



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0156/19
2	Advertiser	Aston Martin
3	Product	Vehicle
4	Type of Advertisement / media	Print
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

The ad in question (AFR print front page of 16 May 2019) shows a red Aston Martin Vantage driving on a wet road in the countryside. The photo is shot from the rear three quarters angle. It is for a free on roads offer (covering stamp duty, CTP, registration and dealer delivery) for new Vantage MY19/19.5 available 01.05.19 to 30.06.19.

THE COMPLAINT

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

The advertisemeent breaches:

2. GENERAL PROVISIONS

Advertisers should ensure that advertisements for motor vehicles do not portray any of the following:

(a) Unsafe driving, including reckless and 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.

[Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]

AND

(c) Driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation.

THE ADVERTISER'S RESPONSE

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

The complainant submits that the Aston Martin Vantage car in the ad is doing a wheelspin (burning rubber).

We submit that the car in question is in fact driving on a wet road in the countryside, and there is water splashing up from the road to the tyres and the rear of the car. The car is in motion / driving - not doing a wheelspin and is being driven in a safe and legal manner - within the law and speed limit. No special permit was required for the photoshoot.

The print ad queried was national for AFR - so published throughout Australia. The same image has also been used in online banners on AFR / and then for Google Display Network retargeting/remarketing.

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).

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

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 Aston Martin Vantage was a Motor Vehicle 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.

The Panel noted that this print advertisement shows a red Aston Martin Vantage driving on a road in the countryside.

The Panel noted the complainant's concern that the advertisement makes it look as though the Astron Martin is doing a wheelspin (burning rubber).

The Panel then analysed specific sections of the FCAI Code and their application to the advertisement.

The Panel considered clause 2(a) of the FCAI Code. Clause 2(a) requires that: '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 examples given in the FCAI Code include: 'Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle...or the apparent and deliberate loss of control of a moving motor vehicle.'

The Panel considered that the advertisement depicts the vehicle driving on a wet road, and the complainant's impression of a wheelspin is in fact the spray caused by the vehicle driving on a wet road and water splashing up from the road. The Panel considered that the complainant's interpretation of the advertisement is unlikely to be shared by most members of the community.

The Panel considered that the advertisement did not portray unsafe driving which would breach the law if it were to take place on a road or road-related area.

Finding that the advertisement did not breach Cause 2(a) of the FCAI Code or any other section of the FCAI Code, the Panel dismissed the complaint.

