



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0040/19
2	Advertiser	Suzuki Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	20/02/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features an adult male driving a vehicle while a child's voice says "I'm 36, I'm a husband, a manager and still very good looking. In two hours, I have the most important meeting of my life, but first it's time to play. The new Suzuki Vitara – Time to Play." The man is seen driving through a city before turning off-road to drive through the dirt.

THE COMPLAINT

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

The ad states that the car wants to "play" so the car goes into an "off road" type of situation and does spin-outs, burn-outs speeding etc & then goes onto a regular road. I feel this sends an incorrect message, especially to younger drivers. The road toll is high enough & road rage becoming more prevalent without sending a message that your car might want to "play" & if you can find somewhere then it is ok for you to do spin-outs etc., then suddenly change to responsible driving when you get back onto the



open road. Because of the adrenalin rush responsible driving will not happen. No this ad needs to be removed or modified to show more responsible driving. Cars do not want to "play" they are not a toy & should not be projected as such. Extremely irresponsible advertisement.

In these days of hooning being such a menace I object to the way the ad supports it as a way to "play" in your car. It is NOT a toy but can be a dangerous weapon.

We have so much heart ache with all that happens in our society, why the need to finish this commercial with the ridiculous donut burnouts. Many young people are so impressionable that they see this type of driving on screen as acceptable, & as Mick Dillon says in his safety advert leave this for the race track not the roads. Many young people think they are bullet proof until it is too late. Too many deaths & families torn apart with their losses. Please lets be more responsible. remove the last section of an otherwise okay advertisement.

I have has ads that are insignificant, really like or are just irritating but this is the first time I have felt in the interest of safety that I have lodged a complaint.

THE ADVERTISER'S RESPONSE

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

We have considered the complaints and, for the reasons outlined below, submit that the complaints should be dismissed.

The Advertisement is for the new Suzuki Vitara 4WD motor vehicle. The Advertisement shows an adult male driving the car on a city road as we hear his thoughts spoken in a kids voice, before manoeuvring the car off road and onto an open dirt road. The driver is shown enjoying the car's SUV capabilities on the open road in a controlled manner. The tagline for the Advertisement is "Time to Play". There are no other cars or people depicted in the Advertisement.

Response to Ad Standards' inquiries

Please see below our responses to your specific questions, followed by our submissions in response to the issues raised in the complaints:

(a) The Advertisement was filmed under controlled, closed road conditions. No other vehicle or pedestrian traffic is depicted in the Advertisement. The car is driven safely and in a controlled manner at all times.

(b) The vehicle was driving within legal speed limits at all times.



(c) No special permissions or permits were required to undertake filming of any driving sequences depicted in the Advertisement.

(d) The Advertisement has been broadcast on television in all States and Territories.

(e) In addition to being broadcast on television, the Advertisement is running as a pre-roll video online. Footage from the Advertisement is also used for an online 6 second bumper and social media video.

(f) The Advertisement does not depict any motor sport, simulated motor sport or vehicle testing or proving.

(g) The vehicle conforms to the requirements of the definition of an off road vehicle as provided in the Australian Design Rules (MC category). In addition to having all-wheel drive, the vehicle has hill descent control, a feature only required for off road driving.

(h) The maximum number of seating positions in the vehicle is five.

(i) The vehicle has four-wheel drive capability.

2. Submissions in response to complaints

2.1 The complaints allege that the Advertisement:

(a) depicts "spin-outs, burn outs, speeding etc" and "sends an incorrect message, especially to younger drivers"; and

(b) suggests that cars want to "play" and are a "toy".

2.2 Ad Standards has identified clause 2(a) of the FCAI Motor Vehicles Advertising Code (the FCAI Code) as a potentially relevant provision. Clause 2(a) of the FCAI Code provides that Advertisers should ensure that advertisements for motor vehicles do not portray "unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of whether the driving is depicted in the advertisement."

2.3 The FCAI Code includes, as examples of what would likely contravene clause 2(a), "vehicles travelling at excessive speed, sudden, extreme and unnecessary changes in direction and speed of a motor vehicle, deliberately and unnecessarily setting motor vehicles on a collision course, or the apparent and deliberate loss of control of a moving motor vehicle."



2.4 Suzuki submits that the Advertisement does not portray unsafe, reckless or menacing driving that would breach any applicable laws or regulations dealing with road safety or traffic regulation. In particular, we note:

(a) the Advertisement shows a Suzuki Vitara being driven by an adult male on a road and then on dirt terrain in a sparse open landscape. There are no other cars, traffic, pedestrians or people featured in the Advertisement.

(b) the Advertisement showcases the car going from on road to off road driving conditions. It is intended to highlight the ALLGRIP 4WD system and SUV capability of the vehicle.

(c) the driver is in control of the vehicle at all times, and is not driving recklessly or in a menacing manner.

(d) the Advertisement does not depict spin outs, burn outs, donuts or speeding as suggested in the complaints. The final scene of the 30s version shows an aerial shot of the car driving in a large circle. This is not "donut" driving as alleged in the complaint. Donut driving ordinarily entails rotating the rear or front of the vehicle around the opposite set of wheels to create a skid mark pattern and possible causing the tyres to emit smoke from friction. The Advertisement does not depict any such driving.

(e) the vehicle was driven within the legal speed limit at all times during filming. The "off road" scene creates a sense of movement as a result of the car being driven on dirt terrain (and hence dust being stirred up). There is no screeching of tyres, long drifting periods or other effects to suggest that the car is being driven unsafely, recklessly or in a menacing manner. The car appears under control by the driver at all times.

2.5 The Advertisement uses the tagline "Time to Play" to convey a sense of enjoyment, but there is nothing in the Advertisement to suggest that the vehicle should be used in an unsafe, reckless or menacing manner.

2.6 For the reasons outlined above, we submit that the Advertisement does not portray any material in contravention of clause 2(a) of the FCAI Code.

2.7 Further, we submit that the Advertisement does not contravene any other provision of the FCAI Code for the following reasons:

(a) there is no indication of the speed that the vehicle is driving at or of the speed limits of the roads that the vehicle is driving on (eg there is no footage of a speedometer reading or reference to any speed limit being exceeded). Accordingly, the Advertisement does not depict excessive speeding in contravention of clause 2(b) of the FCAI Code.



(b) the driver of the vehicle is shown wearing a seatbelt and driving responsibly. He is not using a mobile phone or other handheld device. Accordingly, we submit that the Advertisement does not portray any driving practices or other actions that would breach any applicable laws or regulations in contravention of clause 2(c) of the FCAI Code.

(c) the driver is alert at all times. There is no suggestion that he is fatigued or under the influence of drugs or alcohol in contravention of clause 2(d) of the FCAI Code.

(d) there is no depiction of any deliberate and significant environmental damage. Accordingly, we submit that the Advertisement does not contravene clause 2(e) of the FCAI Code.

3. Code of Ethics

3.1 For completeness, we further submit that the Advertisement fully complies with Section 2 of the AANA Code of Ethics. Below is a short summary of our submissions regarding the provisions of Section 2 of the Code.

2.1 The Advertisement does not depict any material that is problematic for the purposes of section 2.1.

2.2 The Advertisement does not employ sexual appeal.

2.3 The Advertisement does not present or portray violence.

2.4 The Advertisement does not make any reference to sex or nudity.

2.5 The Advertisement does not include any inappropriate, strong or obscene language.

2.6 Please refer to our detailed submissions above regarding compliance with the FCAI Code.

2.7 Any reasonable viewer will have no doubt as to the advertising nature of this content.

Conclusion

In view of the above, we consider the complaint should be dismissed.

Thank you for taking the time to consider our response. We look forward to receiving your determination in this matter.



THE DETERMINATION

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

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

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 Suzuki Vitara 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.

The Panel noted that this television advertisement shows a man driving the car on a city road as his thoughts are spoken in a child's voice, before manoeuvring the car off road and onto an open dirt road. The tagline for the advertisement is 'Time to play'.

The Panel noted the complainant's concern that the advertisement depicts a vehicle doing 'burnouts' and promotes the message that a vehicle is a toy through the "Time to play" message.

The Panel then analysed specific sections of the FCAI Code and their application to the advertisement.

The Panel considered clause 2(a) of the FCAI Code. Clause 2(a) requires that: 'Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.'

The Panel noted the examples given in the FCAI Code include: 'Vehicles travelling at



excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle...or the apparent and deliberate loss of control of a moving motor vehicle.'

The Panel noted that Clause 4 of the FCAI Code states:

"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 noted that under Clause 4 it is reasonable for an advertiser to depict the capabilities of their off-road vehicles, so long as those depictions did not show unsafe driving which would breach any Commonwealth law or the law of any State or Territory.

The Panel noted the advertiser's response that the advertisement does not depict illegal or reckless driving, and that a safety officer on-site ensured the vehicle was driven in a safe and controlled manner at all times.

The Panel noted the advertiser's response that there is no screeching of tyres, long drifting periods or other effects. The Panel noted that the advertisement contains a montage of scenes of the vehicle off road. The Panel considered that the scenes with dirt flying out behind the vehicle do not suggest driving at an unsafe speed, but rather reflect the reality of driving on a dirt road.

The Panel noted the scene where the vehicle is shown doing a turn, on a dirt track where there are tyre marks suggestive of a car doing 'donuts' (tight circles). The Panel considered that the advertisement does not depict the vehicle doing a donut, simply a turn and that this is not behaviour that is unsafe or that would be unsafe or illegal if it were carried out on a road or road related area.

The Panel considered that the depiction is not indicative of a burnout, but rather that the vehicle was showing completing a wide circle on a dirt area. The Panel considered that the vehicle did not appear to be travelling at unsafe speeds and did not lose traction on the loose surface.

The Panel considered the tagline 'Time to play' and the child's voice. The Panel noted the advertiser's response that the tagline is used to convey a sense of enjoyment. The Panel considered that the tagline and child's voice evokes enjoyment of the new vehicle, but is not a depiction which encourages or condones unsafe driving.

The Panel considered that the advertisement did not portray unsafe driving which



would breach the law if it were to take place on a road or road-related area.

Finding that the advertisement did not breach Cause 2(a) of the FCAI Code or any other section of the FCAI Code, the Panel dismissed the complaint.

