

Emanuela Mora & Marco Pedroni (eds.)

# Fashion Tales

Feeding the Imaginary



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- Fashion Advertisers', *Indiana Journal of Global Legal Studies*, 21, pp. 619–641.
- Pomeroy, A. and Dolnicar, S. (2009), 'Assessing the Prerequisite of Successful CSR Implementation: Are Consumers Aware of CSR Initiatives?', *Journal of Business Ethics*, 85, pp. 285–301.
- Ricchetti, M. (2011), 'La sostenibilità e il futuro dell'industria italiana della moda', in M. Ricchetti and M.L. Frisa (eds), *Il bello e il buono. Le ragioni della moda sostenibile*, Venice: Marsilio, pp. 121–132.
- Rinaldi, F.R. and Testa, S. (2013), *L'impresa moda responsabile. Integrare etica ed estetica nella filiera*, Milan: Egea.
- Simpson, J. A., Binkley, J. and McMahon, P. H. (2000), 'New Environmental Legislation Affecting Textile-industry Manufacturing', *The Journal of the Textile Institute*, 91 (1), pp. 65–72.
- Slater, K. (2003), *Environmental Impact of Textiles: Production, Processes and Protection*, Cambridge: Woodhead Publishing.
- Urminsky, M. (2001), 'Self-Regulation in the Workplace: Codes of Conduct, Social Labelling and Socially Responsible Investment', *Management and Corporate Citizenship Working Paper*, 1, Geneva: ILO.

## Protecting the dignity of women in fashion advertisement: The new legal initiatives in a comparative law perspective

### Introduction

In recent decades, various initiatives have been taken at international level in order to promote the dignity of women in different fields. This chapter focuses on the protection of the dignity of women and the various normative steps taken against the stereotyping of women in the fashion field.

It will be important to recall—from a general point of view—the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which was adopted in 1979. This Treaty, which has been described as an international bill of rights for women, foresees, among other things, that States Parties shall take all appropriate measures ‘to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women’.<sup>1</sup>

At European level, similar initiatives have been launched by the European Commission’s Directorate General for Employment and Social Affairs, which has released a *Community Framework Strategy on Gender Equality* (2001–2005),<sup>2</sup> followed by *A Roadmap for equality between*

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1 Art. 5 of the Convention.

2 Brussels, 7 June 2000, COM(2000) 335 final, ‘Towards a community framework strategy on gender equality (2001–2005)’, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions.

women and men 2006–2010,<sup>3</sup> in which one of the key objectives outlined is ‘Promoting Change of Gender Roles and Stereotypes’. These *Strategy* and *Roadmap* also include recommendations on the portrayal of gender in advertising and the media. Subsequently, on 3 September 2008, the European Parliament has adopted a Resolution on how marketing and advertising affect equality between women and men.<sup>4</sup> In particular the European Parliament stressed that marketing and advertising portrayals of the ideal body image can adversely affect the self-esteem of women and men, particularly teenagers and those susceptible to eating disorders such as anorexia nervosa and bulimia nervosa, further underlining that advertisers should carefully consider the use of extremely thin women to advertise products.<sup>5</sup>

Further initiatives have been promoted by the Council of Europe. In 2006, the Parliamentary Assembly held a first hearing on the *portrayal of women in advertising*, emphasising the positive role that the media can play in promoting gender equality.<sup>6</sup> It subsequently adopted in 2010 a Report entitled *Combating sexist stereotypes in the media*,<sup>7</sup> a Recommendation<sup>8</sup> and, finally, a Resolution with the same title.<sup>9</sup>

The Council of Europe adopted a Recommendation in 2013 on gender equality and media<sup>10</sup> and a Handbook on the implementation of the same Recommendation in 2014.<sup>11</sup>

Especial attention should be paid to the rules on audiovisual policy that the European Union is developing on the ground of Articles 167 and

3 Brussels, 1 March 2006 COM(2006) 92 final, ‘A Roadmap for equality between women and men 2006–2010’, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions.

4 European Parliament Resolution of 3 September 2008 on how marketing and advertising affect equality between women and men (2008/2038(INI)).

5 European Parliament Resolution of 3 September 2008, sub 18.

6 Council of Europe, Parliamentary Assembly, Doc. 12267 26 May 2010, ‘Combating sexist stereotypes in the media’.

7 Doc. 12267, 26 May 2010.

8 Recommendation 1931 (2010), ‘Combating sexist stereotypes in the media’.

9 Resolution 1751 (2010), ‘Combating sexist stereotypes in the media’.

10 Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on *gender equality and media* (Adopted by the Committee of Ministers on 10 July 2013 at the 1176<sup>th</sup> meeting of the Ministers’ Deputies).

11 Handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers of the Council of Europe on gender equality and media, Strasbourg, 21 October 2014.

173 of the Treaty on the Functioning of the European Union (TFEU), and in particular to the Audiovisual Media Services Directive of 2010,<sup>12</sup> where art. 9 lays down the main guiding principles in this field. According to this provision Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:

- (a) audiovisual commercial communications shall be readily recognizable as such. Surreptitious audiovisual commercial communication shall be prohibited;
- (b) audiovisual commercial communications shall not use subliminal techniques;
- (c) audiovisual commercial communications shall not: prejudice respect for *human dignity*; include or *promote any discrimination based on sex*, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation; *encourage behaviour prejudicial to health or safety*; encourage behaviour grossly prejudicial to the protection of the environment.

Overall, it can be said that the principle of protecting the dignity of women appears well established at international and at European level for several years.

The debate on these issues has developed further, pointing out the different aspects that need to be taken into consideration in order to correctly frame the principle of women's dignity protection. From one point of view, numerous commentators have underlined that the increase in eating disorders during the 1980s and 1990s was the result of body dissatisfaction engendered by heightened societal pressures on women to be thin and attractive, often generated by the images disseminated by television and fashion magazines (Feingold and Mazzella 1998: 190–195). Psychological studies in particular stress the harm to both young and adult women that results from viewing ultrathin models as compared with the relaxing effect of viewing average-sized models (Herbert 2014).

This discussion is strongly connected with the impact on women's health, from various perspectives. The first is the perspective of the

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12 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services.



model, whose health needs to be protected against too rigid requirements concerning thinness.

The second one is the perspective of those women who are influenced by the models of unattainable beauty spread by television and fashion magazines.

But there is also a third perspective that needs to be taken into account in this discussion, which is a marketing perspective, as *women* in this case are also to be protected as *consumers* (Eisend and Möller 2007).

Furthermore, scholars have underlined that images used in fashion advertisements may contribute to a cultural climate that supports violence (Preston 1998).

Finally, in order to obtain a clear picture of the recent evolution, besides the legislative framework described so far, it will be necessary to analyse other norms that on a self-regulatory basis strongly characterize the advertising industry.

## The self-regulatory framework

The protection of dignity of women is not only at centre of various legislative initiatives, but has also been taken into consideration by self-regulation at national and international level.

At the international level, we should recall the principle of ‘social responsibility’ codified in art 4 of the *Consolidated Code on advertising and marketing Communication Practice* published by the International Chamber of Commerce in Paris: ‘Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation’. All the European national codes of advertising practice incorporate this rule and many go further, in terms of specific rules on the portrayal of the genders.

As a matter of fact, self-regulation exists in almost all the Member States of the European Union and advertising content is regulated by independent self-regulatory organizations specifically set up for the purpose and funded by the advertising industry. The *European Advertising Standards Alliance* (EASA), coordinates the European network

of self-regulation and ensures a coherent self-regulatory approach. In 2008 the EASA published a Report, *Portrayal of Gender*, where it was stressed that ‘the primary purpose of commercial advertising is to promote goods and services, not to bring about changes in society—what is often called ‘social engineering’. Advertising therefore ‘holds up a mirror to society’, portraying it in ways which are sometimes idealised or simplified, but essentially a form which consumers can immediately recognise and with which they can readily identify’ (EASA 2008).

The Report further added that however, advertising ‘has also to be balanced with the need to avoid stereotypical portrayals likely to be widely perceived as projecting an offensive or demeaning image of women, either as individuals or as members of society’ (*ibid.*).

The *Istituto di Autodisciplina Pubblicitaria* (IAP), the Italian self-regulatory organization, provides several provisions in order to fight against violation of the dignity of women in the *Code of Marketing Communication Self-Regulation*, that since 1966 regulates the world of advertisement in Italy.

In particular art. 9 of the Code, entitled *Violence, vulgarity, indecency*, establishes that ‘marketing communication should not contain statements, audio or visual treatments depicting physical or moral violence or, that may be considered indecent, vulgar or repugnant to prevailing standards’.

Further on, art. 10, devoted to the protection of *Moral, Civil, and Religious Beliefs and Human Dignity*, foresees that ‘marketing communication should not offend moral, civil and religious beliefs. Marketing communication should respect human dignity in every form and expression and should avoid any form of discrimination’.

This last provision was modified after the Memorandum of Understanding signed by IAP with the Ministry of Equal Opportunities in order to expressly specify that gender had to be included in the definition of discrimination, so that art. 10 now states: ‘marketing communication should not offend moral, civil and religious beliefs. Marketing communication should respect human dignity in every form and expression and should avoid any form of discrimination, including that of gender’.

According to these principles, IAP has condemned various advertisements that were violating the dignity of women.

## The violation of dignity of women in fashion advertisements

Images might contribute to a cultural climate that supports violence. This is a phenomenon that has been analysed in various contexts (Preston 1998, Stankiewicz, and Rosselli 2008).

In Italy during the last years IAP has analysed a series of images of women used in advertisements. Many of them are related to the fashion field and offer an interesting perspective on how the fashion industry deals with the body of women.

Pictures that have been considered in violation of the principle of dignity (art. 10) and of the principle stating against violence, vulgarity, and indecency (art.9) e.g. because they were representing an image of woman in an indecent or indecorous way that had nothing to do with the product advertised.

Since 2003, IAP has considered against the Italian *Code of Self-regulation* various advertisements in the fashion field. This is the case of the 'All about Kuxo' campaign of 2003, where the advertising represented a model in a very intimate situation, sitting on a toilet, with lowered slip: a pose considered unseemly to advertise the clothing and that proved detrimental to the dignity of women.<sup>13</sup>

The same can be said in relation to an advertising campaign launched by Dolce and Gabbana in 2007, to manifest violation of Articles 9 and 10, as evocative of a gang rape of a defenceless woman, lying on the ground.<sup>14</sup>

In 2008 IAP has further banned the Tom Ford's advertising campaign 'Eyewear' which appeared excessively vulgar as evocative of a sexual relationship.<sup>15</sup>

A similar decision was then taken in relation to clothing advertising 'Relish', which evokes the idea of violence and a sexual intercourse imposed on models in the advertising message<sup>16</sup>.

The same criterion was then more than correctly applied to the Red campaign, where a woman is advertising men's socks, that are tying her

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13 Injunction 174/2003.

14 Injunction 29/2007.

15 Injunction 32/2008.

16 Injunction 7/2009.

hands in the back, inviting the male reader to ‘show her who you are’. The picture equates in fact a violence against a defenceless woman, while the bed in the background clearly hints at the expectation of a sexual performance where the man will be able to prove himself.

In some other cases Article 10 of the Code of Self-regulation has been recalled in order to consider the ban on some advertisement just because they were treated as violating religious beliefs.

Such is the case of the Sarah Chole fashion ‘For bad girls’ campaign, which was considered offending religious beliefs and women’s dignity, actually without direct reference to violence (see Figure 14.1).

In the same trend a ban was imposed on a series of images that were accompanying the *Fracomina campaign* (teen-ager clothing), which are not vulgar at all, but are followed by specific slogans, evoking Bible’s references (see Figure 14.2).



Figure 14.1: Sarah Chole, ‘For bad girls’ campaign.

Source: Istituto di Autodisciplina della Pubblicità.



Figure 14.2: Fracomina campaign.

Source: Istituto di Autodisciplina della Pubblicità.

As a conclusion we might say that through Articles 9 and 10 of the Code of Marketing Communication Self-Regulation the dignity of women in fashion advertisements receives an appropriate protection in the Italian context.

In this perspective the idea of dignity is related to the images shown and the Italian norms and their interpretation merely prohibit the violation of specific principles, without any other purpose. In other normative contexts the focus has been extended to a wider spectrum of aims, tending to impose advertisement a more educative function.

## The new problems in a comparative law perspective

While in Italy, IAP has focused on the protection of dignity of female representations, in other contexts legislatures and self-regulatory agencies have developed more stringent criteria in order to cope with new

problems that were considered intimately correlated with the *reliability* of the images shown.

England and France, for example, are pushing for the placement of a 'warning label' on retouched images (Donovan 2012). The purpose of such a warning label on fashion advertisements and magazines that have been retouched is to show that they are not real images. Representatives explain that this legislation stems from their belief 'in the freedom of young people to develop their self-esteem and to be as comfortable as possible with their bodies, without constantly feeling the need to measure up to a very narrow range of digitally manipulated shapes and sizes' (Prince 2009, quoting Jo Swinson, Member of Parliament for East Dunbartonshire).

Self-regulatory bodies have also intervened, taking into consideration a different perspective: the one of the consumer. So for example, in the UK, the British A (ASA), has ruled against *photoshopped* advertisements, because they might be considered *misleading* for the consumer (Wischhover 2011). New guidelines have been introduced in 2011 especially focusing on cosmetics.<sup>17</sup> In particular, these guidelines set stricter parameters for what is considered misleading in cosmetics advertising regarding the use of preproduction and postproduction techniques (Committee of Advertising Prac. 2011).

At the same time, the stricter guidelines have been put in place because the public has sought to boost self-confidence. Susan Ringwood, Chief Executive of a British charity fighting eating disorders, has reported that 'we know these images by themselves don't cause eating disorders directly, but they certainly are an influence on people, particularly those already ill, or seriously at risk' (CBS News 2010). On the other side Dr. Adrienne Key of the Britain's Royal College of Psychiatrists also encourages regulation of airbrushing because research has shown a connection between 'repeated exposure of thin or perfect bodies to a drop in mood, more dissatisfaction in the viewers' bodies, and drastic dieting behaviour' (*ibid.*).

ASA put a ban on the advertisement campaign of L'Oréal 'Teint Miracle', because Julia Roberts was represented with an exaggerated flawless skin, taking in consideration her actual age (Sweney 2011). Another ban was put on the campaign advertising *Dior mascara*, because

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17 See United Kingdom's Committee of Advertising Practice (CAP) website: <<https://www.cap.org.uk>>, the agency 'responsible for writing and maintaining the UK Advertising Codes . . . [and providing] authoritative advice and guidance on [...] the rules'.

Natalie Portman's eyes were airbrushed in a way that overemphasized the effect of the product. Jo Swinson, former Minister for Women and Equalities in the Department of Culture, Media and Sport, has underlined that these advertisements were 'particularly bad examples of misleading advertising' and some retouching is acceptable as long as it does not harm a woman's self-esteem (Herbert 2014: 168).

The same paradigms have been followed by the Advertising Self-Regulating Council, that creates policies and procedures for advertising. To help regulate advertisements, the ASRC has also created the National Advertising Division (NAD), that put a ban on Cover Girl's Nature Luxe Mousse Mascara, even if it was accompanied by a disclaimer that the image was photoshopped.

Andrea Levine, NAD Director has in fact officially stated: 'You can't use a photograph to demonstrate how a cosmetic will look after it is applied to a woman's face and then—in the mice type—have a disclosure that says 'okay, not really'.

As a matter of fact, the problem of dignity of women is changing in this new world characterized by new digital instruments that offer the possibility of becoming artificially a supernatural and unattainable beauty.

In particular, fashion advertisements tend to represent extremely thin models, that might have an enormous impact on women's self-representation and self-esteem. Various studies have shown that 'participants who viewed advertisements featuring a thin-idealized woman reported greater state self-objectification, weight-related appearance anxiety, negative mood and body dissatisfaction than participants who viewed product control advertisements' (Harper and Tiggemann 2008).

Other studies report the influence of extremely thin models on body image disturbance and eating disorders (Thompson and Heinberg 1999, Tiggemann 2003), especially among adolescent and pre-adolescent girls (Stice, Spangler and Agras 2001).

A new awareness has called for various counter-initiatives.

In the field of fashion, the Camera Nazionale della Moda Italiana (CNMI) has launched already in 2006 a 'Manifesto di autoregolamentazione' together with the Italian Ministry for Youth and Sports. In the Manifesto, CNMI recognized that the aesthetic model that enhances the 'icon of thinness' might contribute, albeit indirectly and secondarily, as



socio-cultural factor, to the onset of eating disorders, while it can also have a negative influence on pre-adolescence.

In fact, 60.4 % of Italian girls between 12 and 14 cultivate a desire for thinness, 24 % have already been subjected to diet, 34 % invented diet without consulting a doctor.

CNMI has then formulated in the Manifesto self-imposed obligations: 'like the one of re-evaluating a model of healthy beauty, cheerful, generous, Mediterranean, that Italy has historically contributed to spread internationally, because [...] it can still be a positive aesthetic proposal for the women of our country and around the world'.

In the same Manifesto, CNMI further committed to protecting the health of the models posing on the catwalk.

On the other side, the UK Government has launched the so-called '*Body Confidence Program*'. A Body Confidence Progress Report has been recently published on 26 March 2015, which details actions across government, industry and the third sector to address low body confidence and encourage more diverse and realistic representations of men, women, girls and boys.

## The recent French evolution

Very recently a series of new legislative initiatives aimed at regulating in a stricter way the weight of model have been under discussion in different frameworks. Reasons to regulate the weight of models may vary: there could be reasons connected with the protection of models, of their profession, of their health; or reasons connected with the impact that the representation of very thin models might have on the public, and—especially—on adolescents; finally, if photoshop is used, reasons connected with the protection of consumers from a misleading message, from an unrealistic model.

In 2015 the French *Assemblée Nationale* introduced two reforms that deal with all these different aspects. The two Reforms concern in particular the *Code du Travail*, which is the main piece of legislation in the field of labour law, and the *Code de la Santé Publique*, which concerns public health instead.



The Reform of the *Code de la santé publique*, which has entered into force on 1 January 2017, in particular provides for a new art. L. 2133–2, which foresees that if photoshop is used, it need to be mentioned: ‘Photographie retouchée’<sup>18</sup>. A further Decree by Conseil d’État, together with the *Autorité de régulation professionnelle de la publicité* and the *Institut national de prévention et d’éducation pour la santé*, is still needed, that will provide for technical details.<sup>19</sup> Finally it is stated that non respect of the provision: fine of € 37,500, that could be increased until the 30 % of the spending on advertising.<sup>20</sup> With the reform of the *Code de la santé publique*, the French legislation has tried to regulate the impact that the representation of very thin models might have on the public.<sup>21</sup>

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18 ‘Les photographies à usage commercial de mannequins, tels que définis à l’article L. 7123–2 du code du travail, dont l’apparence corporelle a été modifiée par un logiciel de traitement d’image afin d’affiner ou d’épaissir la silhouette du mannequin doivent être accompagnées de la mention : « Photographie retouchée ».

19 Les modalités d’application et de contrôle permettant la mise en œuvre de l’alinéa précédent sont déterminées par décret en Conseil d’État pris après consultation de l’autorité de régulation professionnelle de la publicité et de l’Institut national de prévention et d’éducation pour la santé. Les dispositions du présent article entrent en vigueur à la date de publication du décret mentionné au précédent alinéa, et au plus tard le 1<sup>er</sup> janvier 2017.

20 Le non-respect du présent article, est puni d’une amende de 37,500 €, le montant de cette amende pouvant être porté à 30 % des dépenses consacrées à la publicité».

21 The French Assemblée Nationale has given as official argument for the introduction of this reform of the *Code de la santé publique*: ‘Cet amendement vise à combattre les troubles alimentaires tels que l’anorexie ou la boulimie en encadrant les photographies d’images corporelles retouchées. Il s’agit d’imposer le rajout d’une mention précisant que ces photos ont été retouchées. L’anorexie est une maladie mentale qui concerne entre 30 000 et 40 000 personnes, dont 90 % de femmes. L’anorexie mentale compte parmi les pathologies psychiatriques ayant la plus forte mortalité, soit par complication somatique, soit par suicide. Le CESE alerte ainsi les pouvoirs publics dans son rapport de 2010, car c’est un trouble « qui ne bénéficie pas pour l’instant d’une réelle prise en compte des pouvoirs publics ». Faute d’une information suffisante et d’une politique de prévention et de soins adaptés, les différents intervenants de proximité auprès des jeunes filles concernées, notamment dans les milieux scolaires et universitaire, se sentent souvent démunis. La politique de prévention passe notamment par l’encadrement des photographies d’images corporelles retouchées. Ces images peuvent conduire des personnes à croire à des réalités, qui très souvent, n’existent pas et les entretiennent dans la spirale de la maigreur extrême.’

The other reform was instead introduced in the Code du Travail and aims at protection of models and of their health. In particular a new art. L. 7123–2–1 foresees now that ‘the exercise of a modelling activity is prohibited for any person whose body mass index, calculated by dividing weight by the square of the height, is less than the levels defined by Decree of the Ministers of Health and Labour, on a proposal of the High Health Authority<sup>22</sup>. Failure to accomplish this obligation is punished with imprisonment of six months and a fine of € 75,000.<sup>23</sup>

From a different perspective, some French politicians have been interested in legislation regulating photoshopped images. Valerie Boyer, a Member of the Union for a Popular Movement party, proposes that any advertisement meant for public distribution would require a warning label if the images were retouched or digitally manipulated (Donovan 2012). The retouched photographs would carry the following warning label: ‘Photograph retouched to modify the physical appearance of a person’ (*ibid.*).

## The initiatives in the US: towards a proposal of a Media and Public Health Act

In the United States a campaign for ‘Truth in advertisement’ has been launched few years ago, aiming at regulating photoshop. A parents’ movement has launched a campaign to pass a bill that would regulate the digital retouching of models in magazines and advertisements in order to protect children and teenagers from unrealistic ideals when it comes to body image. The aim is to impose to commercials and magazines

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22 Art L. 7123–27. ‘L’exercice d’une activité de mannequin est interdit à toute personne dont l’indice de masse corporelle, établi en divisant son poids par sa taille élevée au carré, est inférieur à des niveaux définis, sur proposition de la Haute Autorité de santé, par arrêté des ministres chargés de la santé et du travail’.

23 Art L. 7123–27. ‘Le fait pour toute personne qui exploite une agence de mannequins ou qui s’assure, moyennant rémunération, le concours d’un mannequin, de ne pas veiller au respect de l’interdiction définie au premier alinéa de l’article L. 7123–2–1 du présent code, est puni d’un emprisonnement de six mois et d’une amende de 75, 000 €.

to be accompanied by disclaimers if models have been significantly airbrushed or photoshopped.

The first initiative called for a 'Self-Esteem Act' that is now being discussed under the title of 'Media and Public Health Act'. The purposes seem very similar to the ones of the recently adopted legislation. While the future of this initiative in the US is unpredictable, a series of new initiatives have anyway blossomed in the same time.

Bills have been brought before Congress to implement more guidelines to encourage a healthy body image for women and girls. Senator Tammy Baldwin<sup>24</sup> brought the Healthy Media for Youth Act during the 111<sup>th</sup> Congress in March 2010<sup>25</sup>. The Act intended 'to authorize grants to promote media literacy and youth empowerment programs, to authorize research on the role and impact of depictions of girls and women in the media, to provide for the establishment of a National Task Force on Girls and Women in the Media'.

As Kelsi Herbert has recently reported on this legislative initiative: 'Gaining little traction, the bill died during the 111<sup>th</sup> Congress when it was sent to a Congressional committee. However, the Healthy Media Act found new life when it was reintroduced to the 112<sup>th</sup> Congress and again referred to a committee. Despite this new life, the bill has a low chance of enactment. Undeterred in her efforts to implement guidelines for healthy body image, Senator Tammy Baldwin brought the Federal Response to the Eliminate Eating Disorders Act of 2011 in the 112<sup>th</sup> Congress to amend the Public Health Service Act and, among other things, expand the definition of anorexia to improve health insurance coverage. Despite Senator Baldwin's efforts, this amendment to the Public Health Service Act is currently in a Congressional committee with a low chance of enactment'.

On the other side, Eric Kee and Hany Farid have launched a program to calculate 'photoshopping' (Kee and Farid 2011) in order to render more intelligible by the public how much a picture has been photoshopped.

In an effort to promote more realistic body images for teens, some campaigns have formally abandoned airbrushing. Aerie by American

24 Sen. Tammy Baldwin, *GovTrack.us*, <<http://www.govtrack.us/congress/members/tammybaldwin/400013>>. Accessed 10 January 2017.

25 See Healthy Media for Youth Act, H.R. 4925, 111<sup>th</sup> Cong. (2010), <<http://www.govtrack.us/congress/bills/111/hr4925/text>>. Accessed 15 March 2014.

Eagles, for example, employs models in the 'Aerie Real' campaign that are young, beautiful and very thin, but 'imperfections' are not digitally hidden, but—on the contrary—are clearly on display.

In the world of fashion magazines, Verily has launched a new photoshop policy: 'Whereas other magazines photoshop to achieve the 'ideal' body type and skin, we firmly believe that the unique features of women—be it crows feet, freckles, or a less-than-rock-hard body—contribute to their beauty and don't need to be removed or changed with Photoshop. Therefore, we never alter the body or facial structure of our models, remove wrinkles or birthmarks, or change the texture of their skin. We aim to show everyone at their best, but also firmly believe that 'your best' is not 'a work of fiction'.

## Conclusion

In the last years fashion advertisement has been analysed from various point of view in order to protect the dignity of women from different perspectives.

Besides the respect of the basic principle that we now find in all codes of advertisement self-regulation, the actual discussion points to emphasize the impact that some images, especially of very thin models, may have on the public at large and especially on a very young public of adolescent girls and boys.

Under this new light, advertisement must not only be respectful of the dignity of women. It further has to be true and not misleading as far as the effect of the advertised product. At the end, given the enormous impact on the public, an *educative function* of fashion advertisement is promoted. For these reasons, new legislative initiatives are developing in order to regulate photoshopped magazine images (Hunter 2011).

## References

- CBS News (2010), 'UK: Curb Airbrushed Images, Keep Bodies Real', *CBSNews.com*, 20 September, <<http://www.cbsnews.com/stories/2010/09/20/world/main6884884.shtml>>. Accessed 10 January 2017.
- Committee of Advertising Prac. (2011), *Advertising guidance brings greater clarity for cosmetics*, 4 April, <<http://www.cap.org.uk/News-reports/Media-Centre/2011/Advertising-guidance-brings-greater-clarity.aspx>>. Accessed 10 January 2017.
- Donovan, K.C. (2012), 'Vanity Fare: The Cost, Controversy, and Art of Fashion Advertisement Retouching', *Notre Dame Journal of Law Ethics & Public Policy*, 26, 581–620.
- EASA (2008), *Portrayal of Gender: Report on Advertising Self-Regulation across Europe*, May, <<http://www.easa-alliance.org/>>. Accessed 10 January 2017.
- Eisend, M. and Möller, J. (2007), 'The Influence of TV Viewing on Consumers' Body Images and Related Consumption Behavior', *Marketing Letters*, 18 (1–2), pp. 101–116.
- Feingold, A. and Mazzella, R. (1998), 'Gender Differences in Body Image Are Increasing', *Psychological Science*, 9 (3), pp. 190–195.
- Harper, B. and Tiggemann, M. (2008), 'The Effect of Thin Ideal Media Images on Women's Self-Objectification, Mood and Body Image', *Sex Roles*, 58 (9–10), pp. 649–657.
- Herbert, K. (2014), 'A Cultural Shift Away from Unattainable Towards Realizable Beauty', *Regent Journal of International Law*, 10, pp. 159–181.
- Hunter, N. (2011), 'Beauty is in the Eye of the Retoucher: Why Photoshopped Magazine Images Require Regulation', *Women's Rights Law Reporter*, 33, pp. 82–112.
- Kee, E. and Farid, H. (2011), 'A Perceptual Metric for Photo Retouching', *Proceedings of the National Academy of Sciences*, 108 (50), pp. 19907–19912.
- Preston, C.B. (1998). 'Significant Bits and Pieces: Learning from Fashion Magazines about Violence against Women', *UCLA Women's Law Journal*, 9 (1).

- Prince, R. (2009), 'Airbrushing of Photos Should Be Banned, Liberal Democrats Say', *Telegraph*, 3 August, <<https://goo.gl/tzTh0i>>. Accessed 10 January 2017.
- Stankiewicz, M. and Rosselli, F. (2008), 'Women as Sex Objects and Victims in Print Advertisements', *Sex Roles*, 58, pp. 579–589.
- Stice, E., Spangler, D. and Agras, W.S. (2001), 'Exposure to Media-Portrayed Thin Ideal Images Adversely Affects Vulnerable Girls: A Longitudinal Experiment', *Journal of Social and Clinical Psychology*, 20 (3), pp. 270–288.
- Sweney, M. (2011), 'L'Oréal's Julia Roberts and Christy Turlington Ad Campaigns Banned', *The Guardian*, 26 July 26, <<http://www.guardian.co.uk/media/2011/jul/27/loreal-julia-roberts-ad-banned>>. Accessed 10 January 2017.
- Thompson, K. and Heinberg, L.J. (1999), 'The Media's Influence on Body Image Disturbance and Eating Disorders: We've Reviled Them, Now Can We Rehabilitate Them', *Journal of Social Issues*, 55 (2), pp. 339–353.
- Tiggemann, M. (2003), 'Media Exposure, Body Dissatisfaction and Disordered eating: Television and Magazines are not the Same!', *European Eating Disorders Review*, 11, pp. 418–430.
- Wischhover, C. (2011), 'The UK Releases New Guidelines to Prevent Misleading Cosmetics Ads', *Fashionista.com*, 7 April, <<http://fashionista.com/2011/04/the-uk-releases-new-guidelines-to-prevent-misleading-cosmetics-ads/>>. Accessed 10 January 2017.