

All-Party Parliamentary Group on Beauty, Aesthetics and Wellbeing
Inquiry into non-surgical cosmetic procedures: Social Media and Advertising
Minutes of Meeting

Date: Tuesday 20th April 2021

Time: 12:30pm – 13:30pm

Location: Zoom

Chair: Carolyn Harris and Chris Elmore

Members present

- Carolyn Harris MP
- Judith Cummins MP
- Chris Elmore MP
- Kate Osamor MP
- Charlotte Nichols MP
- Caroline Nokes MP

Witnesses

- Malcolm Phillips, Regulatory Policy Manager, Committee of Advertising Practice, Advertising Standards Agency (ASA)
- Dr Sam Robson, Chair of Advisory Board at Save Face
- Professor David Sines, Chair of the Joint Council for Cosmetic Practitioners (JCCP)
- Dr Antonis Kousoulis, Director for England and Wales at the Mental Health Foundation

Audience

- Lucy Cserna, Office of Sarah Champion MP
- Ryan Pratt, Office of Lord Taylor
- Jo Lloyd, Office of Carolyn Harris MP
- Caroline Larissey, NHBF
- Freddie Alcock, Advertising Standards Agency
- Katherine Morgan, APPG Secretariat
- Victoria McNish, APPG Secretariat
- Louise Abraham, APPG Secretariat
- Allaster Gair, APPG Secretariat
- Erza Llumnica, APPG Secretariat

Minutes of the Meeting

Carolyn Harris MP opened the meeting, thanking everyone for joining the latest inquiry session into non-surgical cosmetic procedures. She briefly explained the work done by the APPG. She stated that the meeting will be co-chaired by Chris Elmore, Chair of the Social Media APPG and invited Chris Elmore to speak.

Chris Elmore MP introduced the general background from his APPG's point of view, and that they do a lot of work trying to engage with all platforms around the various online harms that platforms create, including related to the beauty industry. He invited Malcom Philips to start with his opening remarks, then the other witnesses will follow.

Malcolm Philips, ASA, outlined that advertising on non-surgical procedures in the UK media is subject to the rules of the CAP and BCAP codes which maintain guidance on surgical and non-

surgical cosmetic interventions, to provide general protections for all audiences together with rules that seek to protect children and people in vulnerable situations.

He gave a brief explanation of how the ASA are responsible for investigating complaints about the advertising codes and guidance where relevant, and that they carry out proactive monitoring and enforcement work, in partnership with other regulators such as the MHRA. He went on to address his work at the ASA in terms of scheduling and placement restrictions on advertising for cosmetic interventions, intending to follow up the conclusion of that work later this year with a wider call for evidence on the impact of advertising on body image.

Chris Elmore MP thanked **Malcolm Philips** and welcomed **Dr Sam Robson** to speak.

Dr Sam Robson, Save Face, outlined the concerns they have around the use of social media - Instagram in particular - which is driving demand for cosmetic procedures and influencing expectations of how young women should look. She highlighted that the ideals individuals are inspiring can be unachievable, exposing them to exploitation as there are illegal and unethical advertising promotions on social media.

Save Face have proposed that a pension could be paid to filters in the ASA consultation as they would welcome the restriction on filters when beauty products being promoted. She explained that with this all filters which can be used to modify appearance should carry a tag or a watermark that cannot be altered in order to make the use of that filter transparent to others.

Robson explained that social media influencers and marketers of aspirational beauty now set the standards of the ideals of beauty as what exists appears to be self-perpetuating and unfortunately successfully sells. She goes on to suggest the need for a public educational campaign that can reinforce the natural look instead of an altered filtered look that is more commonly being presented. This is a way to remind people of the beauty that lies in individual variety and unfiltered appearances.

Chris Elmore MP welcomed **Professor David Sines** to speak.

Professor David Sines, JCCP, said social media does have a positive role to play as much as a negative, but although the positive benefits are important, he will be focusing on the negative attributes for this discussion. He gave examples of irresponsible advertising that promote offers to members of the public which almost induce some into a sense of false security, using the examples of buy one get one free Botox parties or flexible immobile Botox service which can be provided to one's home. He addresses the severity of this, highlighting that advertising practises often breach the ASA guidance on responsible advertising as well as the MHRI guidance on advertising prescription only medicine.

Professor David Sines explained that Save Face have reached out to Sir Nick Clegg and Kevan Jones MP to seek a further meeting with Richard Earley, the UK policy manager for Facebook, as he points out there remains a failure to recognise hidden challenges behind inappropriate and illegal advertising of products. He emphasises his point that social media posts can promote elective non medically related procedures to people under the age of 18, making clear that this in doubt adds to the psychological and emotional harm caused by social media. He makes a point further on how social media allows practitioners or training programmes to be promoted as accredited with competence base qualifications, when in reality all it requires is the mere hiring of a temporary prestigious address to sell what treatment they may be advertising.

Professor David Sines concluded that social media has a critically important place in regard to the illegal promotion of medicines, products and providing false information as well as a false assurance to the public about body image, highlighting the issues advertising and social media present.

Chris Elmore MP welcomed the last speaker, **Dr Antonis Kousoulis**.

Dr Antonis Kousoulis, MHF, began by stating that we live in an image based culture, highlighting that young people are growing in an environment which includes a lot of pressures around their appearances. He highlighted statistics found from the Mental Health Foundation's 2019 research that 1 in 3 teenagers felt shame because of how they look, 1 in 5 adults have felt disgust, and 1 in 8 experienced suicidal thoughts because of their body image. He highlighted that from this research it was common many individuals felt shame in their body image, through constant comparison of others, which in doubt acts as a key stress factor in their day to day lives, predominantly in younger people. He stated that because of the digital culture of today, issues around body image and the implications that follow have intensified, immensely during lockdown, which in turn has had concerning mental health implications.

Chris Elmore MP thanks **Dr Antonis Kousoulis** asked two questions. Firstly, about the Online Harms Bill, and what the panel's views are on where the government could add in additional protection on the sale of goods via platforms. His second question was whether the panel have seen any significant uplifts in the sale of faulty beauty products, goods, drugs and services or an increase in professional qualifications claims of individuals acting as experts in the field of beauty through the platforms of social media because of the pandemic. He pointed out that President Biden is looking to tackle online harms in a greater way than previous administration whilst Australia, New Zealand, European Union are looking at improved regulation for platforms, hence highlighting his hope for a global response to regulation.

Professor David Sines responded that they are not seeing any reduction of exaggerated or false claims in regard to product training or services advertised on social media – stating that they find up to 20 to 30 hosts per week which provide evidence of these exaggerated claims. He addresses that despite constructive conversations with Facebook, Richard Earley has been unable to tackle these issues, concluding his answer saying there is only a false assurance to be offered.

Dr Antonis Kousoulis said there are many people who can claim online to be beauty experts through their social media platforms, that this risk has gone under the radar in advertising and because of these gaps there is a continuous risk of online harm. He highlights that although there are codes of conduct in place, it says influencers and apps should not create any risks to physical health but there is a gap in the mention of to harms in mental health and wellbeing. He emphasised that because of said gap, several online features and software have potential to increase the risk to mental health.

Chris Elmore MP agrees with the point **Dr Antonis Kousoulis** made that government should be looking into this gap more seriously as part of the bill.

Dr Sam Robson asks whether it would be difficult to enforce a watermark or tag placed on the use of filters. Additionally she asks whether it would be realistic to ask whether a watermark could be enforced whereby individuals cannot put an edited picture of oneself or another individual without it being made clear and apparent that image was edited.

Chris Elmore MP responds to **Dr Sam Robson** stating that a lot of what she asked has been addressed in Luke Evan's MP Ten Minute Rule Bill which outlines putting up a caveat around an image that has been edited or filtered, and he himself agrees with Mr Evans that there should something put in place either a part of the bill or in secondary legislation as a consequence of the bill. He reminds the panel however that the Ten Minute Rule Bill does not get enforced but can be supported by government, which he believes should be done.

Professor David Sines introduced a new point on the significant influence of Tiktok on younger children and the issues around no form of age restrictions applied to filters or access to the app.

Chris Elmore MP agrees with David Sines in that Tiktok is a concern. He outlined that in his meeting with Tiktok they claimed that younger children do not have access to their services, however Chris as well as **David Sines** proceed to disagree with that statement, voicing that Tiktok is a real challenge and concern for the industry.

Chris Elmore MP excuses himself and leaves the discussion because he is required for bench duty at 10'clock. Before he leaves he hands over to **Judith Cummings MP**.

Judith Cummings MP asks **Malcolm Philips**, what are the current advertising restrictions in place surrounding the non-surgical cosmetic procedures.

Malcom Philips explained that Botox is a prescription only medicine, and therefore should not be advertised and that ultimately it cannot be advertised legally. He said that in 2020 the ASA took action to ensure advertisers reviewed their advertisement and if necessary made immediate changes, issuing around 130,000 enforcement notices across beauty and cosmetic services for botox ads, due to the trend of ads appearing in social media and organic Instagram posts. They do this through the use of monitoring tech to identify where ads appear on Instagram and then flag them on the platform to have them immediately removed. Additionally the ASA have made clear that any advertisers who continue to break rules risk being referred to MHRA or their professional regulatory body.

Malcolm Philips added that the ASA places a particular emphasis on protecting children as well as young and vulnerable people. The ASA have specific guidance covering issues of misleading advertisement, explaining they attempt to ensure the content of ads are appropriate for the audience. He states some issues may include the use of exaggerated or unrealistic claims, such as before and after images, and that they have warnings around advertising that plays on consumers insecurities.

Malcolm Philips refers back to the question **Judith Cummings** asked on how the restrictions are enforced to which he emphasised the use of proactive monitoring and enforcement work to have ads that break such rules from appearing again. He reiterates the work they do with the MHRA through the use of monitoring technology to discover problem ads on social media. He points out that the majority of advertisers do comply with the rules, stating that 97% of advertisers comply with the rulings. However, in the case where advertisers fail to comply there are a range of sanctions the ASA can enforce: the ASA can issue alerts to members, including media owners, advising them to withhold services; the ASA has the right to ask internet search websites to remove paid for search ads if it contains material that they believe breaks the rules; the ASA has a dedicated website section to name problem advertisers which will turn up in search engines results. In cases of serious or repeated non-compliance as a result of misleading claims, the ASA have the ability to refer to trading standards under consumer protection law which effectively can result in criminal prosecution.

Judith Cummings MP asked whether **Malcom Philips** could give an example of an illegal ad and a borderline legal ad and whether he could go through what more powers he and his organisation would need in order to stop this.

Malcom Philips highlighted the importance of actively monitoring for problem terms like Botox paired with working closely with platforms to suppress those links. He pointed out the number of advertisers that the ASA have contacted about this, over 100,000, outlining how widespread these business practices are and the challenges on social media platforms where advertisers can post through their own channels and use the influences of marketing. He said it is a question of using tech to identify where

ads are appearing and intervene with media owners who can best help to take those posts down where they are promoting illegal content.

Judith Cummings MP asked whether he is satisfied that the ASA has got the powers to counteract this illegal content?

Malcom Philips replies saying yes, stating he is optimistic about the use of machine learning and what the ASA are able to do to help. He along with ASA do much work around the protection of children against ads that are unsuitable to them. He said they use child avatars which mimic a child web user to find instances of ads being inappropriately targeted at children. He points out that this is mainly done currently for gambling and alcohol but states it can be extended to cosmetics.

Carolyn Harris MP asked a question to **Malcom Philips**. She noted the issue of how the media, specifically twitter feeds of mainstream newspapers, advertise cheaper provision of products and services, comparing it to more expensive prices charged by professional which happens a lot in the beauty industry. She explains that the issue around such posts appearing on twitter advertisement of mainstream daily newspapers, that it gives a false perception that those facilities and products advertised are published in a newspaper journalist article rather than a paid for advertisement. Her question was whether there is a way to tackle that and those posts.

Malcom Philips said yes, giving the example of the work the ASA have done on content discovery networks through the use of online press titles, including issues circulating online articles posted on mainstream platforms which can be misleading advertisement and clickbait. He explains that the ASA do a lot of work on transparency in advertising particularly in social media and continuously try to get better transparency when those links are advertised.

Carolyn Harris MP makes a point that there is no regulation around fillers, despite them being as bad, if not worse than Botox. She outlines that there are various online platforms in which fillers can be purchased and asks if anything can be done ahead of legislation to stop this from happening?

Malcolm Philips initially emphasised the importance of legislation around controls such as those on Botox, and offers his opinion that there could be a potential extension of medicines law given the prohibition is already in place. In terms of what the ASA can do, Malcolm outlined that when drafting the enforcement notice with the MHRA they made it very clear that if people were to use some form of euphemisms for Botox, they remain at risk of being caught for breaching advertising restrictions.

Carolyn Harris MP asked whether we should look at extending the understanding of what Botox is to distinguish to the public that filler is a very different chemical compound.

Malcolm Philips replied that her point is more in the territory of the business practices and controls that are imposed on products; that the ASA's position lies in whether a form of advertising is likely to promote a control product and instead states that the controls on products would be a concern of the MHRA or legislative framework.

Carolyn Harris MP thanks **Malcolm Philips** for his responses and goes on to make a point about the impact of paid social influencers are having on the gambling environment and young people and the amount of physical damage that can be done. She then welcomes **Caroline Nokes MP** to ask a question.

Caroline Nokes MP begins by making a comment referring to the enquiry the Women and Equalities Select Committee published into body image. She stated it had some interesting evidence from ministers around online harms around advertising social media. She addressed that the government

would be consulting in spring around what interventions to use when it came to advertising and advised the panel to be ready to respond to the consultation.

Caroline Nokes MP goes on to address a question to Malcolm around influencers. She welcomed the work the ASA are doing around paid-for content that influencers are promoting, but asked where the line gets blurred. She explained that influencers promote themselves using filters, building up a following base and can go onto post paid for content despite previous content having used filters to develop such a following. Hence she asks what measures can be used or put in place to make that more obvious or to ensure the lines are not blurred.

Malcolm Philips responded that in the big dialogue between the ASA system and government on body image, which occurred around 10 years ago, they addressed where the interplay of influence is, who sets the tone, giving the example of who sets the tone between fashion editorials and advertising. Now the situation is that everyone can potentially be an advertiser, including members of the public and because of this there is an increase in debates about influencer marketing, the rise of micro influencers and the appropriateness of what influencers promote. He agrees there are many challenges in advertising regulation as it can only go so far and points out the difficulties in intervening, having to be mindful of the impact of the interventions they make.

Malcolm Philips said the ASA are engaging in conversations with platforms about accountability. From such conversations he states that the Secretary of State for DCMS has referred to work they're doing on a proposal for a potential new online regulatory framework. This is in efforts to get social media to recognise the role and effect of their platforms, to ensure online players act in line with the standards they impose and to publish transparency reporting. Malcolm finishes his point by stating that it goes beyond what the ASA can do as to why other bodies need to be involved.

Carolyn Harris MP then opens the floor to anyone else who wants to ask a question.

Dr Antonis Kousoulis makes a comment on inappropriate advertising, that some issues are not for regulation, when evidence is not clear in terms of causality or where control is more difficult. He said there are other steps away from legislation that can be taken to help young people and the advertising practises they are facing. He suggests social media literacy training in schools, starting from early on in order to help young individuals navigate the environment of social media. He noted a lot of advertising weaponizes mental health, presenting a 'you are going to feel better' narrative after undergoing certain procedures. He emphasises the need for this to be tackled and addressed.

Dr Sam Robson asks whether there is scope to have a public education campaign where people can be taught about the reality of images, filtered and altered images. She states there is a need for individuals to start questioning more on whether what they see is real and achievable as opposed to what is represented on social media.

Carolyn Harris MP noted individuals are made to believe those images which appear in magazines look as how they are presented when in reality the photos may be edited, blemishes altered and so on, to sell their product. She added that the idea around public awareness and education campaigns needs to come from the government.

Professor David Sines MP makes a point that cultural diversity must be taken into account when discussing and analysing the effect of body image and social media. He goes onto address the challenges that men are faced with, such as challenges around obesity, anorexia, bulimia, being conditions that effect boys as much as girls. He stated the need for governments role in their anti-obesity agenda to think about the impact in a constructive way.

Caroline Nokes MP as the chair of the Women's and Equalities Select Committee said her inquiry did focus heavily on the obesity strategy and that it was not addressing any new ideas. She goes on to disagree with the point **David Sines** made that eating disorders affect boys as much as they do girls and provides the statistic that only 25% of the sufferers are male; making it predominately female. She did however state that there remains an issue amongst boys and states the problematic element that rates in boys and young men are increasing fastest. She outlined where the issues lie, stating that for girls the focus is around weight which involves extreme dieting, body alterations, fillers whilst for young men it is more around building physique, effectively involving taking drugs as many images young men are seeing circulating social media are using steroids to obtain such desirable physiques. She emphasised that government must address this and focus more on mental issues, suggesting educating young people about the basics of wellbeing and building self-esteem.

Professor David Sines agreed and noted the correlation between younger people and self-harm from both sexes, particularly younger male suicide, stating that there are some impact differentials.

Carolyn Harris MP summed up the discussion of the meeting, outlining how serious the APPG takes this as an issue, making the concluding points around social media and the power it has over people's lives; that it can be a wonderful thing but also very damaging. She noted the fact as a result of social media's 24/7 platforms it has changed the way in which individuals can be exploited. She briefly outlined what she has faced as a woman, saying that she has endured abuse about her appearance despite it not being the matter of discussion. She addressed the implications of physical bullying and the inability to escape from social media, and noted the issue that Doctors may also be to blame in giving individuals false dreams by advertising on their platforms what individuals could look like through the use of cosmetic procedures. This, in turn, is what makes people aspire to changes and alterations of their appearance.

Carolyn Harris MP thanked all the attendees for their contributions and concluded the meeting.