



Case Report

1	Case Number	0056/17
2	Advertiser	Mercedes-Benz Aust/Pacific P/L
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on an abandoned car on a country property. We then see an abandoned car in a private swamp and an abandoned car on the edge of a cliff. A male voiceover states 'With offers this good, you'll do anything to leave your car behind. The Mercedes-Benz Sale. Find an excuse today'.

THE COMPLAINT

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

The advertisement clearly depicted the sale was so important that should you commit suicide you need to leave your valuable car behind in order to assist in the purchase of a Mercedes Benz. I find making jokes around the topic of suicide to be extremely offensive.

THE ADVERTISER'S RESPONSE

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

Mercedes-Benz Australia/Pacific (Mercedes-Benz) treats compliance with the AANA Code of Ethics, FCAI Voluntary Code of Practice for Motor Vehicle Advertising and all other relevant regulatory requirements with the utmost importance. Mercedes-Benz always undertakes extensive consultation during the planning and production phases of any

advertising campaign to ensure that it continues to comply with all relevant advertising codes and regulations.

Mercedes-Benz recently launched a campaign to communicate the message that there has never been a better time to purchase a new vehicle or take advantage of our trade in program during the Mercedes-Benz sale. The footage shows exaggerated ways people could abandon their cars in a hurry to buy the Mercedes-Benz of their dreams.

The advertisement does not in any way imply, insinuate or portray any themes or images of an individual suggesting suicide or show any material contrary to prevailing community standards on health and safety. The advertisement features various images of vehicles only and supports a sale message that the offers are so attractive you'll abandon your current vehicle. All images in the advertisement are of vehicles only and no individuals are shown at any time.

The advertisement clearly uses puffery to suggest exaggerated extremes individuals would go to in an effort to abandon their old vehicles and take advantage of the attractive deals offered during the Mercedes-Benz sale.

The complaint focuses on paragraph 2.6 of the AANA Code of Ethics – Health and Safety within prevailing community standards which states:

“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

The complaint is more specifically based on a concern that the advertisement suggests the Mercedes-Benz sale is so important that should an individual commit suicide, they should leave their car behind in order to assist the purchase of a new Mercedes-Benz vehicle. Mercedes-Benz submits that it has not and, would not ever use such a topic in its advertising or for any other commercial purposes. Mercedes-Benz agrees that this is a very serious topic in our community and it is definitely not something that it would include in a comical and/or any other way in its advertisements.

Mercedes-Benz submits that the advertisement that is subject of this complaint does not include any themes nor footage of an individual engaging in or promoting, inferring or encouraging such act and accordingly the advertisement does not breach the AANA Code of Ethics, FCAI Voluntary Code of Practice for Motor Vehicle Advertising and/or any other relevant regulation.

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 concerns that the advertisement suggests that you should commit suicide in order to assist in the purchase of a new Mercedes-Benz.

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

The Board considered 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 this television advertisement depicts cars which have been abandoned in various locations before a voiceover says that with offers this good you would do anything to leave your car behind.

The Board noted the complainant’s concern that the advertisement suggests a person should commit suicide. The Board noted that the backing song features the lyrics, “Goodbye” and acknowledged that suicide is a very serious issue which should not be joked about. The Board noted however that the imagery in the advertisement is of cars that have been abandoned in various places: a country property where many cars are rusting, a swamp and on a cliff top, and considered that the most likely interpretation of these images along with the voiceover which talks about leaving your car behind is that the advertisement is suggesting you will want to get rid of your current car straight away and rush to buy the advertised product, and not that you should take your own life.

The Board considered that the complainant’s interpretation of the advertisement is unlikely to be shared by the broader community and considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety around suicide and self-harm.

The Board determined that the advertisement 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.