



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0056/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Suzuki Australia Pty Limited</b>
<b>3</b>	<b>Product</b>	<b>Vehicles</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/03/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Motor vehicles          Unsafe driving  
2.6 - Health and Safety          within prevailing Community Standards  
- Other          Social values

### DESCRIPTION OF THE ADVERTISEMENT

A man uses Parkour free running to navigate through the city to meet his girlfriend at the local coffee shop. She is driving her Swift through the city streets below and they are having a race to see who arrives at the agreed destination first.

### THE COMPLAINT

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

*The vehicle is tagged "Fun and Agile" but fun for whom? The young woman or the diners? Do Suzuki / WIN advocate this behaviour?*

*The man and woman are involved in a race.*

*The woman is driving the car in a reckless manner.*

*The woman is driving the car at speed in what appears to be a city or town.*

*The woman is young and driving in a manner which I feel would encourage other young people to drive.*

*The actions of this young man are very dangerous and could cause teenage boys to copy the same activities.*

*The young man is wearing no helmet or safety equipment or protection.*

*There is no warnings on this ad like "Filmed under Strict Conditions" or "Don't try this at home".*

*My son is at this time on crutches with a smashed knee cap from doing this type of activity with his mates.*

*An advertisement that projects this type of activity is dangerous and unsafe and has no visible linkage to selling a motor car. It projects unsafe behaviours to teenagers and the linkage to a car is very stupid and dumb. Is it projecting taking risks in your life is OK so do it on the road is also the same???*

## **THE ADVERTISER'S RESPONSE**

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

*Suzuki Australia Pty Ltd are extremely committed to ensuring that all of our advertising meets the guidelines set out in section 2 of the AANA Code of Ethics and the FCAI's Code of Practise for Motor Vehicle Advertising.*

*Suzuki Australia strongly believe that no part of section 2 of the AANA Code of Ethics has been contravened in that the advertisement does not discriminate or vilify; does not portray any violence; has no sexual references; and has no strong or obscene language.*

*The advertisement meets all requirements of the FCAI's Code of Practise for Motor Vehicle Advertising as it depicts no dangerous, reckless or illegal driving. The vehicle is always travelling below speed limits, with the driver always wearing a seatbelt and obeying all other traffic regulations. The inner city driving is simply showing that Swift's small size helps it to navigate tight, inner city streets and lanes.*

*The TVC includes the use of "Parkour", which is recognised internationally and in Australia by associations like the Australian Parkour Association. "Parkour" is growing in popularity and has featured on many movies and recently on Top Gear. Chris Patton, 23, who stars in the commercial is one of Australia's top practitioners of Parkour and is currently working on films overseas.*

*The Swift commercial has received a PG rating from CAD, and is only aired in programs where parental guidance is recommended. It is not aired in or adjacent to any children's programming or is it aired in the news.*

## **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 projects dangerous and unsafe behaviours. The woman is driving the car in a reckless manner and the young man is wearing no helmet or safety equipment or protection.

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 the advertiser’s response that the TVC includes the use of "Parkour", which is recognised internationally and in Australia by associations like the Australian Parkour Association. In a physical sense Parkour can be described as to ‘Move in such a way, with any movement, that will help you gain the most ground on someone/something as if escaping from someone/something or chasing toward someone/something.’  
(<http://parkourpedia.com/about/what-is-parkour>).

The Minority of the Board considered that the depiction of the man jumping over and around buildings was a realistic depiction of extreme physical behaviour that would not be well recognised as a specialist sport or activity. The minority of the Board considered that the behaviour of the man would be contrary to community standards on safe behaviour.

The Majority of the Board however considered that the advertisement depicts a man undertaking extreme physical activity in a manner that would not be considered to be normal or recommended behaviour. The Majority of the Board considered that the depiction was unlikely to encourage people to undertake such activity on their own and did not therefore depict material contrary to prevailing community standards on 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.

The Board then considered whether the advertisement was in breach of the Federal Chamber of Automotive Industries (FCAI) Code. The Board noted that, although the advertisement does not depict many images of the vehicle, it is clearly an advertisement for a motor vehicle and therefore is required to meet the requirements of the FCAI Code.

The Board noted the complainant’s concern that the advertisement depicts a woman driving a car in a reckless manner and at speed.

The Board viewed the advertisement and noted the advertiser’s response that the advertisement does not depict any dangerous, reckless or illegal driving.

The Board first considered section 2 (a) of the FCAI Code which states that advertisements must not depict: “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 where the driving is depicted in the advertisement”.

The Board noted that there are a number of images of the vehicle manoeuvring around the city, a slight screech of tyres and the graffiti on the wall ‘All new Swift. More Fun. More Swift.’ The Board considered that the concept of the advertisement – the car racing the

person – was not necessarily desirable. However the Board considered that there were no depictions of the vehicle being driven in an unsafe manner or in any manner that was reckless or menacing.

The Board determined that the advertisement did not depict material including any reckless and menacing driving that would breach any Commonwealth laws.

The Board also considered section 2(b) of the FCAI Code which requires that advertisements not depict “people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.’

The Board considered that there is no strong suggestion of speeding in the advertisement and there is no context to suggest that the vehicle is being driven at a speed that would breach the law.

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

Finding that the advertisement did not breach the FCAI Code or Code of Ethics on other grounds, the Board dismissed the complaint.