



Speaker	Dr Marilyn Bromberg
Talk title	Beauty is only Photoshop deep
Venue	Market Grounds
Time	Tuesday 29 October 2019, 5:30pm

Scott Nicholls

Good Evening everyone.

I hope that you are all enjoying the venue here today and that you have all managed to get a drink.

I would like to start by acknowledging the Whadjuk Noongar people as the traditional owners of the land and water that we are meet on today and I pay my respects to the elders, past, present and emerging.

Welcome to Raising the Bar. Tonight, we have twenty-two UWA academics speaking across ten bars around Perth city. At UWA we are excited to make education a part of the Perth popular culture and we are doing this by transforming bars like this one to places where you can not only enjoy having a drink but you can also learn a little bit about our research and the impact that it is having

If you are going to be using social media today and posting anything about Raising the Bar we strongly encourage you to use the tags @UWAresearch or #rtbperth19 and that way we will be able to actually share your posts through our media channels and I should also point out today we will be recording, not only this presentation but all of the presentations across all of the bars and we will be publishing them as podcasts throughout social media channels as well. So keep an eye out for that, if there were other sessions that you couldn't make it to.

Let me start by introducing our speaker today.

Dr Marilyn Bromberg is the Director BA Law and Society Major and Master of Law Policy and Government at the UWA Law School and is also a lawyer at the Fremantle Community Legal Centre.

She is also a former journalist and television producer and Marilyn researches in the areas of Body Image Law, Health Law and Social Media and the Law and teaches Professional Practice Procedure and Social Media and the Law.

Please welcome Marilyn with her talk, "Beauty is only Photoshop Deep."

Dr Marilyn Bromberg

Thank you so much, thank you all for coming.

Can I say about that introduction, that if my four-year-old son was here, he would say, "No! She is Mummy!"



I also want to make it clear that my accent is Canadian. Someone asked me earlier today if I voted for Trump?

Before I get into the need of my talk, I just want to ask you a few questions, if I may, please?

Number one, the first question is, raise your hand if you or someone you know has ever complained about their weight?

I think that is probably everyone!

My next question is this. Have you ever wondered why either you or someone you know is complaining about their weight, have you ever wondered why?

Okay, I think that actually, that is nearly everyone as well.

Well, how my talk is going to go for the next little while, is, I am going to explain to you, based on research [inaudible 06:58] journals, why people are concerned with being thin. Why people are concerned about their weight? And I am going to that briefly and then after that, I am going to go into speaking about what does the law have to do with it? Why is a lawyer here, standing in a bar, talking about being thin?

The first part of the talk, so why are we concerned, or why do we think about being thin? Why is trying to be thin such a billion-dollar huge industry that is in our face, all the time and the answer to that is:

[inaudible 07:43] fifty or sixty years ago, the ideal body image for women changed.

It used to be that the ideal women's body a bit bigger than today but around the 1950s, 1960s there was a model called Twiggy who was extremely thin and then there were other models who were extremely thin and what happened was the advertising and media industries decided that that was what beauty should be for women and so the photos started, the images started of women who were extraordinarily thin, everywhere and there became this very narrow definition of beauty.

Thin women are beautiful and people are profiting on it like crazy!

There are so many weight loss ads and so many drugs and so many things that are being sold to try to get you to want to be thin. But what is the cost? What is the cost of this artificial definition of beauty that is so rigid? Because there is a cost.

When some women see images of women who are extraordinarily thin, they compare themselves and if they think that they are bigger than the images that they see, this can cause poor body image which in turn can cause eating disorders.

Among the things that are so sad, is that when people see these images, they don't critically analyse them. They don't think, "Oh, this person looks really unhealthy." Or, even, "This person probably doesn't look like this in real life, they have probably filtered and photoshopped and photoshopped some more and therefore what I am seeing, is this definition of beauty, is not actually reality."



Most people don't think that, especially young, impressionable women.

So, we have this issue and I am setting the scene of this artificial notion of beauty, these images that are ubiquitous, they are everywhere, you cannot escape from them and the problems that they are causing to people and in particular, young, impressionable women.

I might add as well, the issue of social media and body image and these images.

I am very lucky because two of my main areas of research involve Body Image and the Law and Social Media and the Law, so I get to learn about all these interesting connections between them and briefly, a connection between social media and body image is that social media is so visual.

When you join social media, you don't think, "Hmm, if I join this social media, I am going to be exposed to all of these images that I don't want to see. I don't care what you ate for breakfast. I don't care what you ate for lunch, nor do I care what you eat for dinner, but also I don't want to see images of people that have maybe been photoshopped or images of people that are always at their best." Because people are going to post the images where they look their best. They are not going to post images where they do not look good.

Now, health researchers have found that people who spend a lot of time on social media, especially young women, are more likely to have poor body image which can filter in and cause eating disorders. So, there is a connection that has been established between social media and poor body image.

We have this problem here, these problems of images that we see all the time.

How do we solve it? How do we solve it?

In 2013, I was reading the West Australian Newspaper and I read this article.

It was an article about Israel. The Israeli Government had passed the first law in the world to do something about these images, and this law had two limbs. Number one, if an image was modified to make the model look thinner, it had to have a warning, that took up 7% of the image. The other limb of it was that you could not employ a model who had a BMI of less than 18.5.

So there are two limbs to this legislation and it has received so much attention all over the world. So anyway, I read that and I am like, "Wow, this is so interesting!" and I also thought. "Who says law is boring?" and then I also thought, "I also need to learn a lot more about this." So I did and that started about 2012-2013 when I first read about the law and I have been researching it for a while.

Israel was the first country in the world to legislate in this area. The reason, why Israel, why Israel? A tiny country? Why would it be the first to legislate in this area? And the reason behind that was because of a D Barkan. He was an Israeli photographer, and he noticed, very sadly, that his model friends kept dying. They were dying of eating disorders and so he advocated the Israeli Government and he asked them to pass a law like this and he met Rachel Adato, an Israeli politician who was also a GP and together, it took them years but they were able to make this law become a reality.



That happened over five years ago and interestingly during the past few years, I have emailed a law librarian in Israel and thankfully I haven't annoyed her yet, thank goodness, but every six to eight months and I am like, "Has anyone been found guilty of breaching this law?" And she always tells me, "No." And I am always like, "Ugh!".

So, I am hoping that one of these days, I will email her and I will get a different response.

But so far, in Israel, no one has been sued as a result of it, however, the law has drawn a huge amount of attention to this important issue, so we don't know, to what extent, it is helping in other ways, even though people are not being sued because of this law.

So, that's Israel.

France followed suit a few years later. So France passed a similar law and it came into effect in 2017 and it was as criminal law and for breaching the Body Image Law in France, not only could you receive a monetary penalty, but there is also the possibility of going to jail.

Now, I think that the law in France, we need to give it a bit more time, for me to start sending emails to librarians in France, who I don't know, who can help me out, to let me know whether anyone has gone to jail with this law.

I am going to give them a bit of breathing space, I have got Israel covered and next, I am going to cover France.

So far, there are only two countries in the world that have passed these kinds of laws.

In Ontario, Canada, where I am from, I really recommend visiting there by the way, but not in Winter, it is just too cold, it's scary in Winter. They had a law of this kind go through Parliament, but before it could make it through all the stages of Parliament required to become a law, the party that proposed it, the majority party, they got kicked out of government and is going down from maybe fifty seats in the Parliament to under eight. So that didn't go anywhere, it didn't go anywhere in Ontario, Canada.

And I also note there are certain cities in Europe, like in Madrid and Milan. Their requirements at any fashion show that models have to have a minimum BMI, however, I have found from various different areas that models are cheating. They are cheating! And so in order to have the minimum 18.5 BMI in order to go on the runway, they are having cotton balls, dipping them in orange juice and swallowing them so therefore there is no [inaudible 17:23]

But nevertheless they are doing things like that and taking other measures to try to cheat and it is working.

So, they don't have the required minimum BMI but they do temporarily.

There is also, in London as well. The Mayor London decided that in public transport, there could be no images of extraordinarily thin women. So, in a nutshell that is a very, very brief version of what is



going on internationally and if anybody wants to know more about what is going on internationally, I am happy to meet you for a coffee and not stop talking for a very long time.

However, now I want to tell you what is happening in Australia?

In 2009, Kate Ellis who was the Youth Minister at the time, she put together a group of advisory people and they came up with this Code of Conduct which is not a law, so you don't have to abide by it and it is a set of recommendations for the media modelling industry around body image and it says that models should clearly have a healthy weight but they don't define what a healthy weight is anyway. No indication whatsoever! They also say that you shouldn't photoshop photos so that way you cannot naturally attain that figure.

So they give these very vague ideas of what should be followed, but nevertheless, researchers have found that it is not being followed. I will say though, that in Australia, there has been a bit of a public relations sanction occasionally, so meaning that if a designer has really thin models, like for example, Alex Perry in 2014, then he apologised. So there was an uproar to an extraordinarily thin model and he apologised, but that is outline, it is not as common.

In Australia, we have, for the most part, models who are quite thin. What is the attitude to the Government? What is the Government doing?

The Government has said that it should be up to industry to solve this problem and Government should not interfere.

Who here thinks that industry really cares about this issue, more than profits? Raise your hand.

I think I have got one person who has just raised her hand, that was one more than I thought would raise their hand, so That's the situation.

But, an important issue to consider as well is, is law really going to be what is going to solve this problem.

You see, for example, part of the body image laws is that there must be a warning if an image was modified to make the model look thinner. There should be some sort of disclaimer label. But, there has been a lot of health researchers and again, if you ever want to hear more about this, just let me know, we will have coffee and then you might actually regret asking me for coffee because I can go on about this for a very long time, but nevertheless, so there has been a lot of research that has found that labels, not only do the labels on these images not work but in some cases, it makes things worse.

For example, if an image says, "this models stomach was modified to be flatter" then people will be drawn to looking at the stomach or if it just generally says, "this image has been modified to make the model look thinner" then they will be looking at the model to assess the thinness of the model. It actually makes them spend more time, in some situations.



Another issue is that if BMI is used as a measurement in Israel and there is a lot of literature that says there are problems with the BMI and it shouldn't be used in this kind of situation.

What has been found that can work, in terms of images and body image is when people see a diverse array of body sizes, particularly those that are an average size women, which is about size 12 – 14 Australian or they see an image of a woman who is larger than that then that has been shown to have positive impacts on body image but, the laws don't address that issue, nor do the laws address words. So, even if you address this issue of images, there are still words that are going to tell you all about how this Keto diet is fantastic and you won't be a nutjob on it etc., etc. or this diet, the cookie diet or that diet, the grapefruit diet etc.

Or, this celebrity has now had a revenge body which to me has always just sounded

So, it doesn't address words, because even if you fix the image problem, then what are you going to do about the word problem, because nothing is done about that.

Anyhow, that is my snapshot of the issue of images and thinness as well as the issue of laws on this topic and how maybe it will help but some of the research is showing that it actually might not.

Would anybody like to ask me a question or throw something?

Audience

Sorry, can I ask a question, Dr Bromberg?

Dr Marilyn Bromberg

Yes.

Audience

Is there anything in the law about images that you see of incredibly large women? So I know there are a lot of Instagram accounts and social media accounts and it is probably a touchy subject but some of these women far exceed what is a healthy weight and you would think that would cause as many health issues as someone who is too thin. So, is there anything in the law or the research that addresses this?

Dr Marilyn Bromberg

To my knowledge, I haven't seen anything addressing that issue because there are so few women of that size who we see, but that is not to say that we won't in the future and it is also interestingly, I have been researching the area of body image and the law and thinness and the law for six years and about once a year I get an email from someone who emails me and saying, "why are researching that, you should be researching obesity and the law, because that is far more prevalent!" And so, earlier this year I was fortunate to get a research grant to research the issue of obesity and the law.

But in terms of images of people who are obese, I have not seen anything yet.



Audience

Hi Dr Bromberg.

I was just wondering, is there any research yet in Israel as to whether there has been a decrease in eating disorders and other body image issues amongst young women, as a result of their law?

Dr Marilyn Bromberg

Thanks for the question Fleur.

Not that I am aware of but that is not to say that it is not out there. So far, what I have been researching is whether there have been any lawsuits that have been started pursuant to that law because the law in Israel is civil. But, certainly, that is something that is an important area and in fact, actually that is something that I wanted to research in that, I applied for a grant which was unsuccessful to research that very issue because there are ways to compare body image before and after the law.

Audience

Thanks for that.

I was wondering since it seems that no one is actually using the law. The law is not being enforced in order to fix these issues, what do you think it would take for the law actually to be reinforced so that there would be someone prosecuted.

Dr Marilyn Bromberg

That's a great question.

I do think though that I have read reports that models in Israel are healthier sizes now than they used to be before the law so, certainly, there has been change about the law but in terms of lawsuits pursuant to the law in Israel, I think it is hard in that because in Israel it is civil meaning that you would have to sue someone else, the state doesn't commence a lawsuit.

Starting a civil lawsuit takes time and money and on top of that as well, it is hard to prove causation with these images. So if someone, for example, suffers from an eating disorder and then they want to sue an online magazine it will be hard to prove that that online magazine was the cause of their eating disorder or what proportion caused it, which could also be problematic.

I think that that law in Israel probably going the civil route isn't the way address this and interestingly, in Israel when they were debating this law in the Knesset which is the Israeli Parliament, initially it was to be a criminal law, but there was too much opposition to it being a criminal law so it became a civil law and then a few years later, in France, it was criminal law, meaning that the state would charge someone and then prosecute them for breaching it.



So, I think that the civil one in Israel is probably symbolic, although, on the other hand, it is good that you have the reports that industry is making efforts and we are seeing positive change within the industry.

Audience

This is something I only just came across yesterday, so I don't know exactly what my question is but, a new, almost reverse trend with photo-shopping and filtering where slim, glamorous influencers are doing the opposite and using the sharpening tool to amplify cellulite and that has been rejected.

I don't know if you have come across that or have comments on that? To make themselves look worse.

Dr Marilyn Bromberg

Thank you for that story. I wasn't aware of that but I am intrigued and I am also curious why they are doing that. I would assume possibly for attention because people are talking about it or hopefully it is to help people's body image.

Sorry, I haven't read about that so I can't comment but I do know what I will be googling first thing tomorrow, so thank you for that.

[laughing]

Audience

What do you think should happen here in Australia?

Dr Marilyn Bromberg

What I think should happen here in Australia is a good question?

I think that we should wait for the research on Israel and especially in France given that in France there is criminal law and then we should see what impact that is having in particular, what is the body image like of people, especially young girls in that country, five years after that law and then if it's positive then I think we need to start having that conversation there ... here, rather.

I also think that there are other ways to tackle this issue in addition to having laws about the images but as a law academic and lawyer, I am researching the law area but it is very important that for example that media literacy is taught so that way, especially to young girls, teenage girls, that they are taught how they should address these images intellectually when they see them. When they see it, they shouldn't just think, "I am bigger than this girl, I am not the same size as this girl." What they should be thinking is, "This probably isn't realistic or beauty comes in all sizes." That sort of thing, teaching them intellectually how to deal with these images has also been found to be helpful as well.

There might a rule for the law to play in this certainly, but things like media literacy, there is also a very important rule for that as well.



I think that appears to be it for questions.

I want to thank you all very much for your time tonight and thank you very much for Raising the Bar and to the staff at Market Grounds as well.

[clapping]

Scott Nicholls

Thanks very much, Marilyn.

[clapping]

On behalf of the University I would also like to thank you for coming along. We hope you really enjoyed Marilyn's talk and we hope that you actually learned something new.

Our next talk is going to be at seven o'clock and it is going to be in this bar and it is also on the topic of beauty. That one is unfortunately sold out, but I am sure that if you see Emma or Rachele, there might be some dropouts and you might be able to put your name down to come along to that one as well.

But if I could ask you at some point to move to the main bar downstairs so that we can set this up for the next talk.

But again, thank you to Marilyn for your presentation.

[clapping]