



Case Report

1	Case Number	0210/12
2	Advertiser	Chrysler Australia Pty Ltd
3	Product	Vehicles
4	Type of Advertisement / media	TV
5	Date of Determination	13/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behavior

DESCRIPTION OF THE ADVERTISEMENT

We see various shots of men at different ages starting with a baby, then a boy snorkelling in his bathtub, a librarian, a man skateboarding in a large concrete pipe and a man watching a sunset.

The voiceover says, "From the day we're born, we're searching...whatever you do, don't stop searching" and then we see the text, "Jeep. Don't hold back" on screen.

THE COMPLAINT

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

Situations shown that I believe dangerous - a young boy (approx. 6yars old) snorkelling in bathtub with no supervision and a male in his 20s finds a large open drain and ends up skateboarding in the drain with no safety equipment.

THE ADVERTISER'S RESPONSE

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

The Complaint refers to scenes within the TVC that The Complainant believes are dangerous. The complaint alleges that a dangerous situation is depicted because the man is skateboarding in a drain with no safety equipment.

The complaint alleges that in showing the boy snorkelling in the bathtub, a dangerous situation is depicted because the boy is not being supervised. In fact, the boy is clearly being supervised because the boy's mother as well as the people filming the advertisement are there with him.

4. AANA Advertiser Code of Ethics (the "AANA Code")

I note that you request a response to the Complaint with reference to Section 2 of the AANA Code. In fact CAPL does not believe the Advertisement breaches any part of Section 2 of the AANA Code. In particular, it is our view that the Advertisement:

(a) does not discriminate or vilify any person or section of the community (section 2.1);

(b) does not employ sexual appeal (section 2.2);

(c) does not portray violence (section 2.3);

(d) does not portray sex, sexuality or nudity with sensitivity to the relevant audience (section 2.4);

(e) does not contain strong or obscene language (section 2.5); and

(f) does not depict material contrary to Prevailing Community Standards on health and safety (section 2.6).

CAPL takes its responsibilities as an importer and distributor of motor vehicles seriously and this extends to CAPL's obligations under the AANA Code. When preparing advertisements including the Advertisement CAPL is conscious of the provisions of the AANA Code.

CAPL believes that the Advertisement was advertising the Jeep Grand Cherokee appropriately, with no intention to undermine the provisions of the AANA Code. As such, CAPL does not believe that the Advertisement breaches the AANA Code and therefore requests that the Complaint be dismissed.

CAPL will endeavour to continue to produce advertisements consistent with the standards as set down by the AANA Code.

Please do not hesitate to contact me if you have any questions or require any further information.

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 concern that the advertisement depicts a young boy snorkeling unsupervised in a bath and a young man skateboarding in a large concrete pipe and that both these depictions are unsafe.

The Board reviewed 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 depiction of the boy snorkeling is filmed as though the boy is being watched by someone and considered that whilst it is not clear that an adult is present in the Board's view most members of the community would consider that this scene does not promote or condone unsafe behaviour.

The Board noted that the skateboarding scene features an adult male and considered that whilst it is not wise behaviour to skateboard in a concrete pipe, and to skate without wearing safety gear such as a helmet and pads, the Board noted that this is common behaviour. The Board considered that as the person was a man (not a teenager or child) the skateboarding scene did not depict behaviour which would be contrary to prevailing community standards on health and safety.

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.