

Health and Environment Committee
c/o Queensland Parliament
Parliament House, George Street,
Brisbane, Qld, 4000

9 June 2022

By email: HEC@parliament.qld.gov.au

Dear Chair, Deputy Chair and Members of the Health and Environment Committee,

**Inquiry into the Health Practitioner Regulation National Law and Other Legislation
Amendment Bill 2022 – Additional evidence from the Australian Lawyers Alliance**

I am writing to you in my capacity as a member of the Australian Lawyers Alliance (ALA) Medical Law Special Interest Group. The ALA made a submission ([Submission No.24](#)) to the Queensland Parliament's Health and Environment Committee ('the Committee') regarding changes proposed in the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022 ('the Bill').

I was honoured to appear before the Committee on Wednesday morning 8 June 2022. At that hearing, the Committee expressed interest in hearing more about **the ban on cosmetic procedures advertising in the United Kingdom** through any media (including on social media) aimed at people under 18 years of age. This letter seeks to detail the recent developments in that jurisdiction.

The ALA referenced this regulatory development in our submission on page 9 in support of our strong contention that there are **clear, demonstrated dangers posed by the use of testimonials in health services advertising**; and so, given those dangers, health services advertising (especially the advertising of cosmetic procedures) needs more regulation and oversight, not less.

The UK cosmetic procedures advertising ban

In 2020, the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) undertook a public consultation to explore what regulatory changes may need to be introduced to prohibit cosmetic procedures advertising to those under the age of 18.¹ The two UK advertising standards authorities cited ongoing "public health and political concerns about the potential

¹ Committee of Advertising Practice and Broadcast Committee of Advertising Practice, Consultation on the placement and scheduling of ads for cosmetic interventions (Web Page, 10 September 2020) <https://www.asa.org.uk/resource/consultation-on-the-placement-and-scheduling-of-ads-for-cosmetic-interventions.html>.

harm of cosmetic interventions advertising on children and young people” as the impetus for the consultation.²

On 25 November 2021, CAP and BCAP announced that their respective advertising codes would be updated to prohibit the advertising of cosmetic procedures from being directed to those under 18 years of age. The new rules were summarised as follows:

- 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; and
- 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.³

Following a 6-month grace period, the ban took effect from 25 May 2022.⁴ The ban applies to all media – including television, radio, magazines, billboards, posters, newspapers, social media (such as Facebook, TikTok and Instagram) and any social influencer marketing.⁵

Shahriar Coupal, CAP and BCAP’s Director of Committees, has spoken to the intention behind the ban to protect children and young people from persuasive cosmetic procedures advertising:

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. In particular, the period of adolescence has been highlighted in the evidence cited by consultation respondents 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

² Ibid.

³ Committee of Advertising Practice and Broadcast Committee of Advertising Practice, ‘Strict new rules for ads for cosmetic interventions’ (Media Release, 25 November 2021) <<https://www.asa.org.uk/news/strict-new-rules-for-ads-for-cosmetic-interventions.html>>

⁴ The text of the regulations, as well as CAP’s publication *Advertising Guidance: Cosmetic Interventions*, can be accessed here: Committee of Advertising Practice and Broadcast Committee of Advertising Practice, ‘New targeting rules for cosmetic interventions advertising come into force today’ (Media Release, 25 May 2021) <<https://www.asa.org.uk/news/new-targeting-rules-for-cosmetic-interventions-advertising-come-into-force-today.html>>.

⁵ Mark Sweney, ‘Cosmetic surgery ads aimed at under-18s to be banned in UK’, *The Guardian* (online, 25 November 2021) <<https://www.theguardian.com/society/2021/nov/25/cosmetic-surgery-ads-aimed-at-under-18s-to-be-banned-in-uk>>.

‘improvements’ such as cosmetic intervention procedures, is likely to exacerbate body image dissatisfaction and negativity during vulnerable stages of their lives. ...

CAP and BCAP consider that the new targeting restrictions would 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.⁶

CAP and BCAP will conduct a review of the cosmetic procedures advertising ban after 12 months “to ensure that the new rules are functioning as intended”.⁷

I note the Committee appeared to want to know how the ban would work in practice, in the sense of how it would be implemented. We have not been able to find specific details in relation to the practical implications of the legislative changes.

I thank the Committee for its time and attention in its consideration of the above additional evidence.

Please do let me know if I can be of further assistance, in which case please direct correspondence to Elenore Levi, ALA Legal Research and Policy Officer, at elenore@lawyersalliance.com.au.

Yours sincerely,



Lidia Monteverdi
Member, Medical Law Special Interest Group
Australian Lawyers Alliance

⁶ Committee of Advertising Practice and Broadcast Committee of Advertising Practice, ‘Strict new rules for ads for cosmetic interventions’ (Media Release, 25 November 2021) <<https://www.asa.org.uk/news/strict-new-rules-for-ads-for-cosmetic-interventions.html>>

⁷ Ibid.