



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0135/12</b>
<b>2</b>	<b>Advertiser</b>	<b>BCF</b>
<b>3</b>	<b>Product</b>	<b>Leisure &amp; Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/04/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Two men admire each other's camping chairs and then we see various outdoor scenes such as fishing, camping, driving on a beach and a scene where a four wheel drive vehicle is towing a caravan through some water.

### THE COMPLAINT

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

*There is a short scene where they show a 4 wheel drive which is towing a caravan traversing fast flowing water. The same channel and other free to air channels are at the moment in Queensland advertising that this is unsafe via community service announcements even in the same time slot.*

### THE ADVERTISER'S RESPONSE

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

*In regard to advertising complaint reference 0135/12, BCF Australia expresses the wish to respond to the complaint raised under Section 2 of the AANA Advertiser Code of Ethics for review by the Advertising Standards Board.*

*BCF Australia has taken the liberty to interpret the above complaint in order to correctly respond to the advertisement of concern.*

*The specific section of the advertisement whereby a well equipped four-wheel drive, towing a similarly well equipped caravan across a barrage in Northern Australia is suggested to be the scene under review.*

*To dissect this scene in some detail, a number of elements are in play that clearly do not support any depiction of reckless driving or dangerous behavior.*

*1) The depth of the water is suggested to be in no way dangerous and is suggested to be between 15-30cm deep. In this case it a highly modified four wheel drive would have a fording depth of approximately 70cm, well within the safe operating limits of the vehicle*

*2) The current of the water is suggested in the complaint to be fast flowing. This claim is disputed as the water has minimal flow and is well within an acceptable risk level for vehicles and drivers of all abilities.*

*3) The road depicted in the scene is a typical Northern Australia road that is used by vehicles of all types in similar conditions. While there is no disputing that any road with water covering it should be handled with caution, this particular scenario, on major road, was not closed by authorities, was in the dry season, and was in a very useable and typical state or repair.*

*BCF suggests that the advertisement is inline within the AANA code of ethics as it is expected that the campaign is in line with community and Government standards that a reasonable person would not have grounds for complaint as it does not display any notion of negligent driving*

## **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 depicts a four wheel drive vehicle towing a caravan through fast flowing water.

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 that in the scene where the car tows a caravan through water the water is still and barely reaches the wheel rims of the vehicles. Whilst the Board noted the importance of the community service announcements regarding the potential dangers of driving through fast flowing and/or deep water, the Board considered that in this instance the water is clearly safe to drive through and the advertisement is not encouraging or condoning

any driving practices which would be considered to be contrary to prevailing community standards on safety in flood situations.

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.