



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0210-21
2. Advertiser :	Bush Chook
3. Product :	Automotive
4. Type of Advertisement/Media :	Email
5. Date of Determination	28-Jul-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

The subject line of this email advertisement reads, "There's nothing better than a good looking set of flaps ;-)".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The subject line was making degrading and overt sexual references to the female body.

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 concerns that the advertisement makes degrading and overt sexual references to the female body.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 while the advertisement makes reference to 'flaps', the advertisement imagery contains no sexual appeal and the Panel considered that most members of the community would not find the advertisement to contain sexual appeal.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal, the Panel determined that the advertisement did not 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:

"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 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 the advertisement makes an reference to "a good looking set of flaps" and considered that some members of the community may consider this to be a sexual reference. The Panel considered that 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 advertisement contains text only and considered that there is no nudity depicted.

Is the issue of sexuality 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 the subject line of an email received by a subscriber of the advertiser's website. The Panel noted that the main product of the business is various products (such as apparel, luggage etc) branded with the advertiser's logo, or variations of it. The Panel considered that subscribers of such a business would be predominately adults.

The Panel noted that the purpose of the email was to advertise mud flaps, a product for vehicles.



The Panel considered that the advertisement does feature a double entendre in its reference to flaps, being a reference to the mud flap product and a potential reference to women's genitalia.

The Panel considered that the advertisement was not out of character for the advertiser. The Panel considered that this innuendo, while vulgar and dated, was not explicit, and was not inappropriate for a predominately adult audience of people that had subscribed to receive emails from the advertiser.

Section 2.4 Conclusion

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

Section 2.5: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Panel considered that while the language in the advertisement is sexualised, it is not explicit. The Panel considered that most members of the community would not find the phrase "a good looking set of flaps" to be strong or obscene language, particularly when considering the context of the advertisement to be referring to mud flaps.

Section 2.5 conclusion

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Conclusion

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