



Case Report

1	Case Number	0076/11
2	Advertiser	Holden Ltd
3	Product	Vehicles
4	Type of Advertisement / media	TV
5	Date of Determination	23/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

At the very beginning of the advertisement we see a man participating in Base Jumping - he jumps off the side of a tall building wearing a parachute and helmet and is being filmed and supported by others.

The voice over talks about the new Commodore Series two and we see footage of various Holden Commodores being driven in different locations.

THE COMPLAINT

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

The advertisement opens with people base jumping. Base jumping is illegal and highly dangerous. The advertisement is meant to cast Holden cars in a positive light and has an upbeat feel to it. By extension it indirectly lends that positive feel to base jumping. Holden is also a respectable brand, again lending support to base jumping.

THE ADVERTISER'S RESPONSE

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

GM Holden takes its legal responsibilities under the Competition and Consumer Act seriously, as well as the provisions of the AANA Advertiser Code of Ethics. The Advertisement to which the complainant refers was created using footage of a legally sanctioned BASE jumping event in Kuala Lumpur. We understand that the relevant competition has been operated for seven years. The person shown in the footage is Chuck Berry, a New Zealand BASE jumper who is a member of the Red Bull Extreme Sports team and was a participant in the event. All necessary permits and permissions were obtained prior to the footage being taken and the BASE jump occurring.

In addition, GM Holden understands that, subject to permission being provided or relevant approvals being sought, BASE jumping is a legal activity in Australia. The Australian BASE Association operates BASE jumping courses (see www.australianbaseassociation.com) and BASE jumping can be legally performed in Australia provided permits or approvals are sought prior to the jump (see <http://www.baseclimb.com/sports/basejumping>). The President of Australian BASE Association, Mr Gary Cunningham, confirmed to us that permits / approvals have previously been given for BASE jumps in Australia including jumps from the Rialto Towers in Melbourne, the Sydney Harbour Bridge, and Queensland National Parks locations.

BASE jumping is a sport recognised by many countries across the world and attracts many participants, including teams such as the Red Bull Extreme Sports team. Although there are inherent dangers in the sport, this in itself does not mean the sport is contrary to prevailing community standards on health and safety. The same could be said of many sporting activities currently undertaken and featured in advertising Australia wide, such as sky diving or car racing.

Accordingly, as the footage used is of an official and legally sanctioned event, as BASE jumping in Australia is not an illegal activity (where permission for jumps has been obtained), and given local and global activity and interest in this sport, GM Holden does not believe that the Advertisement is contrary to Section 2.6 of the AANA Advertiser Code of Ethics and is not contrary to prevailing community standards on health and safety.

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 features base jumping which is illegal and dangerous.

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 advertisement featured footage of a legally sanctioned BASE jumping event in Kuala Lumpur and that subject to permission being provided or relevant approvals being sought, BASE jumping is a legal activity in Australia.

The Board noted that the man performing the base jump in the advertisement is wearing the appropriate clothing and safety equipment to perform the jump. The Board considered it would be preferable for the advertisement to have a short disclaimer or statement about the activity. The Board considered that this 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.

The Board noted that there is no image of the car being driven in an unsafe manner.

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.

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