



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0031-22
2. Advertiser :	Toyota Motor Corporation Australia
3. Product :	Vehicle
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(a) Unsafe driving
FCAI Motor Vehicle Advertising Code\2(b) Breaking the speed limit
FCAI Motor Vehicle Advertising Code\3 Motor Sport
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features several scenes including: a woman learning to walk on prosthetic feet, a man holding a football in a locker room, a woman walking down the aisle to be married, a woman sinking into an ice bath, a girl getting on a rollercoaster, boys playing a video game, a person swimming. The advertisement then changes to racing scenes as voiceover states "the more we feel, the more alive we are".

THE COMPLAINT

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

I thought the add encourages people to change their low mood by driving really fast and recklessly. I was surprised by my reaction. I just thought that is a really bad message to be sending to people with mental health issues., especially younger new drivers.

THE ADVERTISER'S RESPONSE





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

Clause 2 and 3 of the FCAI Code

Toyota submits that the Advertisement does not portray unsafe driving or driving at speeds in excess of speed limits on a road or road related area, stipulated under Clause 2 of the FCAI Code. The Advertisement utilises scenes of 'motor sport, simulated motor sport and vehicle-testing or proving'. Such depiction is in compliance with Clauses 3 of the FCAI Code as the Advertisement is clearly identifiable as a closed circuit racetrack environment. From the surroundings of the Toyota GR vehicles captured in the footage, viewers can clearly see that the driving performance is taking place in a racetrack environment, not on public roads. To further ensure it is clearly identifiable as part of an organised motor sport activity, simulated motor sport and vehicle-testing or proving, the driving scenes are accompanied by the disclaimer "filmed under controlled track conditions."

As the vehicles in the advertisement are neither racing nor competing, identifiable racing livery is not required on the Vehicles. In this context, it is important to note that 'motorsport, simulated motor sport and vehicle testing or proving' has a much wider application than 'racing or competition' (which would require livery under clause 3(b) of the FCAI Code).

The purpose of including clause 3 in the FCAI Code is to ensure that advertisers may make use of motor sport and vehicle testing or proving scenes in their advertising subject to the stated conditions. As such, an advertisement which falls within the parameters of clause 3 is permitted under the code notwithstanding it may not comply with clause 2 of the FCAI Code.

Clause 4 of the FCAI Code

Clause 4 of the FCAI Code does not appear to be relevant to the Advertisement as the concepts covered by this Clause do not arise in the Complaint.

Section 2.1 – 2.5 of the AANA Code

Subclauses 2.1 to 2.5 of the AANA Code do not appear to be relevant to the Advertisement as the concepts covered by those sections do not arise in the Complaint.

Section 2.6 – Health & Safety

Toyota submits that the Advertisement does not depict content that would encourage or condone unhealthy or unsafe behaviour on any reasonable and objective assessment. The Advertisement does not send a harmful message to people with mental health issues to the effect that they can improve their mood by engaging in reckless driving behaviours.



The various scenarios depicted in the first half of the Advertisement do not portray people in distress and make no reference to anxiety, depression or mental health of any kind. These scenes illustrate the feelings or sensations that people are likely to experience in those particular scenarios such as, a bride feeling butterflies in the stomach when walking down the aisle or an athlete feeling the rush of plunging into an ice bath during her training. The relevant audience is unlikely to associate these moments of heightened human feeling with low mood or mental health issues.

Section 2.7 – Clearly Distinguishable Advertising

Toyota submits that it is clear to the relevant audience that the Advertisement is commercial in nature. Advertising of consumer goods or services in commerce typically involves a depiction of happiness, joy, exhilaration or pleasure in association with the particular product or service. This is an appropriate and necessary association and is not objectional to a reasonable member of the community.

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 encourages people to change their low mood by driving really fast and recklessly.

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 noted that the advertisement did not promote any particular vehicle model, nor did it include features or pricing of any vehicle. The Panel considered that the advertisement was a branding ad for Toyota Gazoo Racing rather than an advertisement for a motor vehicle.

The Panel determined that the material before it was not an advertisement for a motor vehicle and therefore that the FCAI Code did not apply.

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

The Panel noted that complainant's belief that the advertisement portrays some characters as anxious or depressed, who are engaged in activities to make themselves feel better.



The Panel considered that although the people are depicted as experiencing strong feelings, there is no suggestion that depression or mental health issues are a factor in their activities. The Panel noted the advertiser's response addressed two scenes depicted in the ad - a bride feeling butterflies in the stomach when walking down the aisle and an athlete feeling the rush of plunging into an ice bath during her training. The Panel noted the other scenes in the advertisement and considered that most viewers would be unlikely to find a depiction of depression or mental health issues.

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 AANA Code of Ethics or the FCAI Code, the Panel dismissed the complaint.