



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0003-22
2. Advertiser :	Supercheap Auto
3. Product :	Automotive
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a three minute and 58 second video showing four different vehicles with motor oil branding racing to get an empty space in a shopping centre carpark. The vehicles jump over objects and drift around corners narrowly missing cars. They are pursued by two security guards with a modified vehicle. The security guards fire rockets at the other vehicles, which miss. All four vehicles are beaten to the carpark by a small non-branded vehicle.

The video has the caption "Carpark CARNAGE: 4 epic rides, 1 spot left... What could go wrong?! Ft. @mightycarmods Burnt rubber, explosions, and one seriously terrified trolley boy , that's what... The Best Performing Oils are back for this epic ride! Starring: @nulonproducts in a Nascar powered Nissan @nulonproducts in a Nascar powered Nissan 370z @penriteoil in a V8 Stadium Super Truck @castrolaustralia in a Nissan R32 drift car @valvolineaustralia in a 600hp Stadium Super Truck Featuring: @mightycarmods @theskidfactory @sam_eyes @russellingall #oils2022

THE COMPLAINT

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



The ad shows sports cars “drifting” in a suburban shopping centre car park. Speeding and driving dangerously when the speed limit would be 20kmh. We hear cars drifting at night where we live, often stolen cars, regularly smashing, hitting parked cars then dumped. This TVC is encouraging dangerous driving with no regard to road rules or public safety. I don’t know how it got past censors.?

THE ADVERTISER’S RESPONSE

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

As an automotive parts retailer and long-time supporter of responsible motorsport, Supercheap Auto takes auto safety very seriously. The four oil companies represented in the advertisement also have longstanding affiliations with on-track motorsport.

Before any advertisement goes to air in Australia it must receive a suitable classification. Prior to making this advertisement, we sought and received classification and pre-approval, for both Australia and New Zealand, from CAD (Clear Ads) via the pre-approval process. CAD is an independent body responsible for classifying advertisements and ensuring they adhere to the rules and regulations governing all advertisements.

In accordance with CAD’s requirements, all versions of the advertisement that appear on television carry a disclaimer stating that the commercial was ‘Filmed using professional drivers.’

The four featured vehicles used in the advertisement are clearly professional race cars with race-car livery, no number plates, and in some cases the inclusion of roll cages. They are not passenger or road-legal vehicles. This is reinforced by Supercheap Auto and the four oil companies’ long-standing sponsorship of on-track racing cars. Seeing these high-performance racing vehicles out of context (ie not on a track) further adds to the fictitious nature of the advertisement.

The ‘security’ vehicle in the advertisement is a well-known, highly modified vehicle inspired by the movie Mad Max. With the addition of comically unrealistic elements, such as rocket launchers, it is designed to be a make-believe car in a make-believe environment.

All vehicles in the advertisement were driven by a team of Australia’s most experienced professional stunt drivers. We have produced a suite of supporting ‘behind the scenes’ content intended for online, which contains interviews with the professional stunt drivers. The professional drivers are dressed in appropriate safety gear (helmets and racing suits) and they explain the years of practice undertaken to be able to perform the precision moves. The behind the scenes footage also makes reference to the preparation and practice that goes into choreographing the precision driving routine.



For the location of the advertisement, we used a combination of a closed-off car park, special effects and computer-generated imagery to create a fake shopping centre with an obviously fictitious name. We intentionally open all versions of the advertisement with a sign showing the fictitious name of the shopping centre (Redline Plaza) to ensure viewers understand this is a fictitious scenario from the very beginning. When filming the advertisement, all the driving took place in specific sections of a privately-owned car park that was closed-off to the public and highly controlled. Additionally, we had security and police assistance to ensure visibility to the public was minimal.

The action in the advertisement has been highly overdramatised (for example rocket launchers and explosions) to further ensure that the commercial reflects a fictitious scenario. We have also used well-known auto influencers and humour to reinforce that this is a highly stylised 'made-for-tv' environment not an everyday scenario that can be replicated in the real world. Further to this, the high-performance driving does not actually 'win' in the end.

With our motor sport affiliation comes a responsibility to communicate the message that racing belongs on the track, not on our roads. This is a message we take very seriously at Supercheap Auto. We in no way wish to condone dangerous driving and have invested significantly in promoting road safety through our "Check it" campaign.

For the reasons outlined in this response we do not believe that The Advertisement depicts material which contravenes 2.6 of The Code but rather depicts professional drivers carrying out a highly detailed choreographed precision driving sequence to showcase the performance of each of the four oil brands.

Supercheap Auto is committed to complying with the Code, all applicable laws related to advertising as well as community standards around Road Safety.

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 depicts unsafe driving that may be imitated.

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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to Section 2.6 which states:



“Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.”

“Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.”

The Panel noted the advertiser’s response that the advertisement had been filmed in controlled conditions, the stunt was performed by professional drivers in cars with racing colours and the advertisement included a disclaimer as well as a prominent and obviously fictitious name for the shopping centre.

The Panel noted that it is illegal for drivers on public roads to perform stunts such as those used in the advertisement, including drifting, burnouts or becoming airborne, as drivers do not have control over their vehicle.

The Panel noted that in this ad the stunts are clearly not being performed by a driver of an everyday passenger vehicle on a public road or road-related area. The Panel noted that all the vehicles depicted were clearly in racing livery and that the safety equipment in the vehicles was visible in some scenes.

The Panel considered that the advertisement theme was highly stylised and gives a movie-like impression, which is further enhanced by the theatrical music. The Panel further noted a scene in which a one vehicle fires rockets from its undercarriage, and a scene showing an explosion.

The Panel acknowledged that there is a high-level of concern in the community in relation to people undertaking unsafe driving behaviours, such as those depicted in the advertisement. However, the Panel considered that in this instance the advertisement was highly exaggerated and fantastical and was clearly not a suggestion of normal road use.

The Panel considered that most members of the community would differentiate the driving behaviour in the advertisement from illegal behaviours on public roads.

The Panel considered that most members of the community would not find the advertisement to be promoting unsafe driving behaviour.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion



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