



CASE REPORT

1. Complaint reference number	49/09
2. Advertiser	Toyota Motor Corp Aust Ltd
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	FCAI - Other
6. Date of determination	Wednesday, 11 February 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Toyota's Corolla vehicle opens inside an empty building with people dressed as cats fighting each other using martial arts techniques. One cat then steals a bag full of fish from a production line in the building and runs to its car. The car takes off in reverse and does a fast reverse U-turn with other cats chasing it. The words "Corolla. Packed with a lil' action" appear on the screen. The advertisement ends showing a vehicle parked under a building with Toyota's logo, slogan and web address.

THE COMPLAINT

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

1) I thought car makers weren't allowed to show race cars etc in action in an ad?

I do think you should be able to show a car in a race situation etc in an ad, but Ford and Holden have ads pulled before for showing even a hint of this eg:(I remember the great BA GT Falcon ad from around 2003 that showed an old XY GT Falcon driving around Bathurst (a race track) and morphed into a new GT, that ad was pulled. How about some consistency in code, what's good for one, is good for the other. If Ford or Holden etc showed even a glimpse of what these 2 ads portray, It would have been pulled by now, again,it comes down to consistency... If I had my way, I would leave it up to the consumer to decide how they should drive their car and interpret the ad, as Australia is already a nanny state, but as I stated before, you can't play favourites.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Toyota Motor Corporation Australia Ltd (Toyota) takes its responsibility as an advertiser very seriously. We always make extensive efforts to understand and respond appropriately to community concerns and issues. Over and above this, we have established our own stringent internal review and approval process which includes obtaining legal advice on every communication that we distribute. Additionally, we adhere to the Commercials Acceptance Division pre-approval process to ensure suitability before production begins, as well as final approval classification before the commercial is aired. We strictly follow this rigorous and robust process. Following careful consideration of the complaint, we believe the complaint should be dismissed. While we fully respect the right of individuals to voice their opinions, we believe that there is no basis for this complaint to be upheld. Our reasons for this are set out in detail below.

Section 22AANA Advertisers Code of Ethics

Section 22' Advertisements shall not present or portray violence unless it is justifiable in

The new generation Toyota Corolla shown in the TVC has more features than ever before. With more technology, safety and improved styling, the simple premise of the Corolla TVC is to communicate the advancements in the current model that the consumer may not be aware of. The creative way that we have sought to do this is a short-film like 60 second commercial portraying the Corolla as the ideal getaway car, no matter the situation. The execution is based around a fantasy scenario in a world far removed from our own. A world where mutant kittens have taken control. A world where anarchy and mayhem is inevitable. It's a futuristic day depiction of good versus evil, designed to appeal to our target market of young 25-35 year olds. It is abundantly clear that the Corolla TVC depicts a fantasy scenario, yet the take-out is something that is relevant to the viewers. The said violence, is nothing more than a carefully choreographed sequence blending break-dancing, known kitten behaviours and mixed martial arts (where no one is injured), together to give a high paced, action packed feel to the commercial. Given the fictional scenario, it is clear that the action is not related to any trends or behaviours in our society, but more like a page from a J.R.R Tolkein novel rather than a day in contemporary Australia. In addition, we also like to note that the health and safety of all actors and kittens was a priority through the shooting of the commercial, giving rise to the more dance orientated action sequences. We reiterate that no kittens or actors were harmed during the shooting of this commercial. Based on the above, in our view there is no way at all that it can be said that the Corolla TVC encourages violence. The advertisement clearly places emphasis on the product featured and utilises the action packed, tongue-in-cheek, choreographed set-up to engage and entertain only. Ultimately, Toyota is extremely sensitive about prevailing community standards and believes the Corolla TVC does not breach section 2.2 of the Code.

Section 21 AANA Advertisers Code of Ethics

Section 21 of the FCAI Code emphasises the need for advertisers to ensure "that advertisements do not depict encourage or condone dangerous, illegal, aggressive or reckless driving Moreover, advertisers need to be mindful that excessive speed is a major cause of death and injury in road crashes and accordingly should avoid explicitly or implicitly drawing attention to the acceleration or speed capabilities of the vehicle':

Toyota explicitly agrees with the sentiments as written into the explanatory notes of the Code, but maintains that there is nothing illegal or reckless in the driving, nor was the speed limit exceeded in the commercial. At all times and without exception, the Corolla was driven within the speed limit and followed the rules of the road. Further, all permits to shoot the Corolla TVC in the manner done, were obtained and exercised legitimately, allowing for the limited driving sequence on the sealed road as depicted in the advertisement. Specifically, the 'reverse flick' referred to in the complaint was executed and filmed under controlled conditions (not on a public road), to attempt to directly follow the caprice of the Kittens getaway. In addition to legal review of the finished TVC, members of Toyota's legal department were present during part of the shooting to ensure that the TVC satisfied all of Toyota's legal requirements. Finally on a side note, for added safety and professionalism, a qualified stunt driver was the sole driver of the car at all times. Accordingly, Toyota does not believe that the Corolla TVC breached section 2.7 of the Code.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the "FCAI Code").

The Board noted the complainants' concerns that the advertisement depicted "unsafe driving" and considered the application of Section 2 of the FCAI Code.

The Board noted the advertisement depicted limited driving action and that the driving action that there was was not on a public road. The Board considered the driving that was depicted had a fantasy element, as part of the main character's escape from the other characters. The Board considered the vehicle appeared to be in the driver's control at all times and found no breach of Section 2 of the FCAI Code. The Board also found no other breach of any other section of the FCAI Code.

The Board noted the complainant also expressed concerns about the depiction of violence and theft in the advertisement. The Board considered the action depicted in the advertisement between the "kitten people" was clearly fantasy, choreographed and unrealistic. The Board considered that most members

of the community would not regard this as a depiction of violence and therefore found no breach of Section 2.2 of the Code.

The Board also noted that any suggestion of theft in the advertisement was also part of the fantasy scenario and found no contravention of prevailing community standards of safety under Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.