



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

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0166-21</b>
<b>2. Advertiser :</b>	<b>Sydney Forklift Trucks Pty Ltd</b>
<b>3. Product :</b>	<b>Automotive</b>
<b>4. Type of Advertisement/Media :</b>	<b>Transport</b>
<b>5. Date of Determination</b>	<b>23-Jun-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Not Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF ADVERTISEMENT

This transport advertisement features the brand name and a painting of a naked woman on the back of a truck cab. The woman is reclining with her genitals covered by her legs, and her breasts visible. There are black and white images of forklifts in the background of the image. The truck is registered in NSW with the registration number SFT 073.

### THE COMPLAINT

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

*While the image of a naked woman might be appropriate in an art gallery it is not appropriate on the back of the cabin of a truck. I thought the image was degrading for women and wondered how parents would explain the image to their children.*

### THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*



## 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 degrading to women and not appropriate to be seen on the back of the truck.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

**Section 2.2: Advertising or marketing communications 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 noted that this advertisement depicts an image of a naked woman and considered that this is likely to be considered to contain sexual appeal.

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

The Panel noted that it had previously considered this advertisement in case 0369-18. In this case:

*“The Panel noted that there is imagery of forklifts in the background of the painting, however considered that this imagery did not constitute a relevant link between the woman and the product being advertised.*

*The Panel considered this was a depiction which employed sexual appeal in a way which was clearly focussing on the body parts of the woman and bears no direct relevance to the product being advertised, and considered that this is exploitative of the woman and did breach Section 2.2 of the Code.”*

Consistent with the determination in case 0369-18, the Panel considered that the depiction of a naked woman with her breasts exposed did constitute a focus on the woman's body parts, and that this focus had no relevance to the service being promoted.



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

The Panel considered that there was no direct link between the image of the woman and the business being advertised, and this image was being used in a manner suggesting that the woman was a desirable sexual object designed to attract attention to the business.

The Panel considered that the depiction of the woman as a sexual object, lowered her in character and quality and was degrading of women.

The Panel considered that the advertisement did employ sexual appeal in a manner which is degrading to women.

### **Section 2.2 conclusion**

Finding that the advertisement did employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people (women), the Panel determined that the advertisement did breach Section 2.2 of the Code.

### **Section 2.4: Advertising or Marketing Communications 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.*

*Full frontal nudity and explicit pornographic language are not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example.*

*Overtly sexual images are not appropriate in outdoor advertising or shop front windows.*

*Although not exhaustive, the following may be considered to be overtly sexual:*

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants;*  
*or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.”*



### **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 the woman in the image was naked she is not engaging in sexual activity. 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 noted that an image of a naked woman in a reclining position is a sexualised image and the advertisement did contain 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 image of the woman is a painting rather than a photograph, however considered that the depiction was clearly of a naked woman. The Panel considered although the woman was posed so that her genitals were not visible, her breasts were fully exposed.

The Panel considered that an image of a woman with her breasts fully exposed did constitute nudity.

### **Is 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 on the back of a truck and considered that the relevant audience for this advertisement would be general road users and members of the public and this would include children.



The Panel noted that it had previously considered this advertisement in case 0369-18. In this case:

*The Panel noted that the image of the woman is a painting rather than a photograph of a woman, however considered that the depiction of her nudity, and in particular her breasts, is still clear and the Panel considered this to be an inappropriate level of nudity for an image likely to be viewed by a broad audience which would have little choice about viewing the image while in traffic.*

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

Consistent with the determination in case 0369-19, the Panel considered that this image contained an inappropriate level of nudity for an image likely to be viewed by a broad audience.

The Panel considered that the nudity in the image was overtly sexual and not relevant to the promotion of the product.

The Panel considered that, in accordance with the Practice Note, this overtly sexual image is not appropriate in outdoor advertising or in the context of advertising forklifts, and does offend Prevailing Community Standards.

### **Section 2.4 Conclusion**

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

### **Conclusion**

Finding that the advertisement breached Section 2.2 and Section 2.4 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.