

New rules for model's weight and retouched photo in France

[MODEL]

Decree No. 2017-738 of 4 May 2017 relating to photographs for commercial use of models whose appearance has been modified.

Ministerial order of 4 May 2017 relating to the medical certificate permitting the model activity.

A law of January 26, 2016 has set forth new mandatory provisions for the hiring of models:

- Establishment of a medical certificate attesting the health of the model, in particular regarding its BMI;
- The affixing of the mention "photo retouched" for photographs on which the silhouette of the model has been refined or thickened by image processing software.

However, the application of this law was subject to the publication of a decree and a ministerial order.

The decree and the ministerial order were both published on 5 May, 2017.

The decree specifies the communication media targeted by the obligation to affix the mention "photo retouched", the modalities of presentation of this mention and the responsibilities of the actors.

Are concerned the photographs for commercial use of models, that are inserted in advertisements distributed by way of posting, online public communication, press, advertising correspondence, and printed advertisements.

The term "photo retouched" must be affixed in an accessible, easily legible and clearly differentiated way from the advertising or promotional message.

Finally, the advertiser will also have to check if commercial photographs have been reworked to refine or thicken the silhouette of the model.

These provisions will come into force on October 1, 2017.

Failure to comply with these provisions will be punished by a fine of € 37,500, the amount of which may be increased up to 30% of the advertising expenses.

The ministerial order specifies that the medical certificate attesting of the good health of the model must be issued during medical visits.

This certificate shall be deemed valid for two years.



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For models over the age of 16, the certificate must be issued by a doctor, and the BMI taken into account for assessing health status is the BMI defined by the World Health Organization. BMI will be used to assess health status when approaching moderate-to-severe thinness.

For models under 16 years, the BMI reference shall be the French reference curve of weight depending on the age and sex, specified in health record and compulsory for all French minors. Models under 16 years shall not have a BMI showing the entry into undernutrition.

This provision entered into force on 6 May 2017 and applies to modelling agencies established in France but also to those established in a Member State of the European Union or that is a party to the Agreement on the European Economic Area.

Non-compliance with these provisions may be sanctioned by 6 months' imprisonment and a fine of 75,000 Euros.

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