



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0057/14
2	Advertiser	Chrysler Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV
5	Date of Determination	26/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows a man slowly driving his new Jeep Grand Cherokee into his street, before reversing into his driveway.

His son is sitting on a bucket, well back from the kerb and to the side of the driveway, waiting for his Father's return. The boy does not move off this spot throughout the advertisement.

The Father gets out of his vehicle (clearly proud of his new Jeep purchase) and approaches his son.

The son remarks 'You bought a Jeep', the Father responds 'Yeah I bought a Jeep'. The boy looks towards the very small fishing boat waiting in the driveway and says 'We're going to need a bigger boat'.

We cut to driving footage and see the new Jeep Grand Cherokee driving very slowly on a road by the beach, towing the much bigger boat.

THE COMPLAINT

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

It is dangerous as the child could run behind car or onto the road

THE ADVERTISER'S RESPONSE

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

In this particular commercial, the safety of the boy was paramount at all times.

- *The advertisement does not portray unsafe driving in any way.*
- *The car is being driven very slowly and the male driver is well aware that the child is there.*
- *The child is sitting well back from the kerb (approximately 3m) and driveway (approximately 5m), and he does not move off the bucket whilst the car is being reversed. The driver of the car can see where the boy is at all times.*
- *The Jeep Grand Cherokee Laredo is fitted with a ParkView Back Up Camera with ParkSense Rear Park Assist System and this displays a rearview video image.*

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 Advertising for Motor Vehicles Voluntary Code of Practice (the FCAI Code) and the Advertiser Code of Ethics (the 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 decided that the material in question was available in Australia or in a substantial section of Australia for payment or valuable consideration.

The Board determined that the material draws the attention of the public or a segment of it to a product being a Chrysler Grand Cherokee in a manner calculated to promote that product.

The Board considered that in line with previous decisions around the scope of the FCAI Code, the marketing communication is an advertisement as defined by the FCAI Code. The Board also 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 Chrysler Grand Cherokee shown in the advertisement was a 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 depicts a car reversing near a young child which is dangerous.

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 Code provides the following as examples, "Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle..."

The Board noted it had previously dismissed a case where a BMW was shown reversing close to young children (0143/11) where:

“The Board noted that the advertisement shows a BMW 5 Series being reversed in to a garage whilst two small children watch. The Board noted that the purpose of the advertisement was to highlight the car’s surround view capability which according to the advertiser is “...a safety system within the car whereby cameras provide a 360 degree view of the area around the car...”

The Board noted that the car is being driven very slowly and that the male driver is aware that the children are there. The Board also noted that the children are watching the car being reversed and are stood to the side of the garage, and that they do not move whilst the car is being reversed.

The Board considered that the message of the advertisement is one of safe driving and that this message is carefully portrayed.”

The Board noted that in this instance the young child is clearly seated a safe distance away from the moving vehicle and considered that the boy appears to be waiting for the car and that the driver, the child’s father, does not seem to be surprised to find his son waiting for him. The Board noted that the car is being driven in a slow and controlled manner and considered that overall the advertisement does not depict reckless or unsafe driving and does not breach clause 2(a) of the FCAI Code.

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