



Case Report

1	Case Number	0055/11
2	Advertiser	Mattel Pty Ltd
3	Product	Toys & Games
4	Type of Advertisement / media	Outdoor
5	Date of Determination	23/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Based on a supposed real car advertisement that appears to have been vandalized to become a Hot Wheels advertisement.

The Vehicle has been given outrageous upgrades courtesy of the graffiti, such as flames coming out the side of the sides of the vehicle, a racing stripe and an over-sized engine coming out of the bonnet.

The graffiti artist has also concealed some words to convey the speed/attitude of the toy brand: "Never Slow Down".

THE COMPLAINT

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

I consider the advertisement to be socially irresponsible rather than offensive. The advertisement is displayed in a position visible to drivers passing by and by being at bus stops is going to be seen by young people who don't have a car licence yet, some of whom will be trying to obtain one in the near future. It also seems to me that the potential for subliminal effects on drivers who simply catch the image in the side of their visual field are also worrying.

The message goes completely against the hard work being done by all sorts of road safety campaigners particularly the TAC here in Victoria targeting speeding motorists. I imagine that people who HAVE lost friends and loved ones to speeding drivers would find the advertisements particularly offensive.

THE ADVERTISER'S RESPONSE

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

These ads are targeting adults who can differentiate between reality and fantasy. Hot Wheels is a brand rooted in fantasy car play where boys of all ages can play out their wildest dreams around autos - which naturally includes speed. The creative here taps into that notion that anyone can fantasize their car into the drive of their dreams. We in no way intended to communicate that anyone should ignore safe driving laws - we are simply having fun with our Brands' heritage and most men's desire to drive a cool car.

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 encourages speeding whilst driving a vehicle and is contrary to road safety advertisements.

The Board reviewed 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 resembles a real car advertisement that appears to have been vandalized to become a Hot Wheels advertisement. The text has been sprayed so that only the words "Never...slow....down" are clearly legible.

The Board noted the advertiser's response that the advertisement is targeted at adults, who can differentiate between reality and fantasy, however the Board considered that Hot Wheels are a product for children and that the advertisement would appeal to children. The Board considered that as children do not drive, the message of "never slow down" would refer to making toy cars go fast and so would have a different meaning to them than it would to an adult, and that the children targeted by the advertisement are many years away from driving age and would be subject to many anti-speeding messages before being old enough to drive.

The Board considered that Hot Wheels is a well established toy brand that most members of the community would be aware of. The Board noted that under the Hot Wheels logo, which appears in the bottom right hand corner of the advertisement, the words "was here" are apparently sprayed on to the advertisement. The Board considered that this further

emphasised the unrealistic nature of the advertisement as a serious car advertisement and considered that most members of the community would understand that the words “never slow down” were relating to the Hot Wheels brand, toy cars, and not to speeding in an actual vehicle.

The Board noted that whilst the advertisement could cause some confusion as to whether it is a real advertisement for a car which has been covered in graffiti, the Board considered that the graffiti style gave the words “never slow down” less of an impact and considered that the advertisement did not encourage speeding. The Board considered that the advertisement was clearly not serious, and that it was not contrary to road safety messages because it is an advertisement for toy cars.

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.