



**ADVERTISING  
STANDARDS  
BUREAU**

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# Case Report

<b>1</b>	<b>Case Number</b>	<b>0186/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Ultra Tune Australia</b>
<b>3</b>	<b>Product</b>	<b>Automotive</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/06/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows two girls driving a motor vehicle along a road and drive into a dam. The advertisement then promotes our Ultra Tune Roadside service.

## THE COMPLAINT

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

*Near the end of the advertisement, When the car is towed out, they use the tow ball to pull the car out. This is extremely dangerous, the tow ball is not to be used to pull any vehicle and is a very unsafe act to be seen as common practice. There are documented incidents of people dying because the tow ball with sideways stress smashes through the windscreen of the tow vehicle killing passenger.*

*There are actual tow points further under the vehicle that should have been used. An edit to this commercial is needed immediately.*

## THE ADVERTISER'S RESPONSE

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

*We respond to the complaint as follows:*

- 1. The objective of our advertisement is to promote our Roadside service which is service to Ultra Tune Customers who require towing assistance of their vehicle. The advertisement commercial is deliberately exaggerated and unrealistic in its nature and not in any way a demonstration of how to tow a motor vehicle.*
- 2. At no time during our advertisement do we advocate the public perform their own towing of vehicles. Indeed the primary purpose of the advertisement is to promote our roadside towing service.*
- 3. Public safety is important to Ultra Tune. We emphasize our commitment to safe driving with our public statement in the voiceover.*
- 4. The footage of the towing is less than 1 second with the tow line barely visible.*
- 5. The advertisement has been aired sporadically over the past 18 months. This is the first time that a formal complaint has been lodged concerning the towing of the vehicle.*
- 6. During the filming, it was not possible to tow the vehicle out of the water using the appropriate two connections as they were underwater. The tow bar point was the only practical method at the time.*
- 7. Ultra Tune Roadside uses commercial and professional tow contractors for all roadside service calls. They at all times tow customer vehicles safely and in accordance with industry requirements.*

*We do not believe the commercial breaches Section 2 of the AANA Advertisers Code of Ethics in any way.*

## **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 dangerous behaviour by towing a car out of a body of water by the tow ball and that this would encourage copy cat behaviour.

The Board viewed the advertisement and noted that 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 the advertisement features two girls driving in a car along a country road and admiring a man out jogging. They ignore the instructions of the satnav to turn left and end up driving into a dam. The vehicle is towed out of the water and the voice over says

that Ultra Tune encourages safe driving and goes on to promote Ultra Tune Roadside service. The Board noted the complainant's concern about the unsafe practice of pulling the car out of the water by the tow ball.

The Board noted the advertiser's response that Ultra Tune Roadside uses commercial and professional tow contractors for all roadside service calls and that at all times they tow customer vehicles safely and in accordance with industry requirements.

The Board noted that while this practice is not recommended, for the purposes of the advertisement, it was towed in a manner that was most practical for a vehicle stuck in a body of water. The Board considered that the advertisement is not encouraging unsafe methods of towing and does not breach section 2.6 for this image.

The Board noted it had previously upheld complaints about a similar advertisement for Ultratune (ref: 0214/12) where complainants were concerned about the driving practice shown in the advertisement and the safety concerns around the girls not paying attention to the road.

In the previous advertisement the Board considered that "the intention of the advertisement is to set a scene that is realistic and familiar to drivers across Australia. The Board considered however that the behaviour of the girls trivializes the fact that they are not paying attention to the road and one of the girls is heard to say "not again!" This adds strength to the argument that the girls have possibly been involved in a similar incident and have not learnt or changed their behaviour as a consequence of their actions."

The Board considered that in the current advertisement, the advertisement did not include the reference to "not again" which suggest that the girls were experiencing this accident for the first time and that the lack of attention led to an outcome that was clearly not desirable.

The Board considered that there is a very serious and genuine community concern regarding road safety and issues surrounding negligent driving and that although the advertisement was intended to be humorous, the Board agreed that it is not good practice to make light of a serious matter.

However, in this instance, the Board considered that the behaviour of the woman driving was not encouraging or condoning the practice of driving unsafely and was not contrary to community standards on safe driving and did not breach section 2.6 of the Code.

The Board considered however, that in this instance the advertisement does not depict material contrary to Prevailing Community Standards on health and safety and that it 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 complaints.