



Case Report

1	Case Number	0175/17
2	Advertiser	Red Bull Aust Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet
5	Date of Determination	26/04/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

An advertisement on Spotify where a satellite navigation 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 object to this ad as it encourages unsafe driving practices such as driving for 7 hours straight through use of their product. This advertisement is likely to dissuade drivers from taking government recommended breaks every 2 hours.

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 reviewed 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 advertisement was aired on the Internet – Spotify and 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 rest 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 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 had a break.

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.