



Case Report

1	Case Number	0129/16
2	Advertiser	Isuzu UTE Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

To highlight the towing prowess of the Isuzu D-MAX this television advertisement shows a boat being towed by an Isuzu D-MAX and then being reversed down a boat ramp. We then see the boat driver cruise out to open water and accelerate. We then cut to montage footage of the Isuzu D-MAX in a variety of off and on road scenarios.

THE COMPLAINT

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

In the ad they show no regard for safety whilst driving a boat close to the shore. In my opinion it sends the wrong message to boat owners.

THE ADVERTISER'S RESPONSE

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

The advertisement in question depicts an Isuzu D-MAX towing a boat along a sealed road, and then reversing down a boat ramp. The Isuzu D-MAX in the advertisement is a four-wheel drive with seating for five adults. The Advertisement also depicts the four-wheel drive variant of the Isuzu D-MAX being driven in various on and off-road settings. The primary purpose of

the Advertisement is to establish the versatility and durability of the vehicle, its towing capabilities and that the vehicle allows you to get away from it all. This is illustrated several ways and all due care was taken to ensure health and safety during the filming of the Advertisement.

Isuzu UTE Australia acknowledges that the Advertisement must comply with the Federal Chamber of Automotive Industries Code of Practice Relating to Advertising for Motor Vehicles (FCAI Code) and the Australian Association of National Advertisers Code of Ethics (AANA Code of Ethics).

Section 2.6 of the AANA Code of Ethics states “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

Isuzu UTE Australia takes its health and safety responsibilities seriously. In particular we take deep and careful consideration of all health and safety aspects of the driving and boating activities we are depicting as well as the safety and welfare of the cast and crew during the filming of our commercials.

In order to ensure we meet the required health and safety standards, this advertisement, as is mandatory on all our TVC shoots, was filmed under the supervision of a Occupational Health and Safety Officer and no health and safety concerns were raised by the Officer during the filming process.

We ensured that the speed of the vehicles in the TVC during these scenes was not excessive or unsafe, and was deemed safe at all times by the Occupational Health and Safety Officer. Specifically, in relation to the boat scene depicted in the commercial, all water way rules, speed limits and regulations were followed during the filming of the commercial. We ensured that there were no people in the water whilst filming and only filmed when there were no other boats in the vicinity. We believe we considered all health and safety aspects and the commercial does not represent any unsafe or careless behaviour.

In order to demonstrate the capabilities of the vehicle, Isuzu UTE Australia showed the vehicle in on-road and off-road scenarios and towing a boat. Isuzu UTE Australia takes its environmental responsibilities seriously, and as such it has demonstrated the inherent capabilities of the vehicle in a responsible manner. At all times the vehicle and boat were driven in a safe manner at safe speeds within the legally prescribed speed limits of the various locations. The driver was in complete control at all times, and the environment is not being degraded or altered by the vehicle in these sequences.

The Advertisement does not portray or display unsafe or illegal driving of the vehicle or boat. The Advertisement’s purpose is, in part, to emphasise the vehicles towing and off road driving ability. The Advertisement therefore contains legitimate depictions of the vehicle’s ability to tow a boat on roads and to reverse the boat down the boat. The advertisement, when viewed objectively by a reasonable member of the audience, would not be taken to depict unsafe driving or driving beyond the speed limit of a motor vehicle or boat and does not portray deliberate and significant environmental damage. As supported by the CAD rating, the view of Isuzu UTE Australia is that the Advertisement is compliant with the FCAI Code and AANA Code of Ethics in all respects.

Isuzu UTE Australia submits that the Complaint should be dismissed.

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 concerns that the advertisement depicts a boat being driven close to shore with no regards to 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 opens on an Isuzu towing a boat and then reversing down a boat ramp and then we see the boat being driven.

The Board noted that when the boat initially makes its way to open water from the ramp it is traveling very slowly and considered that in this scene the boat appears to be driven in accordance with safe boating practices and there is no suggestion of unsafe behaviour.

The Board noted that the boat is shown to speed up when clear of the boat ramp and considered that the sound of the engine and the visuals of the wash made by the boat accelerating do give an impression of speed. The Board noted that we do not see the actual speed the boat is traveling at and considered that there is a perception of sudden acceleration but as there are no visible indicators of a maritime speed limit this acceleration is not of itself a breach of Prevailing Community Standards. The Board noted the complainant’s concern that the boat is driven too close to shore and considered that although a family are shown on the shore line watching as the boat accelerates the Board considered that the camera angle means it is difficult to judge how close the boat actually is to the shore. The Board noted there are lots of boats in the area and considered that given the fleeting nature of the scene showing the boat accelerating in open water in the Board’s view there is not sufficient evidence of the boat driving too close to shore or where maritime speed limits are posted. The Board noted the advertiser’s response that all water way rules, speed limits and regulations were adhered to during filming.

The Board acknowledged the complainant’s concerns and noted the advertiser’s response that the boat scenes were all filmed in accordance with the relevant rules. The Board expressed concern that advertisers should take care not to give a perception of behaviour which could be in breach of those rules. The Board noted that no passengers or spectators were in any apparent danger during the brief scene showing the boat on water and considered that overall the advertisement would not encourage other boat drivers to behave in an unsafe manner.

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

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.