



Case Report

1	Case Number	0041/12
2	Advertiser	Toyota Motor Corp Aust Ltd
3	Product	Vehicles
4	Type of Advertisement / media	TV
5	Date of Determination	22/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

We see a cliff dive in reverse, as well as scenes of a Toyota Camry Atara driving along the cliff tops. At the end of the advertisement you see it is the cliff diver who was driving the car on his way to dive off the cliff and the male voiceover says, "New Camry Atara. Inspires confidence".

THE COMPLAINT

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

This ad may encourage young people to think it is fun to dive off treacherous cliffs. It is made to appear safe but it is not!

Diving off a rocky cliff into water below is stupid and dangerous and far too many young people are left permanently damaged from similar activities each year. Diving off a cliff has nothing to do with selling cars. I have no objection to the Toyota brand just them showing such an irresponsible activity.

THE ADVERTISER'S RESPONSE

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

We refer to the letter received on 30th January 2012 in relation to the above complaint. We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (“AANA Code”) and the Voluntary Code of Practice of Motor Vehicle Advertising set by the Federal Chamber of Automotive Industries (“FCAI Code”). We note that the nature of the complaint relates generally to the AANA Code and specifically to the concern that the advertisement in question contains imagery that is alleged to condone or encourage unsafe cliff diving practices.

We have carefully considered the AANA Code and FCAI Code, and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the AANA Code or the FCAI Code on any of the grounds set out in the same. We note that the advertisement is for a motor vehicle, and that the advertisement features footage of a vehicle intercut with footage of a man diving off a cliff. The diving footage is shown in slow motion and in reverse, in a clearly stylised and cinematic fantasy-like manner. Looking at the AANA Code, Provision 2.6 provides that advertisements “shall not depict material contrary to Prevailing Community Standards on health and safety.” We note the complainant’s particular concern that the advertisement encourages unsafe cliff diving practices.

We note the stunt divers featured in the advertisement were professional divers with Red Bull Cliff Diving World Champion qualifications. We note that in the advertisement the diver performs a complex diving manoeuvre that only a professional or skilled diver could undertake, and the manner in which it is portrayed is highly stylized and fantastical. In our view it would be understood by most reasonable viewers that the man featured in the advertisement is a professional diver.

We note that cliff diving is a legitimate and recognised sporting activity. It is recognised to the point that international competitions, such as the Red Bull Cliff Diving World Championships, are conducted on an annual basis. The activity may present a level of risk to any participant however it can be safely undertaken in the appropriate conditions, just as with any other extreme sporting activity, such as base jumping or abseiling.

In the case of this advertisement, great care was taken to ensure that only appropriate and controlled conditions were provided for the cliff jump. We note that only professional divers were used to undertake the dives. Further, the location was inspected beforehand to ensure: (i) there were no sharp or jagged rocks present in the diving area; (ii) that the diving area was of an appropriate depth; and (iii) that there were no sharp outcroppings on the cliffs themselves.

At no point does the advertisement imply that that the diver is in any danger in undertaking the dive. It is clear from the advertisement that jump was not undertaken spontaneously or without consideration of the surrounding environment, but rather, is a controlled and professional exercise. This is evidenced by the fact that the driver is fully clothed whilst driving the vehicle, and searching for his perfect diving location. Once the dive is being undertaken, the diver is shown to be wearing swimwear, indicating that the timeline present in the narrative of the advertisement was not as immediate as presented. Accordingly, the advertisement does not condone or encourage any kind of reckless or dangerous behaviour, but rather showcases an impressive athletic feat in an attempt to draw parallels in the viewer’s mind between the exhilaration of driving a vehicle and the exhilaration of performing a controlled cliff dive.

We note the complainant’s particular concern that young people could be encouraged by the advertisement to undertake similar risky activities. We note that the advertisement is not directed at children or young people and this is clear from the tone of the advertisement. We

further note that the advertisement received a 'W' rating from CAD and was only broadcast in timeslots that are appropriate to that rating. In our view it is unlikely that the advertisement would encourage young people to undertake cliff diving activities. Accordingly, we submit that the advertisement does not breach Provision 2.6, or any other provision of the AANA Code.

Finally, we note that Provision 3.2 of the Code states that "Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles." With regards to FCAI Code we note that all driving practices featured in the advertisement are safely conducted. There are no indications that the vehicle is being driven in excess of the speed limit. Further, there are no depictions of reckless or menacing driving. The driver appears to be in complete control of the vehicle at all times. Accordingly, we submit that the advertisement does not breach the FCAI Code.

For the reasons above, we respectfully request that these complaints are dismissed.

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 depicts and encourages dangerous activity.

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

The Board considered whether the advertisement was in breach of 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 depicts a man performing a cliff dive and that the complainant is concerned that this is a dangerous activity and one which might be copied by viewers of the advertisement.

The majority of the Board considered that the man in the advertisement is depicted in a manner suggestive of a professional or highly skilled and experienced diver as his poise and technical ability are in keeping with someone who is confident and competent at diving. The majority of the Board considered that most members of the community would recognise that the diver was not acting on an impulse but was performing a dive with due care and consideration.

A minority of the Board considered that as cliff diving can be dangerous it is not appropriate to depict such an activity in an advertisement however the majority of the Board noted that cliff diving, albeit dangerous, is not illegal and in keeping with recent determinations featuring similar activities (parkour in 0056/11 and base jumping in 0076/11) the Board

determined that the advertisement did not depict or condone material contrary to prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.