexuality, race, ethnicity, class, disability, and disfigurement. It is also argued that the risks involved are increasingly likely to be overlooked or downplayed, if having a procedure is seen as something ‘normal’ or ‘routine’. In contrast, others take the view that the increasing use of cosmetic procedures should be
seen as positive and empowering: enabling people to access procedures to change aspects of their appearance that they do not like, or that cause them distress.\textsuperscript{10}

Questions 4-8

4. What do you think are the main drivers generating the increasing demand for cosmetic procedures, both surgical and non-surgical?

Social pressure and public opinion, being focused on the external appearance of the human being. Individuals with an appearance differing from this ideal appearance get frustrated and want to change their appearance.
People are becoming older, but they want to retain a younger "look".

5. Do you think it is becoming more routine to undertake cosmetic procedures? If so, in your view, does this raise any ethical issues?

Yes, it is getting more common. Until a few years ago these practices were quite exceptional. Now it gets more and more accepted to have this kind of treatment. This increases the pressure on persons with a negative self-esteem to have this kind of treatment. On the other hand, it increases the potential number of possible complications, risks or failures.

6. How (if at all) does the increasing availability and use of cosmetic procedures affect social norms generally: for example with respect to assumptions about age, gender, race, disability etc (see above)?

There is a norm shift and procedures are nowadays considered by the general public as easy, affordable within everyone’s reach. This includes rejuvenation techniques (men and women). As a consequence, there is more pressure on people with a negative self-esteem to have this kind of treatment. On the other hand, it increases the potential number of possible complications, risks or failures.

7. Are some motivations for having a cosmetic procedure ‘better’ than others? If so, what are they, and who should judge?

In the eyes of a rational physician the best motivation is to restore dysfunctions or abnormalities and create a normal (= acceptable) appearance and functionality in order to give the patient a "normal" life.
The motivation of some patients is a mix of medical and cosmetic reasons (e.g. secondary reconstruction after an accident). In other patients there is a well-established psychological burden due to their appearance (although this is difficult to judge), and the procedure helps them to overcome this psychological problem. Social pressure on the patient can be leading to a disappointing final result if the motivation of the patient himself is not firm.

8. Do you have any thoughts about, or experience of, the ways in which cosmetic procedures are advertised, marketed or promoted in the UK?

No experience with situation in UK. In Belgium there is quite some advertisement (and not always very objective) concerning this kind of procedures.
The supply and regulation of cosmetic procedures

A number of features of cosmetic procedures raise particular challenges for regulation, when compared with ‘therapeutic’ interventions:

- Cosmetic treatments will usually be initiated by the patient/consumer, rather than proposed by a health professional after a diagnosis. This may affect the nature of the consent process. It also raises questions as to the professional’s responsibilities if they believe the procedure is not in the patient’s best interests, or if there are other less invasive ways that patients/consumers might be able to achieve their goals.
- Most cosmetic procedures are provided by the private sector, rather than the NHS. Information accessed by patients/consumers will often be in the form of marketing material, rather than ‘patient information’, and people may feel a degree of pressure to go ahead with treatment.
- Outcomes may be more subjective: a professional may regard a treatment as ‘successful’, while the patient may feel disappointed that their expectations have not been met.

Over the past decade, there have been a number of expert inquiries in the UK looking into the way cosmetic procedures, in particular surgical procedures, are regulated, culminating in the 2013 Review of the regulation of cosmetic interventions (the Keogh report) commissioned by the English Department of Health. Repeated concerns raised include issues of patient safety (particularly with reference to the quality of implants and injectable fillers); the training and qualifications of those providing procedures; and the quality of information available to potential patients, both with respect to the risks and likely outcomes of procedures, and with respect to choice of practitioner.

The Keogh report highlighted the absence of any standards of accredited training for those providing non-surgical procedures, whether health professionals, such as doctors, nurses, or dentists; or others, such as beauty therapists. The report recommended the development of such standards, accompanied by compulsory registration of all practitioners providing cosmetic procedures, with the aim of ensuring that only practitioners who had acquired the necessary qualifications to achieve registration should be allowed to practise. The Department of Health’s response did not accept the need for such a registration system, but promised to explore other legislative options, including a possible role for health professionals taking a supervisory role with respect to some cosmetic procedures carried out by non-health professionals.

In the light of other recommendations made in the Keogh review, there has been considerable activity by regulatory and educational bodies in the past two years, with a particular focus on defining standards for those providing cosmetic procedures (whether clinically qualified or not), and making it easier for patients to identify appropriately qualified practitioners and to make informed choices:
• Health Education England has been commissioned by the Department of Health to develop accredited qualifications for providers of non-surgical procedures, and its final report, including implementation proposals, was published in January 2016.\(^{14}\)

• The General Medical Council (GMC) is developing a system of ‘credentialing’ so that doctors with a credential in a particular field of practice, such as cosmetic practice, can have this recorded in their entry on the medical register.\(^{15}\) The GMC has also issued draft ethical guidance for all doctors who offer cosmetic procedures.\(^{16}\)

• The Royal College of Surgeons has established a Cosmetic Surgery Interspecialty Committee (CSIC) with a remit to develop standards for training and certification across the range of specialties offering cosmetic surgery; develop high quality patient information; and develop clinical outcome measures.\(^{17}\)

Particular regulatory issues may arise with respect to access to cosmetic procedures by children and young people, or by others regarded as vulnerable in some way, such as people with body dysmorphic disorder (BDD). With respect to children, while parents are legally entitled to provide consent for their children’s medical treatment, their authority to provide consent for invasive procedures undertaken for cosmetic purposes is more uncertain. Comparisons may be drawn with other areas of regulation, such as the Tattooing of Minors Act 1969 which specifically prohibits practitioners from tattooing persons under the age of 18.\(^ {18}\) Similar regulations apply to the use of sunbeds by children and young people under the age of 18, other than when under medical supervision.\(^ {19}\)

Questions 9-15

9. Do you think that people seeking cosmetic procedures are ‘patients’ or ‘consumers’, neither, or both?

Both; they are consumers when they seek this kind of procedures; however, the financial aspect of the procedure should not lead to inappropriate treatments. They might become patients as some of the procedures are invasive. The more invasive the technique, the higher the risk and the higher the need for precautions to prevent e.g. infections or other complications.

10. What information should be made available to those considering a procedure?

Written clear-cut information about the procedure as such, the expected results (cave unrealistic expectations), the contraindications, the possible risks/ adverse effects, the possible side effects and complications, the aftercare.

11. Are there (a) any people or groups of people who should not have access to cosmetic procedures or (b) any circumstances in which procedures should not be offered?

(a) It should be decided case by case; it is, however, difficult to prevent individuals to have this kind of treatment. Perhaps we should protect young persons (<18y) and persons with limited intellectual capacities.

(b) It should not be offered to any person who has unrealistic expectations.

12. To what extent should parents be allowed to make decisions about cosmetic procedures for their children?
Depending on the problem and the procedure. Except for situations where postponing the procedure would imply more risks and less efficacy, parents should not take decisions and should wait until the child is old enough to make its own decision.

13. Should there be any guidelines or regulation on who can provide non-surgical cosmetic procedures?

Yes, only qualified people should provide specific cosmetic procedures. There should be a minimum of training, cf. previous publications of the Superior Health Council (SHC 9163). More specifically, there is a need for a basic training (e.g. training as nurse, M.D. esthetician), a specific training (e.g. concerning laser treatment) and a tool-related training (e.g. training to work with a certain laser device).

14. What are the responsibilities of those who develop, market, or supply cosmetic procedures?

They need to provide a procedure which is safe and efficacious. Moreover, qualification (appropriate knowledge and training) and use of high quality materials, devices, procedures (clinical studies) are indispensable.

15. Do you believe that current regulatory measures for cosmetic procedures are appropriate, too lax, or too restrictive?

They are too lax.
Different parts of the body

The latest statistics from the British Association of Aesthetic Plastic Surgeons (BAAPS) highlight how fashions in cosmetic procedures may change, with people choosing treatment in 2014 showing more interest in “subtle understated” procedures such as eyelid surgery, facelifts and fat transfers, accompanied by a significant drop in the number of breast augmentations. A further area of change relates to the extension of cosmetic procedures to more body parts, such as the growing interest in female genital cosmetic surgery, buttock augmentation, and penis enlargements. While such procedures are becoming increasingly popular, they sometimes elicit different responses from those generated by longer-established procedures, such as those undertaken on the face, abdomen or breasts.

Questions 16-18

16. Thinking of cosmetic procedures, are there some parts of the body that are more problematic than others? If so, can you explain why?

The visible parts may be more problematic, although this is relative (e.g. genital treatment can also be very problematic).

17. The Female Genital Mutilation Act 2003 prohibits the excision or mutilation of “any part of a girl’s [or woman’s] labia majora, labia minora or clitoris”, unless this is held to be necessary for her physical or mental health. What are the implications of the Act for female genital cosmetic surgery?

The Act is an important document that helps to limit a lot of misery in young women. The Act should be respected i.e. this procedure should be restricted to medical interventions. Female genital cosmetic surgery is a new trend that in my opinion is not indicated unless there is important physical problem.

18. Thinking of genital procedures more broadly, are there any distinctive ethical issues, including gender issues, that do not apply to other parts of the body?

Genital surgery should be restricted to medical indications (including psychological problems after intensive psychological counselling), restoring genital mutilation and transgender procedures (after psychological evaluation, as they may result in more profound psychological problems at a later stage). Cfr. genital region is also seen as a special region in the evaluation of burn lesions.

Any other comments?
Please highlight any relevant areas you think we have omitted, or any other views you would like to express about the ethical issues arising in connection with cosmetic procedures.

The Belgian Superior Health Council has been dealing with these problems for quite some time. There are a number of publications dealing with specific treatments, but also more general documents concerning the need for more regulation (SHC 8587). Moreover there are publications about the sanitary requirements (SHC 8719), and a paper about the psychological aspects linked with this kind of treatment as well (SHC 8892). These publications are only available in Dutch and French.
References


2. 91% of procedures carried out by members of the British Association of Aesthetic Plastic Surgeons in 2014 were on women, and this ratio between men and women seeking procedures has remained constant over a number of years. See: The British Association of Aesthetic and Plastic Surgeons (26 January 2015) Tweak not tuck, available at: http://baaps.org.uk/about-us/audit/2040-auto-generate-from-title.


6. See: YouGov (21 July 2015) Over a third of Brits are unhappy with their bodies, available at: https://yougov.co.uk/news/2015/07/21/over-third-brits-unhappy-their-bodies-celebrity-cu/. This survey indicates that 37% of British people were not very happy or not happy at all with their body image and weight. The highest rate of positive body image was found in Indonesia, where 78% claim to be happy with their body weight and shape.


9. Creative Research (2013) Regulation of cosmetic interventions: research among the general public and practitioners, available at:
See, for example, the discussion in Gagne P, and McGaughey D (2002) Designing women: cultural hegemony and the exercise of power among women who have undergone elective mammoplasty Gender and Society 16(6): 814-38.


One UK provider of cosmetic procedures observed a 45 per cent increase in enquiries for female genital cosmetic procedures between 2010 and 2013. The provider also found that recipients of this range of procedures were getting younger: the average age of patients in 2010 was 35; in 2013, this had fallen to 28. See: Transform (30 August 2013) Transform reports surge in enquiries for vaginoplasty procedures, available at: https://www.transforminglives.co.uk/news-blog/news/2013/08/transform-reports-surge-in-enquiries-for-vaginoplasty-procedures/.


See, for example, the concerns expressed about motivations for female cosmetic genital surgery, as in Royal College of Obstetricians and Gynaecologists (2013) Ethical opinion paper: ethical considerations in relation to female genital cosmetic surgery (FGCS), available at: https://www.rcog.org.uk/globalassets/documents/guidelines/ethics-issues-and-resources/rcog-fgcs-ethical-opinion-paper.pdf: it is difficult to imagine concerns being expressed in the same way about cosmetic procedures undertaken on the face or breasts.