



Case Report

1	Case Number	0047/17
2	Advertiser	Ford Motor Co of Aust Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a woman driving an SUV with two children in the back of the car. The car drives around large sprinklers to the delight of the woman and children. At one point the woman rolls down the rear window so that the water splashes her son.

THE COMPLAINT

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

The voice over invites viewers to "come out and play". The visual and v/o suggest cars are a play thing and can be used as entertainment or for fun. This is a very poor communication contradicting all we are told about responsible driving and the seriousness of the task.

To me this commercial is irresponsible as the woman is driving dangerously as she laughing & looking in mirror at the children & not concentrating on the wet conditions.

THE ADVERTISER'S RESPONSE

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

Introduction

I would like to emphasise that Ford Australia takes seriously its commitment to the AANA Code of Ethics (AANA Code) and the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) and we are aware of the potential impact that our advertising may have on members of the public.

All of our advertising, including the Advertisement, is carefully reviewed in that context and is approved by legal counsel. In this instance, we firmly believe that the scenario depicted in the advertisement does not breach the FCAI Code or the AANA Code.

You state in the Correspondence that the Advertisement may contravene Sections 2(a) of the FCAI Code, which prohibits the portrayal of unsafe driving in motor vehicle advertising, and 2.6 of the AANA Code, which states that Advertising or Marketing Communications shall not depict material contrary to prevailing community standards on health and safety.

You have indicated that the Board will review the Advertisement against the FCAI Code and Section 2 of the AANA Code, and accordingly, our response should address any issues within the Advertisement that fall broadly within Section 2 of the AANA Code, as well as the FCAI Code.

Description of the advertisement

The Advertisement was part of a campaign titled, 'Come Out and Play' that supports the launch of the 2017 Ford Escape and markets the Ford Escape as a family-friendly vehicle that is fun to drive.

The Advertisement emphasises the Ford Escape's driving dynamics and 'PaddleShift' feature (available on Automatic models) which allows the driver to control gear changes via the use of paddles behind the steering wheel. The Advertisement intends to invoke summer-time memories of playing in sprinklers. Filming was done in a controlled environment at Avalon airport with fantasy larger-than-life sprinklers to allow the Escape to 'play' around them.

Application of the FCAI Code and the AANA Code

The FCAI Code

The first complainant suggests that the Ford Escape was "hooning" through water and driving irresponsibly. The second complainant suggests that the Ford Escape driver was driving dangerously by laughing, looking in the mirror and "not concentrating on the wet conditions".

Ford Australia strongly disagrees that the Advertisement depicts hooning, or irresponsible or dangerous driving.

In particular:

the driving complies with Australian road rules;

the driving on the wet roads is safe, and the vehicle does not travel at excessive speed at any

time;
there are no sudden, extreme or unnecessary changes in direction or speed of the vehicle;

whilst the driver glances in the rear-vision mirror at her children, and is evidently enjoying their company, she, at all times:

has utmost control of the vehicle;

is forward-facing;

is alert and attentive to the road; and

leaves a wide and safe distance when driving near the fantasy sprinklers;

the driver and passengers are all wearing appropriate seatbelts, and one of the children placed in a booster seat (as per Australian road rules);

the children both looked relaxed and happy;

the Advertisement was filmed under controlled conditions, and filming was overseen by accredited health and safety officers at Avalon airport; and

the Advertisement does not show any environmental damage.

Accordingly, we believe that the Advertisement complies with the entirety of the FCAI Code, including section 2(a).

Section 2(6) of the AANA Code

For the reasons listed above, we also believe that the Advertisement does not depict driving or other material contrary to prevailing community standards on health and safety and therefore complies with Section 2(6) of the AANA Code.

Further, the Advertisement complies with the other provisions of the AANA Code. The Advertisement:

does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (Section 2.1 of the AANA Code);

does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 of the AANA Code);

does not present or portray violence unless it is justifiable in the context of the product or service advertised (Section 2.3 of the AANA Code);

does treat sex, sexuality and nudity with sensitivity to the relevant audience (Section 2.4 of the AANA Code); and

does only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (Section 2.5 of the AANA Code).

THE DETERMINATION

The Advertising Standards Board (Board) 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 Board 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 Board determined that the FORD Escape was a Motor vehicle as defined in the FCAI Code.

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

The Board noted the complainant's concerns that the advertisement features a woman driving dangerously and not concentrating on the wet conditions.

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

The Board 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 Board 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 Board noted that this television advertisement depicts a woman driving a Ford Escape around large sprinklers on a private road with her children in the back.

The Board noted it had previously dismissed a similar complaint about the same advertisement when it was aired at the cinema in case 0037/17:

"The Board noted the complainant's concern that the woman is hooning. The Board noted the Macquarie Dictionary defines hooning as "the fast, reckless driver of a car" and

considered that while the woman appears to be enjoying herself in the Board's view she is not driving at speed and the overall impression of her driving is that it is slow rather than fast and/or dangerous.

The Board noted the complainant's concerns that the woman's driving is irresponsible and the advertisement suggests this is okay. The Board noted that the giant sprinklers have been placed on what appears to be a deserted airfield and considered that while you would not normally encounter sprinklers on a public road in the Board's view the manner in which the woman negotiates these obstacles is safe and controlled and if the woman were to navigate similar obstacles on a public road her driving would not be considered unsafe, reckless or menacing."

The Board noted the current advertisement is identical and considered that consistent with its previous determination the vehicle appears to be driven in a safe and controlled manner and there is no suggestion of dangerous driving.

The Board noted the complainant's concern that the woman driving in the advertisement is not concentrating on the wet conditions. The Board noted that we see the woman glance in to her rear view mirror while driving but considered that this is a normal driving practice and at no time does the woman appear to be distracted or not paying attention to the road or the driving conditions.

Overall the Board considered that the advertisement depicts a vehicle being driven in a safe and controlled manner which is not suggestive of dangerous driving.

The Board considered that overall the advertisement does not portray any driving which is unsafe, or reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory.

The Board determined that the advertisement did not breach Clause 2(a) of the FCAI Code.

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