



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0098-21
2. Advertiser :	Menulog
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	28-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement features an orange convertible vehicle driving around with two men. At two points, the vehicle uses hydraulics to raise the back of the vehicle up and down.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Isn't it illegal to air an ad with people driving/or as passengers, and not wearing a seat belt. In fact it appears that there are no seat belts installed in this car (regardless of it being a vintage style american convertible car). Not impressed by MenuLog showing this and targeting younger drivers.

THE ADVERTISER'S RESPONSE

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



The complainant is mistaken in claiming that the driver and passenger are not wearing seatbelts in the motor vehicle being driven in the advertisement. The 'Classic' car is fitted with Lap seatbelts, rather than the lap/sash seatbelts fitted in modern cars, in accordance with the applicable Road laws in Australia. Both the driver and passenger were at all relevant times wearing the seatbelts in accordance with the law. In the attached photographs the seatbelts can clearly be seen. In the first photograph, a still from the advertisement video, the driver can clearly be seen wearing the seat belt.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a person driving a vehicle that does not have seatbelts.

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

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the advertiser's response that the vehicle does have lap seatbelts that the driver and passenger are wearing. The Panel considered that vehicles such as the one depicted in the advertisement typically do have lap seatbelts.

The Panel noted that the seatbelts are difficult to see however considered that this does not mean they did not exist. The Panel considered that the seatbelts are not visible on the back seat during the advertisement however considered it likely that they are tucked away for the aesthetics of the scene.

The Panel considered that depicting a scene such as this in which the seatbelts are not visible is not promoting or encouraging not wearing a seatbelt.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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