



Case Report

1	Case Number	0221/16
2	Advertiser	Yamaha Motor Aust Pty Ltd
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features generic running shots of two Yamaha powered boats with graphic overlays giving details of the offer on the Yamaha engine.

THE COMPLAINT

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

Marine regulations Australia wide are explicit...it is compulsory to wear a life jacket in any recreational motor boat or motor-propelled tender that is under six (6) metres in length whilst under power.

THE ADVERTISER'S RESPONSE

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

Yamaha Motor Australia takes on-water safety very seriously and as such Yamaha staff and talent are required to wear PFDs at all times on the water during photo shoots or while filming. Yamaha can confirm that all drivers and crew featured within the commercial in question were wearing level 150 PFDs while filming. All filming took place within enclosed /

protected waterways.

We have included images of the PFDs used and highlighted the points at which these can be seen throughout the commercial on the following page. The PFDs used feature a waist strap design and may have been overlooked by the complainant.

This level of safety satisfies or exceeds the requirements of boating legislation in all Australian states. This includes Tasmania which has the most stringent standards and is the source of the complaint.

With this in mind Yamaha Motor Australia does not believe there is a breach of section 2.6 and we ask the board to allow the continued airing of the TV campaign.

Yamaha Motor Australia will consider utilising more obvious designs of PFDs in future to avoid similar misunderstandings.

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 depicts people operating recreational water craft without life jackets.

The Board viewed 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 that the advertisement shows speed boats moving across open water.

The Board noted the advertiser’s response that Yamaha staff are required to wear personal flotation devices (PFD) at all times on the water and confirmed that all drivers and crew featured in the commercial were wearing level 150 PFDs while filming.

The Board noted the complainant’s concern that the advertisement depicted people without life jackets and considered that the PFDs used in the advertisement, which feature a waist strap design, are visible on some of the occupants. The Board acknowledged that as technology has introduced new and innovative products only an audience with an awareness of this type of PFD may see that it is being worn and the lack of a traditional and more obvious PFD does not make it unsafe.

The Board, noting that PFDs are being worn, considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.