



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6262 9822 | Fax: (02) 6262 9833
www.adstandards.com.au

Case Report

1	Case Number	0168/12
2	Advertiser	Coles
3	Product	Retail
4	Type of Advertisement / media	TV
5	Date of Determination	23/05/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

In the advertisement the comedian Dawn French is being driven around in a car and announcing through a megaphone to various people on the street to stop everything because the all new flybuis is being delivered to mailboxes throughout Australia, and that people should "get it, open it, and activate it". Dawn is sat on the middle back seat of the car.

THE COMPLAINT

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

The lady in the back of the moving vehicle is not wearing a seatbelt and as such the image contravenes road safety laws in all Australian states.

It also presents an image which negates and clearly is dismissive of many decades of concerted and successful endeavour to re-in force the essential safety message of the importance of wearing seatbelts.

Dawn is seen in the advert not wearing a seat belt!

I think it is important that people travelling in cars and/or vans wear seat belts and this ad shows someone not wearing a seatbelt.

THE ADVERTISER'S RESPONSE

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

Coles notes the complainant's concern is that Dawn French is seen in the advert not wearing a seat belt. We therefore assume that the complainant believes the advertisement is in contravention of section 2.6 of the AANA Advertiser Code of Ethics which requires that an advertisement shall not depict material contrary to Prevailing Community Standards on health and safety.

We are pleased to advise that Dawn French was wearing a seat belt at all relevant times while seated in the car during the filming of this advertisement. The vehicle featured in the advertisement only provided a lap seat belt for the rear centre occupant, and the view of the seatbelt is either out of shot or obscured by the presence of a large number of flybys envelopes throughout the entire advertisement. We are able to provide a still photograph that was taken during the shoot which evidences the fact that Dawn French was wearing the lap seatbelt.

Coles is satisfied that its advertisement is not in breach of the AANA Advertiser Code of Ethics, and I trust that the attached information addresses any concerns the Advertising Standards Bureau may have in relation to this complaint.

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 complainants’ concerns that the advertisement depicts the passenger of a moving car not wearing a seatbelt.

The Board viewed 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 the advertisement features Dawn French delivering Coles’ Flyby envelopes and in some scenes she is positioned in the middle back seat of a car surrounded by lots of these envelopes.

The Board noted the advertiser’s response that Dawn was wearing a lap belt whilst in the car and that the advertiser had provided a still image which clearly showed the seatbelt.

The Board noted that although the seatbelt is not visible during the advertisement, in the Board’s view most members of the community would know that the middle seat in the back of most cars has a lap belt. The Board considered that most members of the community would consider it likely that Dawn is wearing a seatbelt even though it is obscured by the pile

of envelopes she is delivering. In the Board's view the advertisement does not depict, encourage or condone the practice of not wearing a seatbelt and does not present material contrary to prevailing community standards.

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.