



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0027-22
2. Advertiser :	General Motors Specialty Vehicles
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	23-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(e) Environmental damage

DESCRIPTION OF ADVERTISEMENT

This advertisement features a red ute travelling across green landscapes and through a creek.

THE COMPLAINT

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

In the era of climate change, frequent bushfires, and environmental responsibility, the advert promotes an unsuitable, high emissions vehicle being driven off-road in a manner likely to cause environmental damage.

THE ADVERTISER'S RESPONSE

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

The complaint describes the advertisement in the following terms: 'Depicts inappropriate off-road driving in a manner likely to appeal to young male drivers.' The complaint identifies the 'reason for concern' in the following terms: 'In the era of



climate change, frequent bushfires, and environmental responsibility, the advert promotes an unsuitable, high emissions vehicle being driven off-road in a manner likely to cause environmental damage.'

The advertiser, General Motors Specialty Vehicles (GMSV), takes corporate social and environmental responsibility seriously and does not promote or condone any inappropriate driving practices or damage to the environment. For the reasons set out in more detail below, the advertisement does not give rise to the concern identified in the complaint and the advertisement complies with the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) and the AANA Advertiser Code of Ethics (AANA Code).

The complaint should therefore be dismissed.

COMPLIANCE WITH THE FCAI CODE

General Provisions

Clause 2 of the FCAI Code requires that advertisers ensure that advertisements for motor vehicles not portray unsafe driving, including speeding or other practices which would contravene road safety regulations, if they were to take place on a road or road-related area.

The advertisement was filmed on off-road terrain and, at approximately 9.5-10.5 seconds in the advertisement footage, the vehicle is shown following an unsealed dirt track. The advertisement was filmed entirely on a private property in Tasmania that is not open to, or used by, the public, and the advertisement does not show, and was not intended to show, that the vehicle is being driven at an unsafe or excessive speed in the context depicted. There is no reference to, or promotion of, the vehicle's speed or acceleration capabilities in the advertisement.

The advertisement does not depict any unsafe, reckless, or menacing driving. It is apparent from the scenes in the advertisement that the driver is in control of the vehicle at all times and that the advertisement was filmed in a highly controlled and supervised environment. The following steps were taken during production to ensure safety and appropriate driving practices:

- the footage was shot with a professional driver;*
- no passenger was present in the front passenger seat;*
- seatbelts are worn in the footage; and*
- general safety notes and guidelines were included in the call sheet distributed to the production crew.*



All necessary permissions and permits to undertake the filming of the driving sequences depicted in the advertisement and the driver of the vehicle was, as noted above, also professionally qualified.

The advertisement does not portray any environmental damage, let alone any 'deliberate and significant environmental damage' within the meaning of clause 2(e) of the FCAI Code.

Use of motor sport in advertising

Clause 3 of the FCAI Code provides that advertisers may make use of scenes of motor sport, simulated motor sport, or vehicle testing or proving, provided that such scenes are clearly identifiable as part of an organised activity of a type which would normally be permitted in Australia and that they also conform to general safety requirements associated with such activities.

The advertisement does not display the use of motor sport, racing or any other form of competitive driving, nor does it associate the off-road driving depicted in the advertisement with normal on-road use of motor vehicles. This clause is not relevant to the advertisement.

Depiction of off-road vehicles

The FCAI Code provides that advertisers may legitimately depict the capabilities and performance of 'off road vehicles' travelling over loose or unsealed surfaces, or uneven terrain, provided that such scenes do not involved unsafe driving and that such vehicles do not exceed speed limits.

The vehicle has four-wheel drive capability, five seating positions and is designed with special features for off-road operation, consistent with the definition of 'off-road passenger vehicle (MC)' in the relevant Australian Design Rules. The advertisement itself highlights the use of Mud Wall Terrain Blackwall tyres.

This advertisement is a legitimate depiction of the capability and performance of the Trail Boss travelling over off-road terrain (and was designed to demonstrate these off-road capabilities) and, for the reasons described above, does not show unsafe driving or excessive speed in the context depicted.

COMPLIANCE WITH AANA CODE

The advertisement complies with the AANA Code. The advertisement is clearly distinguishable as advertising (clause 2.7) and does not depict any of the following:

- discrimination or vilification of any person or section of the community (clause 2.1);*
- exploitation or degradation of any individual or group of people (clause 2.2);*



- *violence (clause 2.3);*
- *sex, sexuality or nudity (clause 2.4);*
- *offensive language (clause 2.5); or*
- *material contrary to Prevailing Community Standards on health and safety (clause 2.6).*

For the reasons set out in detail above, the advertisement does not depict any unsafe behaviour, nor does it encourage or condone any unsafe behaviour. To the contrary, the advertisement depicts the wearing of seatbelts and expressly states that it was shot on a closed course with a professional driver.

In relation to the specific reason for concern identified by the complaint, being the driving of a 'high emissions vehicle ... off-road in a manner likely to cause environmental damage', GMSV makes the following further observations.

- *Regarding the claim of the vehicle being "high emissions", this vehicle and its specifications, including fuel economy/emissions, has been approved/certified for use in Australia and NZ by Department of Infrastructure, Transport, Regional Development And Communications.*
- *The advertisement does not depict behaviour 'likely to cause' environmental damage, nor does it depict any actual environmental damage. The location at which the advertisement was filmed was selected for its scenic landscape. It was also not the purpose or intention of the advertisement to promote such behaviour. The purpose of the advertisement was to showcase the capabilities of the vehicle in different off-road environments.*
- *The behaviour complained of does not otherwise amount to a breach of the AANA Code.*

Having regard to the above matters, the advertisement does not contravene either the FCAI Code or the AANA Code and GMSV requests that the complaint be dismissed. GMSV otherwise confirms that the advertisement (which is currently being distributed on a number of Internet platforms) is scheduled to run until the end of February 2022.

THE DETERMINATION

The Ad Standards Community Panel (Panel) was required to determine whether the material before it was in breach of the AANA Code of Ethics or the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel noted the complainant's concern that the advertisement depicts inappropriate off-road driving in a manner likely to cause environmental damage.



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

Is this advertisement for a motor vehicle?

The Panel considered whether the advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Panel determined that the Chevrolet Silverado was a Motor Vehicle as defined in the FCAI Code.

The Panel determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

Clause 2(e): Advertisers should ensure that advertisements for motor vehicles do not portray... Deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

The Panel noted the advertiser's response that the vehicle was driven on private property. The Panel noted that the vehicle was being driven in a manner consistent with recreational use of off-road vehicles, and that the advertisement depicted the vehicles' abilities in off-road conditions.

The Panel considered that the advertisement did not depict the vehicles driving in a manner which could be seen to cause deliberate or significant damage to the environment.

Clause 2(e) conclusion

The Panel considered that the advertisement did not depict the vehicles driving in a manner which could be seen to cause deliberate or significant damage to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code.

Clause 4: An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.

The Panel considered that the advertisement depicts the capabilities and performance of an off-road vehicle travelling over terrain not forming part of a road or road related area and did not portray unsafe driving or driving at a speed which would contravene relevant laws if the driving were to occur on a road or road related area.

**Clause 4 conclusion**

The Panel found that the driving in the advertisement was consistent with Clause 4 of the Code.

Conclusion

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