



## Case Report

1	Case Number	0082/16
2	Advertiser	Commonwealth Bank of Australia
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/03/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man, Johnno, who has become stranded somewhere and is walking down a road carrying an empty jerry can. When Johnno finally arrives at a petrol station he realises he doesn't have his wallet on him but he is able to use his phone to access tap and pay on his Commonwealth account.

### THE COMPLAINT

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

*While in the car looking happy he has the can of petrol on his lap. By having the petrol can on his lap his is risking injury or death. If the car was involved in a incident, even say minor he risks; a/ spilling the fuel and burning to death, b/ suffering an injury by the fuel car hitting him (i.e. a projectile), c/ the fuel can will interfere with the airbag. The air bag will push the can into his chest with great force. The airbag simply cannot do its job. His actions are, even if not illegal, reckless. I think this sends the wrong message to people. People might think this is an acceptable way to carry fuel in a car. Note: I have never complained about anything before. I just think this is a reckless thing to do and the makers of the ad' must have suffered brain fade. What do you think? Thanks. P.S. I think there are some rules or guidelines for transportation of fuel; but am not sure. I guess you will be able to find out. Ta.*

### THE ADVERTISER'S RESPONSE

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

*Thank you for your letter outlining a complaint about one of our advertisements.*

*The ad in question is a 30 second TV, cinema and You Tube ad that features a group of young adults running out of petrol in the 'middle of nowhere'. One of the young adults, Johnno, sets off with an empty can in hand to get some petrol.*

*The ad's intention is to take a light-hearted look at a possible use of our mobile phone Tap & Pay functionality that allows our customers to purchase goods and services when they don't have their wallet with them. Many of us have experienced the situation of not having our wallet with us and being unable to purchase anything. This predicament for Johnno, coupled with having just walked 12kms to get the petrol, would have been disastrous. Fortunately Johnno had his phone with Tap & Pay functionality with him and was able to buy the much-needed petrol that would allow him and his mates to continue their journey.*

*It was never the intention of the ad to make a statement about the safe transport of a can of petrol.*

*While your letter identifies Section 2.6 'Health and Safety Unsafe behaviour' as the section of the AANA Code of Ethics that we may have breached, you have asked that our response address all parts of the Section 2, i.e.:*

*2.1 – Discrimination or vilification*

*2.2 - Exploitative and degrading*

*2.3 – Violence*

*2.4 – Sex, sexuality and nudity*

*2.5 – Language*

*2.6 – Health and safety*

*The ad does not discriminate or vilify, exploit or degrade, there is no violence and no insensitive treatment of sex, sexuality or nudity. There is also no issue with language.*

*The health and safety concern is that Johnno has a can of petrol on his lap, and by doing so is risking injury or death. The complainant thinks this sends the wrong message to people, and people might think that this is an acceptable way to carry fuel in a car.*

*The petrol can appears on Johnno's lap for the last 2 seconds (approximately) of the 'action' before the ad cuts to our standard closing sequence. It is important to note that by this point Johnno has returned to his own vehicle, has emptied the contents of the petrol can into his own vehicle, and is now a passenger in his own vehicle as he and his mates continue their journey. The can of petrol is therefore empty. In keeping with the light-hearted nature of the ad, Johnno is seen hugging the empty petrol can in appreciation of being able to continue his journey*

*with his mates.*

*Earlier, as Johnno is being driven back to his vehicle by the petrol station attendant, we see the can of petrol inside the vehicle between Johnno and the driver for approximately 3 seconds. We note that Johnno is hanging on to the can of petrol to keep it secure, and that the windows are open to provide for ventilation.*

*As mentioned earlier, it was never the intention of the ad to make a statement about the safe transport of a can of petrol. The Bank places a high value on its Brand and we would like to take this opportunity to reassure the Bureau that any offence that might have been caused by our ad was entirely unintentional.*

## **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 depicts the passenger of a motor vehicle carrying a can of petrol on his lap which is reckless and against Prevailing Community Standards on health and safety.

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 television advertisement depicts a man walking to get petrol after his car runs out of fuel, and that having forgotten his wallet he is able to use his mobile phone to tap and pay, after which we see him being given a lift in a car back to his broken down car.

The Board noted that whilst it is not illegal to carry petrol inside a vehicle it is advised that petrol not be carried inside a vehicle due to the risks associated with inhaling petrol fumes and in case of an accident causing the petrol to ignite (<http://www.caravanworld.com.au/features/1207/guide-to-fuel-on-long-trips/>).

The Board noted that the scene showing the man holding the petrol can on his lap in the car is very brief and considered that in the context of being given a lift back to your vehicle which has run out of fuel, this scene does not present the situation as something which should be undertaken on a regular basis.

The Board noted that when the car breaks down, one man goes to get petrol whilst his mates remain with the vehicle. The Board noted that motorists are advised to remain with their vehicles in situations like this (<http://www.mynrma.com.au/motoring-services/road-safety/outback-breakdown.htm>) but considered that the car is on a sealed road and although

the voiceover describes the environment as barren there are plenty of trees and the grass is green and the overall impression is not that the men are in a remote outback area. The Board noted the situations the man is depicted in as he walks to the nearest service station and considered that the desert scenes are clearly exaggerated and show a different man. The Board considered that the voiceover and desert scenes are employed in the advertisement to lend an air of 'adventurous spirit' to the man's walk to the nearest service station and that most members of the community would recognise that the advertisement is presenting a fantasy scenario to demonstrate their product rather than an endorsement of how you should behave if your car breaks down.

Overall the Board considered that the advertisement did not encourage or condone the unsafe handling of petrol or unsafe behaviour following a car break down.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

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.