



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0125-21</b>
<b>2. Advertiser :</b>	<b>LDV Automotive</b>
<b>3. Product :</b>	<b>Vehicle</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>26-May-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(a) Unsafe driving  
FCAI Motor Vehicle Advertising Code\2(b) Breaking the speed limit

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features an LDV ute driving through various off-road scenarios including an old quarry, a paddock and an unsealed private road until it reaches the property's front gate, through which it's driven to get into town. Once the vehicle arrives in town, a siren is heard and the vehicle pulls over, at which time police cars drive past. The driver breathes a sigh of relief. The voice over explains the action – "A deal so good, you'll feel like you are getting away with something".

### THE COMPLAINT

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

*LDV Ute driving at high speed on dirt roads. Implies that driver has just out run and evaded police. It's glorifying a criminal act, evading police. Given how often police vehicles are damaged due to cars being rammed, the obvious dangers of police pursuits I think the content is shocking.*



## THE ADVERTISER'S RESPONSE

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

*We refer to the above complaint received by the Advertising Standards Board in connection with our 15 second television advertisement of the LDV run out sale, featuring the T60 4x4 Diesel Auto model.*

*Ateco Automotive Pty Ltd (trading as LDV Automotive) takes its responsibility as an advertiser very seriously and makes extensive efforts to understand and respond appropriately to community concerns and issues, including by having in place stringent review and approval processes.*

*We would also like to emphasise that LDV Automotive takes extremely seriously its commitment to the AANA Code of Ethics ("AANA Code") and the FCAI Voluntary Code of Practice for Motor Vehicle Advertising ("FCAI Code") and is fully aware of the potential impact of its advertising on the community as a whole. Accordingly, all of our advertising, including the Advertisement, are carefully reviewed prior to publication, including by being reviewed and approved by legal counsel.*

*LDV Automotive does not encourage anyone to drive in a reckless and/or unsafe manner, in excess of any applicable speed limits, or in any way which violates any road or driving related laws. Accordingly, we respectfully disagree with the complainant's characterisation of the Advertisement.*

*The LDV T60 Ute is an off-road vehicle with 5 seats and both high and low range four-wheel drive. It meets 4 out of 5 of the following requirements of the definition in the Australian Design Rules (MC category) and as such the key criteria for off road status are met.*

- i. Approach angle of not less than 28 degrees – the T60 has an approach angle of 27 degrees so does not meet this requirement.*
- ii. Breakover Angle of not less than 14 degrees – the T60 has a breakover angle of 21.3 degrees so meets this requirement.*
- iii. Departure Angle of not less than 20 degrees – the T60 has a departure angle of 24.2 degrees so meets this requirement.*
- iv. Running Clearance of not less than 200mm – the T60 has a running clearance of 215mm so meets this requirement.*
- v. Front Axle Clearance, Rear Axle Clearance or Suspension Clearance of not less than 175mm each – the T60 has a front axle, rear axle and suspension clearance of 220mm or over so meets this requirement.*

*The Advertisement depicts the capability and performance of an off-road vehicle traveling over loose, unsealed surfaces and uneven terrain in a safe, controlled manner and in all scenes used in the Advertisement was driven at a maximum of 50km/h. The vehicle was also driven on a sealed road but again at speed no greater than 50km/h and in a safe and controlled manner.*



*It is also worth noting, that in keeping with our commitment to respect road and driving laws, a disclaimer of 'Filmed under controlled conditions' was included in the Advertisement, albeit in that its inclusion was not strictly speaking required.*

*In answer to the specific questions raised on page 2 of your letter we offer the following:*

- 1. In both off-road and on-road scenarios the driving conformed to all road safety regulations including:
  - a. Seat belts were worn*
  - b. Speed limits were adhered to*
  - c. The driver was always in control of the vehicle*
  - d. Indicators were used*
  - e. As soon as the sirens were heard the vehicle pulled over to the side of the road**
- 2. We can confirm that the vehicle was driven at a maximum of 50km/h in all scenes used in the ad.*
- 3. A filming permit was obtained from the council, and local police were notified, so we could film on the public road location. It was not necessary to obtain any other special permissions / permits to undertake filming of any driving sequences as we did not drive in any way contrary to the road rules.*

*Further, we reiterate that at no stage was there any depiction or portrayal of excessive speed in the Advertisement. There is no indication of the speed that the vehicle is driving at or of the speed limits of the roads that the vehicle is driving on (e.g. there is no footage of a speedometer reading or reference to any speed limit being exceeded).*

*Accordingly, the Advertisement does not depict excessive speeding in contravention of clause 2(b) of the FCAI Code, nor does it portray any driving practices or other actions that would breach any applicable laws or regulations in contravention of clause 2(a) or 2(c) of the FCAI Code.*

*For the above reasons, we submit that the Advertisement is not in breach of the AANA Code or the FCAI Code. If you require any further assistance or information please do not hesitate to contact us.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel noted the complainant's concern that the advertisement depicts a vehicle driving at high speed and glorifies criminal behaviour.

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



### **Is this an advertisement for a motor vehicle?**

The Panel considered whether the advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Panel determined that the LDV vehicle depicted as a Motor Vehicles as defined in the FCAI Code.

The Panel determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

**Clause 2(a): Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.**

The Panel noted the complainant's concern that the advertisement shows a person driving at high speeds on dirt roads.

The Panel noted the advertiser's response that the vehicle did not exceed 50km/h.

The Panel noted that dust can be stirred up when driving on dirt roads at low speeds, and considered that there is no suggestion that the vehicle is exceeding speed limits or driving at a speed that is unsafe.

The Panel noted the complainant's concern that the advertisement promotes evading police.

The Panel considered that while the advertisement mentions "you'll feel like you are getting away with something" there is no suggestion that the driver has been involved in a police chase or that he has committed a crime. The Panel considered this phrase is clearly in relation to getting away with a low price.

The Panel noted that the advertisement shows the driver pulling over in clear view of police cars and that the police cars pass him, and considered that it is clear this was not a police chase scenario.

The Panel considered that promoting a feeling of getting away with something was not within the provisions of the FCAI Code.

### **Clause 2(a) conclusion**

The Panel determined that the advertisement did not breach Clause 2 (a) of the FCAI Code.



**Clause 2(b) Advertisers should ensure that advertisements for motor vehicles do not portray people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.**

Consistent with the discussion under Clause 2(a), the Panel considered that there is no indication the vehicle is driving at speeds in excess of speed limits in Australia.

**Clause 2 (b) conclusion**

The Panel determined that the advertisement did not breach Clause 2 (b) of the FCAI Code.

**Conclusion**

Finding that the advertisement did not breach any other section of the FCAI Code the Panel dismissed the complaint.