



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0060/18
2	Advertiser	Chrysler Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	21/02/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man driving through the countryside. The advertisement then features a variety of people engaging in outdoor activities including children jumping off a pier, people surfing and people kayaking. The advertisement also features a variety of vehicles driving on the beach and in the country.

THE COMPLAINT

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

The people in the canoeing shots are not wearing life vests.

With our PM recently being fined for not wearing a life vest and a public awareness campaign to wear life vests, it sends the wrong message to have people in a heavy weighted advertising campaign not wearing life vests.

Surely this breaks one of your codes or guidelines.

THE ADVERTISER'S RESPONSE





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

FCA Australia takes the ANNA code of ethics very seriously and ensures that all production of assets respects and adheres to the ethics and the FCAI code.

In relation to the complaint regarding this TVC against code 2.6 (Health & Safety) sending a wrong message as the talent are not wearing life vests, we provide the following supporting information:

- TVC was shot in QLD on a closed body of water
- Adheres to local life-jacket laws that stipulate it is compulsory to wear life-jackets:
 1. when crossing a designated coastal bar (in an open boat that is less than 4.8m in length)
 2. if you are under 12 years old (from 12 months old and up to, but not including, 12 years old)

<https://www.msq.qld.gov.au/Safety/Life-jackets.aspx>

- The action of the talent in the TVC is not showing threatening or dangerous behaviour - this is representing a group of young adults enjoying summer and behaving in a respectful way.

As a final note, this TVC was shot 3 years ago in 2015 - if we were to produce something now, we would obviously be mindful of current social climate and any topics that may seem to be more sensitive than others and therefore act accordingly.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainant’s concerns that the advertisement depicts unsafe behaviour.

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

The Panel 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 Panel noted that this television advertisement features various driving in the country and on the beach, as well as people engaging in summer activities such as



canoeing and surfing.

The Panel noted the complainant's concern that the advertisement depicts people canoeing without a life jacket and that this behaviour is unsafe.

The Panel noted the advertiser's response that the footage was shot in Queensland and that it complied with the relevant state law regarding life jackets.

The Panel considered that although the advertisement was filmed in Queensland advertisements need to comply with laws from all jurisdictions where the advertising is shown.

The Panel considered that in NSW for example there is a requirement for people to wear life jackets on canoes and kayaks in all waters (<http://maritimemanagement.transport.nsw.gov.au/lifejackets/lifejacket-law/index.html>).

A minority of the Panel considered that the people shown canoeing were adults, were on a calm body of water and that this was not a depiction which was encouraging unsafe behaviour. A minority of the Panel considered that although the behaviour in the advertisement may breach the law in some jurisdictions, the scene was very fleeting, was not the focus of the advertisement and did not condone or encourage people to use a canoe without a lifejacket.

The majority of the Panel however considered that the depiction is a depiction of behaviour that would breach the law in some jurisdictions and is also a depiction that would be considered against best safety practice by many people.

The majority of the Panel considered the prevailing community standard for canoe and kayak use was that life jackets should be worn.

The Panel considered that the depiction of people canoeing without life jackets is a depiction of behaviour that is against prevailing community standards on health and safety and in this case did breach section 2.6 of the Code.

Finding that the advertisement did breach section 2.6 of the Code, the Panel upheld the complaint.



THE ADVERTISER'S RESPONSE TO DETERMINATION

In terms of next steps from our end, this campaign/TVC last aired on 31st January 2018.

Based on the decision from the ASB, we will just omit using this specific footage in our advertising moving forwards.