Fashion & Apparel Law Blog

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About Face: Lancôme's Airbrushed Makeup Ads Banned in the UK

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Makeup ads in the UK for products by L'Oreal have been banned after the U.K.'s Advertising Standards Authority ("ASA") deemed the airbrushing used in post-production to be misleading to consumers.

The ASA issued the ban after British Liberal Democrat politician, Jo Swinson, lodged complaints about two ads for foundation products made by L'Oreal-owned brands, Lancôme and Maybelline, featuring Julia Roberts and Christy Turlington. Her complaints addressed the concern that the L'Oreal ads were not representative of the results that the products can actually achieve, and merely presented overly perfected and unrealistic images of women.



In making its decision, the ASA confirmed that both ads were misleading, without the aid of before and after shots. It ruled that the two ads breached

advertising standards code for exaggeration and for being misleading, and banned them from future publication. Chief Executive of the ASA, Guy Parker, emphasized that airbrushing is a question of degree, and ads can only be banned if they are misleading, harmful or offensive: "If advertisers go too far in using airbrushing and other post-production techniques to alter the appearance of models and it's likely to mislead people, then that's wrong and we'll stop the ads," he said.

However, if advertisers provide the ASA with material sufficient to demonstrate that the retouching in the ads is not misleading, then the complaint will not be upheld. In this case, while L'Oreal admitted to retouching and denied the retouching was misleading, it did not actually provide the ASA with any evidence of how much retouching was done and to establish that the two ads were not misleading. When the ASA requested to see the untouched images for comparison, a requirement for makeup advertisers, L'Oreal refused, and the ASA banned the ads.

L'Oreal argued that the ads accurately illustrated the effects that their make-up (Maybelline's *The Eraser* anti-ageing foundation and Lancôme's *Teint Miracle* foundation) could achieve, and that both products were scientifically proven and supported by consumer tests that showed users were satisfied with their results. L'Oreal defended against the claims arguing, with respect to supermodel Christy Turlington, that she was chosen for their Maybelline foundation ad because her image in the ad was consistent with the public perception of her as a beautiful woman with a naturally stunning complexion. L'Oreal articulated that the fine lines around eye, on the cheek and near the model's nose were clearly visible in the ad, even in areas where the product had been applied. Moreover, using Julia Roberts in a Lancôme ad, also for foundation, was because of her naturally healthy and glowing skin.

It is not the first time that L'Oreal has been charged with a breach of UK advertising standards. In 2007, a TV ad for L'Oreal's *Telescopic* mascara,

featuring actor Penelope Cruz, was criticized for failing to make clear that she was wearing false eyelashes.

Although the ASA ruling is limited to the UK, it strikes a clear warning to cosmetic companies around the world about the impact of misleading global advertising campaigns for makeup products, and the importance of being able to show that any retouching is not actually misleading.