



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0220-22
2. Advertiser :	National Australia Bank Ltd
3. Product :	Finance/Investment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	28-Sep-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a couple approaching a house that's open for inspection. They both agree that it is the one they want. The house then rears up from the ground on a huge pair of legs. It bolts past the couple, through the front garden fence and down the road. The woman says, "Call Sarah!" A classic red Holden Kingswood comes to a stop next to them. The red Holden is seen in pursuit of the running house.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The problem is the car is showed at the start of the advertisement doing a burnout & smoking it's tyres. Considering zero tolerance on join driving & our road toll, advertising a car doing a burn out is crazy. It's only promoting hoon driving. This add should be pulled, as it advertises & promotes hoon & dangerous driving. Thank you.

THE ADVERTISER'S RESPONSE



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

We are sorry to hear that a recent NAB advertisement has caused concern for a member of our community. It is never our intention to cause any discomfort, offence or promote harm with any of our advertisements.

Background and Objectives

The objective of the advertisement is to demonstrate that NAB is committed to supporting our customers in unexpected and uncertain times – especially when money is involved. To live our brand’s purpose and help our customers feel more supported, confident and in control of their money in these moments, our bankers use their understanding and commitment to serve our customers. We serve by expertly guiding them to where they want to be. In this case, figuratively chasing down their dream home.

The advertisement was crafted to depict an imaginary fantasy world – the core idea was intentionally executed dramatically with the prospective buyer’s dream home literally growing legs and running away from the potential buyers. To demonstrate the commitment and experience of the home loan expert character, she is leading them to their goal and chasing their fictional dream home on legs.

The scenario is clearly in the fantastical realm and was executed in a fictional and not realistic manner and is not intended to be taken literally.

Production Elements

Many of the dramatic effects were added to the film using post-production – and the actual filming was conducted in a safe manner with all efforts made to ensure that OH&S and traffic requirements were being met – even though the ad is fantastical in nature. As an example of the attention to detail, this can be demonstrated by Sarah, our home loan expert character, indicating as she turns the corner, complying with road rules and suggestive of her intent to comply with traffic laws.

Importantly and in addition, during the production and filming process, the following items were thoroughly considered and executed.

Filming

The advertisement was filmed under controlled conditions, and we ensured compliance with all road rules. Included in our film crew roster were:

- *Safety Officer*
- *Stunt Co-ordinator*
- *Precision Driver*
- *Traffic Controllers*
- *Nurse*

In the lead-up to filming, a safety checkpoint was undertaken:



- *A complete safety report was commissioned for all aspects of the shooting schedule. It was supplied and approved by the designated insurance company.*
- *Recommendations from the safety report were adhered to throughout the shooting schedule, placing particular attention on the health and safety aspects of all driving-related scenes.*

Areas that were continually monitored during filming were:

- *Road Filming process*
- *The use of tracking and camera vehicles*
- *Public Location access*
- *Precision Car/Driver Action*
- *Vehicles moving on set*

Production areas of interest concerning the H&S protocols were:

- *Traffic Management plans - acknowledged with safety report recommendations instated by production company*
- *Precision driving plans - acknowledged with recommendations instated by production company*
- *Identifiable hazards for driving routes - acknowledged and factored into safe filming protocols on set by production company*
- *Safety on set - acknowledged and factored into safe filming protocols on set by production company*

Code of Ethics are Taken Seriously

NAB takes the AANA Code of Ethics very seriously. In addition to engaging with TBWA (our advertising agency) to ensure the advertisement complied with advertising standards, representatives from NAB (including internal and external legal teams and risk team members) reviewed the advertisement many times before proceeding. As an added layer of mitigation, we also sought pre-advice from Advertising Standards.

Their findings and advice as it pertains to this complaint are quoted below:

"...the inclusion of fantastical elements in the proposed advertisement is not suggestive of normal road use, or a depiction which is likely to encourage unsafe driving.

Overall, although the advertisement does depict driving behaviour which would likely breach road rules and be considered unsafe in everyday behaviour, it is unlikely to be seen as against prevailing community standards on driving safety given the highly fantastical nature of the advertisement."

- CASE NUMBER: 202203-0001 – Ad Standards Copy Advice March 2022

In Conclusion

The advertisement has been live in market for close to six months and has received very positive feedback to date. Our tracking indicates 54% of Australians have already seen it - with this being the only ASB complaint we are aware of.

Based on all the above, our view is that the advertisement is clearly fantastical and does not breach community standards on health and safety.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement depicts a burnout and smoking tyres which promotes dangerous driving.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to Section 2.6 which states:

“Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.”

The Panel noted that a vehicle is shown to turn a corner and while smoke/mist is visible, it is not clear if the smoke is from the tyres or if it a visual effect to indicate speed. The Panel noted that a burnout refers to the practice of keeping a vehicle stationary and spinning its wheels which is not evident in the advertisement. The Panel considered that a 'burnout' is not shown in the advertisement.

The Panel also noted that all passengers of the vehicle were wearing seatbelts.

The Panel considered that the advertisement theme was highly stylised and gives a movie-like impression, which is further enhanced by the theatrical music and the house growing legs and running away.

The Panel noted that it would likely be illegal to turn a corner at such a speed, and acknowledged that there is a high-level of concern in the community in relation to people undertaking unsafe driving behaviours, such as those depicted in the advertisement.

However, the Panel considered that in this instance the advertisement was highly exaggerated, stylised and fantastical and was clearly not a suggestion of normal road use. The Panel considered that most members of the community would differentiate the driving behaviour in the advertisement from illegal behaviours on public roads.

The Panel considered that most members of the community would not find the advertisement to be promoting unsafe driving behaviour.

**Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.