



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0006/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Wicked Campers</b>
<b>3</b>	<b>Product</b>	<b>Professional Service</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>30/01/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Website booking special: discounts offered to those who have used drugs. The promo code is IMSTONED.

### THE COMPLAINT

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

*It is encouraging Dope addicts to hire / drive campervans.*

*I object to a vehicle being advertised using an illegal drug as part of the advertising and IMSTONED is the promo code.*

*These vehicles are rentals and I do not want people "stoned out their mind" and could be coming at us at a closing speed of up to 200km / hr*

*Your prompt but private attention to this matter would be appreciated because this company seems to thrive on bad advertising that they get for free when things like this blow up in the media.*

*Linking & condoning the use of mind altering substances to sell vehicle hire is totally inappropriate. It appears to encourage such behaviour whilst driving. In my view this ad is promoting behaviour likely to put all road users, including those it appeals to at risk.*

*Advertising glue sniffing.*

*I don't want to be driving on the highways with those who are potheads driving towards me - whether in a Wicked Camper or any other type of vehicle. The owner/s of this company seem to be scraping the barrel of decency putting up and advert on their website like this. Apart from the filthy comments painted on their vehicles.*

## **THE ADVERTISER'S RESPONSE**

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

*The Advertiser has not provided a response.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement promotes the smoking of marijuana and then driving which is illegal and unsafe.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the advertisement on the website can be accessed via the 'specials' tab and offers a discount to customers hiring a van if they identify that they smoke weed. The text includes "If you're really naughty and enjoy an occasional spliff (even though it's ILLEGAL) then call our Roadtrip Planners (they've been sniffing glue...but that's not illegal) and tell them you're a massive pot head...and we'll give you a crazy discount on your campervan hire"

The Board noted that the website is targeted to people who are looking to hire and drive the vans as part of a holiday or break and that this suggests that the target audience are generally over eighteen years of age. The Board noted that the website includes information for holiday makers that is intended to appeal to a young audience and would be considered relevant and humorous to such a group.

The Board considered that most members of the community would not consider the advertisement to be lighthearted and noted that there is a genuine and widespread community concern regarding safe driving.

The Board further noted that recent road safety campaigns by all State/Territory governments and law enforcement agencies have highlighted the risks of drug driving.

The Board noted that the advertisement is interpreted as encouraging people who smoke cannabis to hire a van which in turn is suggestive that they may drive while under the influence of the drug.

The Board noted that the terms and conditions contained on the Wicked Campers website

identifies that insurance policies would be void if the driver were under the influence of alcohol or a drug and considered that the advertisers own policies were in line with community standards, however the message in this particular promotion appeared to be inconsistent with prevailing community standards.

Based on the above, the Board considered that the advertisement does portray material which is contrary to prevailing community standards on safe driving.

The Board determined that the advertisement did depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did breach the Code on the above grounds, the Board upheld the complaint.

### **ADVERTISER RESPONSE TO DETERMINATION**

As of 18 February 2013 the Advertiser has not provided a response.

The ASB is continuing to work with the Advertiser to resolve this case.