



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0093/11
2	Advertiser	Tourism Northern Territory
3	Product	Travel
4	Type of Advertisement / media	TV
5	Date of Determination	13/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement traces the journey of a man and a woman to and around the Red Centre. There is no dialogue, just a sound track. In one driving scene the woman passenger has her feet on the dashboard.

THE COMPLAINT

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

The woman has one of her feet on the dashboard of the vehicle while it is moving. This is a dangerous position to be in and one that should not be encouraged. The RACV website for example states: "Passengers who sit with their feet on the dashboard, drivers who seat too closely to the steering wheel and anyone who sits with poor posture in a car are putting themselves at greater risk of serious injury if involved in a collision according to RACV and its research partner Insurance Australia Group (IAG)."

THE ADVERTISER'S RESPONSE

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

The complainant has raised specific concern relating to an image in the advertisement showing a passenger in a four-wheel drive vehicle with their foot on the dashboard while it is moving and sites the RACV website which states, "Passengers who sit with their feet on the dashboard, drivers who seat too closely to the steering wheel and anyone who sits with poor posture in a car are putting themselves at greater risk of serious injury if involved in a collision". The complainant suggests that the advertisement therefore contravenes section 2.6 of the Australian Association of National Advertisers (AANA) Advertiser Code of Ethics. I understand that in section 2.6 of the Code of Ethics, the definition of "Prevailing Community Standards on Health and Safety" is "the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications".

I would like to assure you that Tourism NT are committed to ensuring that all of our advertising meets the guidelines set out in section two of the AANA Code of Ethics and strongly believe that no part of section two of the AANA Code of Ethics has been contravened in that the Red Centre advertisement was language appropriate, does not portray violence and does not discriminate. Tourism NT also notes that it is not an offence under the Australian Road Rules, Traffic Act (NT) or the Traffic Regulations (NT) for a passenger to have their feet, or any other part of their body on the dashboard.

The 45 second Tourism NT Red Centre advertisement the complainant is referring to shows a series of images featuring two main characters and traces their journey to and around the Red Centre. An image includes a visual of the woman sitting in the passenger seat of a four-wheel drive vehicle with her left foot resting on the front of the dashboard of the vehicle. The primary focus and intention of the advertisement was to create a relaxed and carefree imagery not one of reckless or dangerous behaviour.

The RACV website quoted by the complainant equally applies to "anyone sitting with poor posture". Poor posture no doubt has health consequences in any circumstances, but portraying it in an advertisement would not breach section 2.6 of the AANA Code of Ethics. The RACV concern is based partly on deployment of airbags, however the four-wheel drive vehicle in the advertisement is an older vehicle and therefore does not have an airbag in the passenger side.

In this regard, Tourism NT submits that the intent of the advertisement is entirely in line with the community standards and expectations that would reasonably apply to a communication of this nature. Tourism NT do not consider the behaviour in the advertisement contravenes prevailing community safety nor would the advertisement encourage anyone, child or adult, to ride with their feet on the dashboard.

Whilst Tourism NT notes the complaint and its nature, it does not believe that it has in the design and production of the advertisement contravened the AANA Advertising Code of Ethics.

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 shows a female passenger in a moving car with her feet on the dashboard.

The Board reviewed 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 intention of the advertisement was to promote the Northern Territory and that the scene depicting the woman with her feet on the dashboard was intended to show how relaxed she was.

The Board noted that although road safety campaigners recommend that you do not put your feet on the dashboard when traveling as a passenger in a car due to the increased likelihood of injury should the car be involved in an accident, this is not an offence under any driving rules and regulations in the Northern Territory or elsewhere in Australia. The Board also noted that the car used in the advertisement is an older vehicle and does not have airbags.

The Board considered that the depiction of the woman with her feet on the dashboard was a brief scene within the advertisement and that most members of the community would interpret the scene as one of a relaxed passenger and not as an encouragement to copy her actions.

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 other grounds, the Board dismissed the complaint.