



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0069/15</b>
<b>2</b>	<b>Advertiser</b>	<b>AAMI</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/03/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts two male drivers competing in a safe driving duel whereby they execute a number of safe manoeuvres in their cars as they drive alongside each other. They both arrive at a car park at the same time and, seeing there is only one parking spot left, they both exit their cars and hold up their phones to display the scores on their AAMI Safe Driver Apps.

## THE COMPLAINT

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

*In this ad there is a scene where both cars are travelling side by side as they both turn right at a roundabout (they are side by side so one car is turning right from the left lane). This is depicting an illegal manoeuvre as to turn right at a roundabout only the right hand lane may turn right. The ad is suggesting it is 'safe' and a reward to make an illegal right turn from the left hand lane. This is potentially encouraging people who are limited in their knowledge of the law and/or the use of roundabouts in Australia that this is a safe and legal action. It is illegal and dangerous.*

## THE ADVERTISER'S RESPONSE

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

*We would like to address some of the concerns and provide commentary relating to our advertising approach and the specific claims raised against Section 2.6 of the AANA Advertiser Code of Ethics.*

*Recently there was concern expressed over our recent 'Driver Duels' ad. The 'Driver Duels' ad was created to launch the AAMI Safe Driver App™, a free mobile application that tracks and monitors driving behaviour to recognise and encourage, what we consider, to be safe driving behaviour (eg. Not speeding, smooth manoeuvring; taking breaks, not using a phone behind the wheel, etc). To bring this to life, our ad focused on our two protagonists performing a series of safe, very tame synchronised driving manoeuvres to demonstrate that safe driving is better driving.*

*One of the driving manoeuvres involved exiting a roundabout –the vision shows our drivers exiting a roundabout side by side with right indicators on. The complaint alleges that this is an illegal manoeuvre and that drivers cannot turn right from the left lane of a roundabout.*

*Majority of states and territories rule that you must be in the right lane, to turn right at a roundabout, unless otherwise marked on the road. The roundabout in question did depict markings that allowed both lanes to turn right. The ad was filmed in NSW, and NSW Transport also condones a right hand turn from a roundabout, as determined by road markings. We take road safety very seriously and took the utmost care to depict safe driving in our commercial. Due to the nature of the ad, we deliberately sought out a roundabout that would facilitate both lanes turning right, as we wanted both cars to turn in union. We do apologise if there has been any confusion caused in the editing of this commercial, but we have been compliant with road rules and advertising standards.*

*Reference: <http://www.rms.nsw.gov.au/roads/safety-rules/road-rules/roundabouts.html>*

## **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 features a vehicle performing an illegal manoeuvre which is dangerous and could encourage people to copy.

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 that this advertisement features two men competing against one another

whilst driving to see who is the safest.

The Board noted that in one scene we see the two cars, driving side by side, turn right at a roundabout and that the complainant believes this action is illegal as only the right hand driver can cross a roundabout straight ahead.

The Board noted the advertiser's response that the roundabout used in the advertisement featured road markings which allow for both lanes to turn right and that the advertisement was filmed in NSW where this action is permitted provided the road markings allow for it. The Board noted that this scene in the advertisement is very brief and considered that there is no suggestion that the drivers are disobeying the relevant road rules for the situation.

The Board noted the overall theme of the advertisement of two drivers competing against one another. The Board noted that there is significant community concern regarding illegal road racing but considered that the two drivers in the advertisement, although clearly competing with one another, are competing with regards to safe driving within the specified speed limits and road conditions. The Board noted that the two drivers are depicted as obeying the road rules and driving within the posted speed limit and considered that in the context of the overall call to action for safe driving the advertisement does not depict driving behaviour which is contrary to Prevailing Community Standards.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.