



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0145/15</b>
<b>2</b>	<b>Advertiser</b>	<b>AAMI</b>
<b>3</b>	<b>Product</b>	<b>Automotive</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>29/04/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

A man teases his male colleague over the course of a working day by holding up his mobile phone to show that he has scored 60 points on the AAMI safe driving app. He appears where his colleague least expects it - in a drawer, pretending to be a female colleague and during a board meeting. At the end of the advertisement he drives alongside his colleague, keeping pace with him as he walks through the car park. He holds up his phone again and then stalls his car and we see that the car has run out of fuel.

## THE COMPLAINT

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

*Whilst this ad attempts to promote safe driving, the commercial ends with the supposed safe driver committing at least two, possible three formal driving offences whilst driving in the car park: 1) One hand on the steering wheel and the other arm resting on the car door, with elbow protruding from vehicle, 2) Unsafely driving without looking ahead, instead watching his friend walk beside the car, 3) Allowing a vehicle to run out of fuel on a public road.*

## THE ADVERTISER'S RESPONSE

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

*We would like to address some of the concerns and provide commentary relating to our advertising approach and the specific claims raised against Section 2.6 of the AANA Advertiser Code of Ethics.*

*Recently there was concern expressed over our recent 'Smooth' ad. The 'Smooth' ad was created to promote the AAMI Safe Driver App™, and the fact that customers who achieve a score of 60 or more through the app are entitled to free AAMI Roadside Assist upon renewal of their new comprehensive car insurance policy. To bring this to life, our ad focused on our two protagonists Neil and Gaz continuing their simmering competition over who has the highest score on the AAMI Safe Driver App™. In the ad, Gaz has a score of 60 and is therefore entitled to free Roadside Assist. He taunts Neil with this fact by playing his "smooth" song and bragging about his score. He pops up several times over the course of a work day reminding Neil of his score and playing his song. The end of the ad sees Neil walking through the office car park at the end of the day, the all too familiar song is heard as Gaz slowly drives past him in the car park, only to run out of fuel and require the assist of AAMI.*

*The complaints raised are addressed as follows:*

#### *1. One hand on the steering wheel*

*In this scene, the car is travelling less than 1 km/per hour, Gaz has one hand on the wheel as he very slowly moves through the car park. It is not illegal to drive with one hand on the wheel, and while we recognise that driving with two hands is the preferred practice, in this particular scenario given the extremely low speed of the car, the private car park and the controlled nature of the shoot – we felt that it did not depict unsafe behaviour to the public. The Road Transport and Maritime Authority specifies that drivers must have one hand on the steering wheel at all times – which our ad is compliant with.*

*In regards to the protruding elbow, there are several scenes in this spot that show Gaz's elbow. The first one, at 0.20 into the ad, his elbow is seen through the window, but at this point it is not protruding from the car. In the second scene, (at 0.22) the tight shot of Gaz behind the wheel does show a slightly protruding elbow, but this happens at the exact moment that the car runs out of fuel and the car is in fact, stationary. The third and final scene in the ad has the car stationary in the car park and Gaz resting his elbow on the window, however, in line with the comment above, the car is stationary. As mentioned throughout this response, these scenes are clearly depicted in a private car park, with a car driving less than 1km/hr, so the overall impression of the ad is not one that would encourage or promote unsafe driving practices.*

#### *2. Driving without looking ahead*

*As previously noted, the car is travelling less than 1km/per hour – almost stationary, and Gaz briefly looks at Neil to see if he is getting a reaction, before immediately turning back to the car to realise that he is out of petrol. This was filmed in a private car park and was a*

*controlled situation where the car was barely moving. It is also recommended by Road Traffic Authorities across Australia that low-risk driving involves observational scanning – which means the driver must keep their eyes moving – from the left to the right, to mirrors and instruments, to the road surface and into the distance – therefore keeping your view in one position (straight ahead) is not preferred practice.*

### *3. Allowing a vehicle to run out of fuel on a public road*

*This scene does not take place on a public road, it is set in a private car park, and depicts Gaz driving through the car park at the end of a work day. Secondly, running out of fuel is one of the most common requests for Roadside Assistance – and was therefore the most appropriate scenario to depict to showcase our Roadside Assist service.*

Sources: <http://www.rms.nsw.gov.au/roads/safety-rules/safe-driving/low-risk-driving.html>

<http://www.rms.nsw.gov.au/roads/safety-rules/safe-driving/basic-driving-techniques.html>

<http://www.rms.nsw.gov.au/roads/licence/health/fit-to-drive.html>

## **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 features a man driving a car and committing driving offences.

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 advertisement features a man taunting his male colleague over the course of a working day by holding up his mobile phone to show that he has scored 60 points on the AAMI safe driving app. At the end of the advertisement he drives alongside his colleague, keeping pace with him as he walks through the car park. He eventually stalls his car as it has run out of petrol.

The Board noted that the advertisement is an extension of the existing campaign showing the same men competing to achieve the best result on the safe driving app.

The Board noted that the advertisement shows behaviour in the office that is light hearted and intended to be a humorous scenario between work colleagues who are rivals in relation to the safe driving app.

The Board noted that the final scene shows one man driving alongside the other who is walking through a car park. The Board noted the complainant’s concern that the actions of the man driving the car are illegal.

The Board noted the specific actions mentioned by the complainant.

1) One hand on the steering wheel and the other arm resting on the car door, with elbow protruding from vehicle.

The Board noted that in this scene the man has only one hand on the steering wheel. The Board noted the Australian Road Rules (February 2012) provide that “A driver must not drive a vehicle unless the driver has proper control of the vehicle”. The Board noted that the driver in the advertisement appears to be in full control of the vehicle at all times and considered

that although the man has only one hand on the wheel there is no suggestion that he is not aware of his surroundings and in the Board's view his driving appears safe and controlled. The Board noted the driver's arm resting on the ledge of the open window. The Board noted the vehicle is moving at a very slow pace through the carpark as it moves alongside the friend that is walking. The Board noted that the driver's elbow is protruding slightly through the car window but that the vehicle comes stops moments after and the driver appears to be in full control of the vehicle at all times.

2) Unsafely driving without looking ahead, instead watching his friend walk beside the car. In addition to the consideration above, the Board agreed that the driver is clearly aware of his surroundings and is conscious both of the position of his friend as well as the conditions he is driving in. The Board noted that the driver does look from the road to his friend and back which is in keeping with responsible and safe driving actions ensuring that he is aware of his surroundings at all times.

3) Allowing a vehicle to run out of fuel on a public road.

The Board noted the advertiser's response that the vehicle is driving within a private carpark and the Board agreed that this was evident in the advertisement. The Board considered that the vehicle running out of petrol in the car park adds a lighthearted element to the rivalry between the friends and that most members of the community would not view this scenario as dangerous or deliberate.

The Board noted the overall theme of the advertisement of two drivers competing against one another. The Board noted that there is significant community concern regarding road related offences but considered that in the context of the overall call to action for safe driving the advertisement does not depict driving behaviour which is contrary to Prevailing Community Standards.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.