Case Report

1. Case Number :	**0319-24**
2. Advertiser :	**A1 Mobile Safety Certificates**
3. Product :	**Professional Service**
4. Type of Advertisement/Media :	**Commercial Vehicle**
5. Date of Decision:	**11-Dec-2024**
6. Decision:	**Upheld – Modified or Discontinued**

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 commercial vehicle advertisement appears on a vehicle with the Queensland registration 07DSM. The advertisement features a cartoon imageof a nurse, doctor and car. The nurse is wearing a short white dress with the outline of her breasts visible through the dress.

THE COMPLAINT

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

Sexist stereotyping. I'm a nurse and was on my lunch break,dressed in scrubs as nurses there days are irrevalant of gender. This vehicle has a cartoon showing a female nurse in a " porno nurse outfit",nipples showing,outline of crotch,short skirt,high heels,nurse hat if you please with a less than woke look on her face. And there's a

doctor...male...gender stereotyping,fully clothed,white coat,stethoscope. As a nurse I find images like this highly offensive,absolutely sick to the stomach as been portrayed as basically a blow up sexual fantasy for men. Unacceptable and it's not ok for a business to have this as their logo

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 DECISION

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:

- objectifies women in a professional uniform
- is degrading to women
- portrays a sexual fantasy for men.

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

Section 2.1: Advertising shall not portray 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 Practice Note to Section 2.1 provides the following definitions:

- *Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.*
- *Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences*

The Panel noted the Practice Note to Section 2.1 states:

> *Advertising which shows members of a certain group as ridiculous, unintelligible or unable to recognise a dangerous situation incites ridicule towards their behaviour.*
>
> *Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it*

means to be a girl, woman, boy or man. Advertisements should take care to avoid suggesting that skills, interests, roles or characteristics are:

- *always uniquely associated with one gender (eg. family members creating a mess while a woman has sole responsibility for cleaning it up);*
- *the only options available to one gender; or*
- *never carried out or displayed by another gender, as this may amount to discrimination on the basis of gender."*

Nothing in this rule is intended to prevent ads from featuring:

- *one gender only;*
- *products designed or made for one gender featuring only that gender (eg tampons, breastfeeding products);*
- *gender stereotypes as a means to challenge their negative effects.*

The Panel considered that the image portrays and outdated sexual trope of female nurses. The Panel considered that the image is disrespectful to professional nurses, and reduces them to sexualised objects. The Panel considered that the image depicts female nurses as being less-than male doctors, and portrays them in a manner which is humiliating and ridiculing.

The Panel considered the advertisement discriminates against and vilifies nurses on the basis of gender.

Section 2.1 conclusion

The Panel found that the advertisement did breach Section 2.1 of the Code.

Section 2.2: Advertising shall 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.*

The Panel noted the Practice Note to Section 2.2 states:

"For material to breach this section of the Code, it must contain sexual appeal. Models in underwear or lingerie surrounded by or next to fully clothed models may suggest a power imbalance and be found to be exploitative or degrading.

Material can be found to be exploitative or degrading even where the model is looking confident where the model is being depicted as a product or commodity or the focus on body parts is not relevant to the product or service being advertised. Advertising which used sexual appeal and suggests that a person is a product, or that they exist only for the enjoyment of others has been found to breach this section of the Code. Likewise, advertising which uses attractive models in revealing clothing, where the use of the model is not relevant to the product, has been found to be exploitative."

Does the advertisement use sexual appeal?

The Panel noted that the nurse in the advertisement was portrayed in a highly sexualised manner, with a short skirt, low cut-top and the outline of her nipples visible. The Panel considered the advertisement uses sexual appeal.

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

The Panel noted that the depiction of a sexualised nurse was not relevant to the promotion of mobile mechanical safety inspections. The Panel considered that the woman in the advertisement is reduced to a sexual object to draw attention to the business.

The Panel considered that the advertisement does employ sexual appeal in a manner which is exploitative of the woman.

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

The Panel considered that the depiction of a sexualised nurse in the promotion of an unrelated business is demeaning to women who work professionally as nurses. The Panel considered that the advertisement lowers female nurses in character and quality.

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

Section 2.2 conclusion

The Panel concluded that the advertisement did 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:

"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 a depiction of 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 noted that while the advertisement uses a sexual trope, the characters are not engaged in sexually stimulating behaviour and the advertisement does 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 advertisement uses the sexual trope of female nurses being sexual objects, and considered that the advertisement contained 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 the woman was depicted in a low-cut dress with the outline of her nipples visible and considered that this was a depiction of partial 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 noted that assessing whether sexual suggestion is 'sensitive to the relevant audience' requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that the advertisement appeared on a commercial vehicle and the relevant audience would be the general public, and this would include children.

The Panel considered that the advertisement contained clear sexual innuendo which depicts female nurses as sexual objects. The Panel considered that many members of the community would find this depiction to be outdated and offensive.

The Panel considered that this depiction did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience.

Section 2.4 Conclusion

The Panel found that the advertisement did breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement breached Section 2.1, 2.2 and 2.4 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

I am writing to express my disappointment with the Panel's determination regarding the logo on my vehicle. It is disheartening to know that a single complaint, made after over 20 years of using this logo without issue, can result in such an action. This situation reflects a troubling trend in society where subjective views, such as those associated with modern "woke" ideologies, can significantly impact longstanding businesses and their practices.

It is important to note that the original logo was designed and approved by my wife, who contributed thoughtfully to the branding of our family business. Furthermore, this vehicle, including the logo, recently underwent a Department of Transport audit, as required for businesses like ours. Photos were taken during this audit, and the vehicle passed without any concerns being raised.

In addition, I have family members and friends working in the health and law enforcement sectors, all of whom find no issue with the logo in question. Their feedback is particularly relevant given the nature of their professions.

While I find this entire process both absurd and unnecessary, I will engage with my signwriter to review the signage and explore potential changes. However, due to the timing of this matter coinciding with the Christmas and New Year holiday period, this process will take longer than usual.

I trust this response provides clarity on my position and actions regarding the matter. Image has been removed awaiting redesign. Please see attached.