



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0009/19</b>
2	<b>Advertiser</b>	<b>Godfreys</b>
3	<b>Product</b>	<b>House Goods Services</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>23/01/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement has three versions, all of which contain a scene at the beginning of a forklift lifting a load while moving forward. The remainder of the advertisement moves to a vacuum cleaner in use, description of the product and the offer / sale price.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*As a professional in the warehouse industry, I was alarmed by the movements of forklifts and materials handling equipment in an unsafe manner. Specifically a forklift in the rear of the shot was raising a load at the same time as moving. This act is not permitted and to depict such an act encourages unsafe behaviour in the warehouse industry. Please feel free to contact NSW workcover and have them view the ad and they can tell you about accidents caused by unsafe acts on forklifts. I have noticed that this issue is not restricted to this ad, but many warehouse ads on tv depict unsafe acts on forklifts. I would also refer to the Automotives advertising code section 2a where unsafe driving is referred to.*



## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*The basis of the complaint is that for a short time a forklift in the rear of the shot was raising a load at the same time as moving and that the complainant believes this to be unsafe.*

*We refute the claim that the driving was unsafe. Our forklift operator was on a flat, clean, smooth surface, driving at low speed with clear vision and not turning a corner. The forklift drivers are all fully licensed. The forklift weighs 4815KG. The dead weight of the stock and pallet is 285KG at approximately 3000mm height. The forklift is rated to carry 2040KG at 6600mm height, therefore the load was clearly within it's operating limits.*

*We have also contacted Worksafe in Victoria they have re-confirmed that there is nothing in the legislation that states that you cannot drive a forklift with a load elevated.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts the use of a forklift in an unsafe manner.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainant's concern that the advertisement features a depiction of a forklift moving forward and raising a load at the same time, and that this was unsafe.



The Panel note the advertisement feature a scene at the beginning of multiple forklifts moving around a warehouse and man in high-vis inviting the viewer to come into Godfrey's to view their specials. The rest of the ad details product prices and benefits.

The Panel noted the advertiser's response that the forklift was operated in a safe manner by a licensed fork-lift operator.

The Panel noted that while SafeWork Australia guidelines don't specifically state the operator should not move forward while raising a load, they do recommend: "When operating a forklift you should drive with the fork arms as close to the ground as reasonably practicable, with the tips of the fork arms tilted slightly upwards and away from the ground, whether driving with or without a load"

and

"When operating a forklift you should look in the direction of travel and keep a clear view of the way ahead"

(<https://www.safeworkaustralia.gov.au/system/files/documents/1703/forklifts-information-sheet.pdf>)

The Panel considered that the forklift may be considered to be going against recommendations for workplace safety, however noted that these recommendations are not laws and are dependent on the situation.

The Panel considered that the forklift that is seen to be raising a load and moving forward at the same time is in the background of the advertisement, and is not the focus of the advertisement. The Panel considered that the height of the load would mean that the vision of the forklift operator was not impaired. The Panel considered that the vision of the forklift lasts for less than two seconds. The Panel considered that most people viewing the advertisement would not notice the forklift at all, let alone notice the way it is being driven.

The Panel considered it was unlikely anyone would see the advertisement and believe it to condone unsafe operation of forklifts, or would attempt to copy the behaviour in the advertisement. The Panel considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

