



Case Report

1	Case Number	0170/17
2	Advertiser	Red Bull Aust Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	26/04/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A satellite navigation system is heard navigating a route and then yawns. The driver then questions how the satellite navigation can be tired when she's not a human being. The satellite navigation explains that she wasn't able to stop for a Red Bull like the passenger. So it's true, Red Bull gives you wings.

THE COMPLAINT

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

I believe this ad is promoting the use of energy drinks over safe driving practices. Driving while tired is incredibly dangerous to the whole community and an energy drink is not sufficient to keep suitable awareness and reaction times after 7 hours of driving. The ad is suggesting the opposite and this is a very irresponsible and dangerous message.

The ad implies that if you consume Red Bull, you can drive for 7 hours straight. This goes against all the police community messages about Stop & Revive every 2 hours. Particularly poor timing given that it is broadcast during the school holiday period.

Given the statistics on tired drivers causing many fatalities and this advert appearing just

before Easter when many would be road tripping for a holiday. I find this advert irresponsible and dangerous to elude that consuming and energy drink would somehow enable a driver to ignore the advice of experts in taking regular breaks and that somehow they would be enabled to drive continually without the risk of falling asleep or causing a life threatening accident by the consumption of a beverage. It is reckless and potentially fatal to air this advertisement in the hopes that consumers can identify that the content of the ad is not accurate.

As this contravenes the NSW government's safe driving message of, 'Stop, Revive, Survive every 2 hours' it should not be aired again as it implies that you don't have to have a break if you have a highly caffeinated energy drink.

This poses an extreme risk if drivers take this add literally and drink red bull and don't stop frequently on a long drive.

Every day we hear of car accidents and fatalities where fatigue is a factor. The Queensland police and road safety messages have been asking drivers for years to stop every 2hours, to not drive tired, to take regular breaks and it is well recognised that fatigue is a leading cause of serious and fatal car accidents. I find it unacceptable and absolutely dangerous that Red Bull would even consider promoting that a driver has driven for 7hours, with 1 stop for Red Bull. This is so damaging to all the work by Queensland Police and road safety advocates reduce the fatalities on our roads.

I am making the complaint because we are heading into the Easter weekend and I think it is very irresponsible for the brand Red Bull to be advocating drinking it's product in order to be able to drive "7 hours" straight. I am incredibly surprised that no-one involved in the production of the advert raised this fact. To make matters even worse, later in the same advert break there was an ad for Transport NSW reminding drivers to take a break when driving long distances. "Not Drunk. Not Speeding. Just Tired." When I heard this, it made the Red Bull ad sound even more offensive to me! I have heard the ad a few more times during the day and the more I heard it the more offensive and stupid it became.

Completely irresponsible- Red Bull need to check the road deaths tally and then listen to the Government advertising advised fatigue is the biggest killer on our roads

THE ADVERTISER'S RESPONSE

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

Re: Complaint reference numbers: 0170/17 and 0175/17

In this particular radio advertisement, a car satellite navigation system takes on a human persona when it indicates that it is tired after driving for a period of time. The satellite navigation system states that it is not able to stop and have a Red Bull like the driver and it is implied that the satellite navigation system is "tired". The irreverence being that a robot cannot actually be tired.

This advertisement intends to promote Red Bull in a spirited, fresh and cheeky way, portraying a story that is targeted towards drivers, who are an adult audience with licensed responsibility to operate vehicles. To any reasonable person, it is clear that the

anthropomorphic car satellite system is imaginary. A reasonable person would clearly conclude that the advertisement is not to be taken literally as a car satellite navigation system could not actually be tired.

Red Bull Australia has reviewed the AANA Code of Ethics as requested and does not believe that this advertisement breaches any of the codes. Red Bull Australia provides the following responses specifically to Section 2.0 of the AANA Code of Ethics as requested;

Section 2.1 – not relevant as the particulars of Section 2.1 are not referenced in the advertisement

Section 2.2 – not relevant as the particulars of Section 2.2 are not referenced in the advertisement

Section 2.3 – not relevant as the particulars of Section 2.3 are not referenced in the advertisement

Section 2.4 – not relevant as the particulars of Section 2.4 are not referenced in the advertisement

Section 2.5 – not relevant as the particulars of Section 2.5 are not referenced in the advertisement

Section 2.6 – the advertisement is in line with prevailing community standards on health and safety as it does not promote, infer, or imply behaviour that is anathema to prevailing community standards on health and safety.

Furthermore, the advertisement does not breach community expectations in relation to road safety messaging, for the following reasons:

- The advertisement does not promote driving without stopping, in fact it encourages it;*
- The satellite navigation system states that the driver has stopped to have a Red Bull, this is in line with responsible road safety messaging;*
- Furthermore, the intent and purpose of the advertisement is to encourage consumers to “stop on the way”. This also aligns with responsible road safety messaging;*
- A reasonable person would not conclude, prima facie, that the driver has only stopped once. It is reasonable for the reference to stopping to refer to several stops, which aligns with road safety messaging;*
- The satellite navigation system refers to “driving for 7 hours”, which the human character expresses disagreement with. This is intended to be interpreted humorously to infer that the car satellite navigation system is mistaken – which is incongruous as it is a robot. This is further reinforced by the human character stating “You aren’t a real human being, or are you?”;*
- The reference to “driving for 7 hours” can be interpreted as puffery inferring that the length of time is not accurate i.e “the car has been driving for ever and ever”.*

Moreover, the absurdist implication that a car satellite navigation is tired reinforces road safety messages as it reminds consumers that a break is required, which in fact the human character in the advertisement has done.

As a food and beverage product, Red Bull Australia can confirm that this advertisement is not directed at children as it references a person of driving age, and the advertisement is not aired during radio shows directed at children.

Finally, as a responsible corporate citizen that takes its ethical and moral obligations

seriously Red Bull Australia has, without prejudice to the above proceedings, voluntarily decided to immediately cease broadcasting the aforementioned advertisement to ensure that there is not even the smallest risk of further offence.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants concerns that the advertisement encourages unsafe behaviour by suggesting it is ok to drive for 7 hours without a break.

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 this radio advertisement features the voice of an in car GPS navigation system giving the driver instructions to reach his destination. The voiceover yawns and the conversation between the two refers to the fact that the navigation system has not had a break (unlike the driver) who stopped for a red bull.

The Board noted the complainants concerns that the advertisement promotes the consumption of energy drinks ie: red bull as a means of overcoming driver fatigue rather than a rest stop.

The Board noted the Queensland Government website that encourages drivers to take a break every 2 hours <https://www.qld.gov.au/transport/safety/holiday-travel/stops/reviver/index.html>

The Board noted that the advertisement is intended to give the impression of a long road trip. The Board noted that the interaction between the driver and the GPS is light hearted and noted that when the GPS states that she is tired because they have been driving for seven (7) hours the driver is surprised at how long it has been.

The Board noted that the GPS does clarify that she is tired compared to the driver because he has had the chance to have a stop and has consumed a red bull (a caffeinated beverage). The Board noted the NSW government Transport for NSW website suggests that tips to avoid feeling tired when driving includes

“Stop for a coffee if you’re on a short drive, although the effects of caffeine won't help for long and won't work for everyone. Caffeine is not suitable for some people and can be harmful. Limits on the daily consumption of caffeine are recommended.”

<http://roadsafety.transport.nsw.gov.au/stayingsafe/fatigue/tipstoavoiddrivingtired.html>

The Board noted it had considered an advertisement for the product Panadol (0269/15) where 2 children were seen bouncing on a trampoline at the same time. In that case the Board noted “that its role as a community Board is to make decisions in-line with community standards. The Board noted the ACCC safety advice but considered that it is common practice for parents to let more than one child use a trampoline at a time and in the current scenario the

children are well supervised and the overall scenario is one which would meet community standards on health and safety.”

Similarly in the current case the Board noted that most members of the community are aware of the general advice regarding driver reviver recommendations to have a break after 2 hours of driving. A minority of the board considered that the advertisement clearly states that driver had had a break and that it was the only the GPS system that hadn't. The Board noted that while it is recommended to stop every 2 hours, in the minority of the Board's view the suggestion of a stop at a 3 or 4 hour break would not be uncommon and the 2 hours might be recommended not yet a community standard.

The view of the majority of the board was that the suggestion of driving for seven hours was strong and that the overall impression was that the consumption of an energy drink was sufficient to overcome driver fatigue. In the Board's view the advertisement was delivering an unsafe message that was against prevailing community standards relating to driver safety and did depict material contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Red Bull Australia is in receipt of the decision of the Board. As stated in our initial response, Red Bull Australia voluntarily ceased broadcasting the aforementioned advertisement immediately following receipt of the original complaint.

We can also confirm that Red Bull Australia is committed to ensuring that this advertisement does not air again in Australia in the future.