



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0112/18
2	Advertiser	Turnstyles Exhibitions and Events
3	Product	Travel
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/03/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a woman standing through the sunroof of a car with her arms raised. The advertisement promotes the Live Life + Travel Expo.

THE COMPLAINT

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

The car passenger is clearly not wearing a seatbelt. This is dangerous and could potentially be distracting to the driver.

Woman standing up in a car with her top half of her body through the sunroof and her arms stretched out without a seat belt on while car is traveling down a public road.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

The TVC was produced to promote the 2018 Advertiser Sunday Mail Live Life & Travel Expo held at the Adelaide Convention Centre on 3-4 February 2018.

Vision of a senior lady enjoying a ride through Europe in a small vintage car was purchased from Shutterstock with operatic music Bizet-Habanera (from Carmen) purchased from Premium Beat created to represent a dream like holiday scene for a retiree.

adventure, auto, background, beautiful, car, dress, drive, family, freedom, friends, fun, happiness, happy, hat, holiday, journey, leisure, lifestyle, nature, old, oldtimer, outdoors, people, person, polkadot, red, retro, road, roof, scarf, sky, small, straw, thatched, tourism, travel, trip, vacation, vehicle, vintage, woman, yugo, zastava

The intention of the ad was to express a sense of freedom. Our intention was certainly not to encourage or promote dangerous driving and believed there were no issues as CAD approval had been provided. The advertising campaign has now concluded.

Please find attached correspondence from MCN to our agency regarding this complaint.

I trust this information assists with your enquiry. Should you require further information please do not hesitate to contact me.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainants’ concern that the advertisement depicted material contrary to messages about road safety.

The Panel reviewed the advertisement and noted the advertiser’s response.

The Panel 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 Panel noted the television advertisement depicts a woman standing through the sunroof of a car with her arms raised. The advertisement promotes the Live Life + Travel Expo.

The Panel acknowledged that road safety is an issue of significant community concern



and that it is important that advertisements don't portray material which is contrary to road safety messages.

The Panel noted it had previously considered a similar issue in case 0564/16, in which:

"The Board noted the complainant's concerns over the depiction of a person hanging out of the sunroof while the car was in motion and therefore no seatbelt being worn. The Board noted that in all driving scenes where the passengers are seated the seatbelts are all being worn correctly. The Board noted the scene where a passenger is standing up through the sunroof and considered that it is clear a seatbelt is not being worn by this passenger. The Board noted Section 268 (3) of the Australian Road Rules (February 2012 version) which provides: "

"A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal..." The Board noted that 'window' is defined in the Dictionary section of the Australian Road Rules as: "window, in relation to a vehicle, includes any sunroof fitted to the vehicle."

The Board considered that the scene showing a person standing up in a moving vehicle with part of their body outside of the vehicle is clearly contrary to the Australian Road Rules and is therefore a breach of prevailing community standards on health and safety around traveling in a moving motor vehicle....The Board determined that the advertisement did breach Section 2.6 of the Code."

The Panel noted in the current advertisement the woman was shown standing in a vehicle, not leaning out a window. The Panel considered that the woman is clearly shown standing up through the sun roof with her upper body outside the vehicle and this is a depiction which is contrary to Australian Road Rules and is therefore a breach of prevailing community standards on health and safety around traveling in a moving motor vehicle.

The Panel determined this advertisement did breach section 2.6 of the Code and the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

As detailed in our response to Ad Standards Australia our campaign concluded on Sunday 4 February 2018.

