



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0022-22
2. Advertiser :	Pedal This Performance and Conversion
3. Product :	Automotive
4. Type of Advertisement/Media :	Outdoor
5. Date of Determination	2-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a woman sitting on the lap of a man in a wheelchair. The image is shown with the people in silhouette.

THE COMPLAINT

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

I personally have a disability, as does my brother who lives in that area. While I understand the humour, it's also extraordinarily inappropriate.

THE ADVERTISER'S RESPONSE

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

Responding to the complaint, I do not feel that my signage is discriminatory to people in chairs or an issue in general. There is no sexual content advertised or depicted, it's 2 stick figures with no insinuation to anything sexual/discriminatory in any way shape or form. Being in a chair myself and having 100s of people come through the doors and viewing it in a positive way on social media, in person or from viewing it at my gate, there is no way it should have to change or be removed due to 1 persons issue.



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 is inappropriate.

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

Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?

The Panel noted that the advertisement featured a stick figure in a wheelchair which would be generally recognisable as a symbol for disability commonly used in parking spaces and bathrooms.

The Panel noted the advertiser's response that the owner of the business was in a wheelchair and is not discriminatory to people in wheelchairs.

The Panel considered that the advertisement did not treat people with a disability unfavourably.

The Panel considered that diversity and inclusion in advertising is commendable and the depiction of a person in a wheelchair as a sexual being was not discriminatory or vilifying towards people in wheelchairs but rather a depiction of diversity.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of disability, the Panel determined that the advertisement did not breach Section 2.1 of the Code.



Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.
Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel considered that the advertisement features an image of a female stick figure with breasts straddling a stick figure in a wheelchair and that this was a depiction which would contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

A minority of the Panel considered that the depiction of the female stick figure with breasts in a sexualised manner was a depiction which focused on the female body in a manner which had no relevance to the mechanical service being advertised.

A minority of the Panel considered that the depiction of the woman in this manner was a depiction of her as a commodity in that she is a reward or achievement associated with using the service.

The majority of the Panel considered that although the sexualised portrayal of the woman was not relevant to the service being promoted, there was no focus on body parts and no suggestion that the woman is an object for sale.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the female stick figure did not suggest that there was a power imbalance between the two people, or that the woman was lowered in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to women.

Section 2.2 conclusion



Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Overtly sexual depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable...Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example...Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that while the female stick figure can be seen straddling the figure in the wheelchair, their genital areas are not touching and there is no depiction of sexual intercourse. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the depiction of a stick figure with breasts straddling another stick figure was a depiction of sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the advertising depicted stick figures, and while the female stick figure had breasts the nature of the image meant that there was no nudity.



Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was outdoor signage and while the signage was located in an industrial area it would likely be seen by children accompanying adults to local businesses. The Panel considered that the relevant audience would be mostly adults and children under the supervision of adults.

The Panel considered that while the image was sexually suggestive, there was no explicit depiction of sex or nudity and the advertisement was not overtly sexual.

The Panel considered that the low level of sexuality in the image would not be inappropriate for the relevant audience of adults and supervised children.

Overall, the Panel considered that the sexuality and nudity in the advertisement were treated with sensitivity to the relevant audience.

Section 2.4 Conclusion

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

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