



Case Report

1	Case Number	0017/15
2	Advertiser	RACQ
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The 30 second television advertisement in question shows consumers a series of events where their relationship with RACQ gives them financial value and/or confidence they may otherwise not receive. The scenes depicted include a:

- roadside breakdown event in a remote location
- movie ticket purchase experience
- motor vehicle accident where individuals discuss their car insurance, and a
- Freedom Furniture retail experience where the consumer selects a new sofa.

THE COMPLAINT

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

These closing images send the wrong educational message to motorists. In the event of a breakdown, the disabled vehicle and the good Samaritan vehicle offering assistance should stand/park well clear of the through traffic lanes with hazard lights on for safety of all including through traffic. This ad sends a poor message especially as the ad is from Queensland's peak roads authority.

THE ADVERTISER'S RESPONSE

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

Regarding the received complaint, RACQ is aware and actively complies with the ANAA Code of Ethics.

In reference to the various sections of the code, our position is:

2.1 - As this section of the code refers to vilification and discrimination, and our commercial does not contain any reference, comment or observation towards individuals or groups, we deny any breach.

2.2 – As this section of the code refers to sexual appeal and our commercial does not contain any sexually based content, we deny any breach.

2.3 - As this section of the code refers to violence and our commercial does not contain any content that could be perceived as violent, we deny any breach.

2.4 - As this section of the code refers to sex, sexuality and nudity and our commercial does not contain any nudity or sexually based content, we deny any breach.

2.5 - As this section of the code refers to strong language and our commercial does not contain strong or obscene language, we deny any breach.

2.6 - As this section of the code refers to community standards on health and safety, and our commercial does not contain any content that pertains to prevailing community standards on health or safety, we deny any breach.

The complainant claims that the advertisement sends a poor safety message to consumers due to the position of the broken down vehicle, as well as the second vehicle which has pulled over to offer assistance. I understand their concern to be the obstruction of through traffic.

For the Board's assessment we offer the following response:

The roadside breakdown is set in a very low traffic, remote location where the road is quite narrow and bears no line markings. As such lanes are indeterminable and drivers travelling on such a road typically exercise greater caution than they might on a road in a more established area. Further, the shoulders of the road are hard, i.e. there is a moderate to steep gradient on both sides of the narrow road which would prohibit either driver safely pulling onto the grassed area immediately adjacent to the road. The Board will observe the broken down vehicle has its hazard lights engaged and upon approach, the second vehicle indicates to pull over.

We believe that the position of both vehicles is both realistic and safe in the context of the environment. The broken down vehicle as well as the 'Good Samaritan's' vehicle are both positioned in such a way that only two wheels remain on the sealed surface and passing traffic could easily observe and safely navigate around the stopped vehicles.

In the production of this scene, a Workplace Health & Safety Officer was on set ensuring the safety of the public and production teams. This scene is a common scenario RACQ staff face daily and for that reason RACQ have developed rigorous safety protocols aimed at ensuring the safety of the worksite for all parties. Accordingly, two RACQ Patrolmen attended the shoot to ensure compliance with our strictly enforced Safe Work Practices.

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 concern that the advertisement features vehicles parked on a road in a manner which obstructs traffic and that the woman whose car has broken down is standing too close to it which is dangerous and against prevailing community standards on health and safety.

The Board viewed the advertisement and noted the advertiser’s 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 that the advertisement features various people using their RACQ membership for different reasons including a woman who has broken down and is waiting by the roadside for the RACQ.

The Board noted that a man stops and offers assistance to the woman who has broken down and that we can see both cars parked either side of the road as an RACQ vehicle approaches them. The Board noted the complainant’s concern that the two parked vehicles are obstructing the road. The Board noted that the road the two vehicles are parked on is a sweeping bend on a back road and that there are no road markings visible. The Board noted the advertiser’s response that due to the gradient of the road verges it was impracticable for the vehicles to park any further off the road. The Board noted that the road is not a main road and that no other vehicles, apart from the rescue vehicle, are shown and considered that there is still sufficient room for a vehicle to pass through the parked vehicles and that the use of the hazard lights would give fair warning to any approaching vehicles. The Board considered that the scene depicted is a likely scenario in rural areas.

The Board noted the complainant’s concern that the woman is standing too close to her broken down vehicle. The Board acknowledged that road side accidents do happen but considered in this instance the woman is standing at an appropriate distance from her car in the context of a back road with minimal traffic and high visibility.

Overall the Board considered that the depiction of the vehicles parked by the side of a road were not obstructing the road or encouraging driving practices which would be in breach of prevailing community standards on health and safety and that the depiction of the woman near her broken down vehicle was not contrary to prevailing community standards on safety around roads and road related areas.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

