



Case Report

1	Case Number	0193/17
2	Advertiser	Ford Motor Co of Aust Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(c) Driving practice that would breach the law

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a stationary Ford Ranger XLT double cab pick-up truck magically transforming into a Ford Ranger FX4 double cab pick-up truck, a new special, limited edition Ranger. Drawing a parallel to the transforming pick-up, the video also depicts a blue heeler dog transforming into a 'fictional' wolf in the rear bed liner of the truck. This video was created using Computer Generated Imagery (CGI) and sets the stationary vehicle within a fictional indoor warehouse environment.

THE COMPLAINT

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

It's illegal to carry dogs in the trays at the backs of utes. It's dangerous and cruel. This ad tries to appeal to tradies whose manliness is encouraged to be measured by the degree to which Aussie machismo can be displayed. Dogs in the backs of utes should not be presented as an essential element supporting that machismo.

THE ADVERTISER'S RESPONSE

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

We have taken the complaint very seriously. We do not believe that the Ranger FX4 Video breaches any part of the FCAI Code, and provide the following comments to support this.

- It is clear from the Ranger FX4 Video that the vehicle remains stationary at all times. Further, at no point does the video depict a human being in or around the vehicle, further supporting that there was no intention to drive away in, or move, the vehicle. As far as Ford is aware, there is no road rule or law against a dog being in a stationary vehicle.*
- Ford takes animal welfare seriously and believes showing a stationary vehicle with a dog in the bed liner of a stationary vehicle does not depict harm to animals. Further, the 'actor' dog used during filming was treated with utmost care, attention and respect.*
- The dog-to-wolf transformation was clearly used to draw the parallel with the XLT-to-FX4 transformation, and not to encourage "Aussie machismo". The design concept of the 2017 Ford Ranger FX4 was to create a "bolder" and limited stock Special Edition truck utilizing the 2017 Ranger XLT Double Cab Pick Up as a foundation vehicle. In parallel, the dog transforms into a fictional wolf as the wolf is a subjectively positioned as a "bolder" breed which is analogous to the Ranger XLT transforming into a Ranger FX4 Special Edition.*

THE DETERMINATION

The Advertising Standards Board (Board) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Advertising for Motor Vehicles Voluntary Code of Practice (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 Board then considered whether that 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 Board determined that the Ford Ranger was a Motor vehicle as defined in the FCAI Code.

The Board determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

The Board noted the complainant's concerns that the advertisement features a dog in the tray of a ute which is illegal, dangerous and cruel.

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

The Board considered clause 2(c) of the FCAI Code. Clause 2(c) requires that: Advertisements for motor vehicles do not portray ...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.

(examples: illegal use of hand-held mobile phones or not wearing seat belts in a moving motor vehicle. Motor cyclists or their passengers not wearing an approved safety helmet, while the motorcycle is in motion]."

The Board noted that this television advertisement depicts a Ford Ranger transforming in to a limited edition Ranger, while the dog standing in the tray transforms at the same time from a blue heeler to a wolf.

The Board noted the advertiser's response that the vehicles depicted in the advertisement are stationary and considered that the rules in each State or Territory are only concerned with the safety and welfare of animals in moving vehicles (for example:
<http://www.rms.nsw.gov.au/roads/safety-rules/road-rules/animals.html>,
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/A/AnimalCaPrA01.pdf>)

The Board noted that the vehicles depicted in the advertisement are clearly in a showroom environment and considered that the lack of driver, or any other person, in the advertisement is strongly suggestive of the car being on show rather than in the process of being driven. The Board noted that the dog in the tray does not appear to be distressed and considered that there was no suggestion that the vehicle had been driven or was about to be driven or that the dog was in any danger.

Based on the above the Board considered that the advertisement does not depict a driving practice that would breach any law and determined that the advertisement did not breach clause 2(c) of the FCAI Code.

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