



Case Report

1	Case Number	0227/10
2	Advertiser	Toyota Motor Corp Aust Ltd
3	Product	Vehicles
4	Type of Advertisement / media	Pay TV
5	Date of Determination	09/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social values

DESCRIPTION OF THE ADVERTISEMENT

A car freighter truck is driving along a remote country road, loaded up with Toyota Corollas. Out in the distance, the driver notices something on the road: a puppy. The driver gets out and walks towards the puppy. Then a person in camouflage leaps up and sounds a horn. This causes many different people, in various forms of camouflage to jump out and they all run towards the Corollas.

The voice over says "some people would do almost anything to get their hands on the new look Corolla hatch". The Corollas are then shown being driven off, but one car reverses back toward the truck, stops, opens the door and lets the small dog jump in the back seat and then drives off. Voice over "Corolla, still the world's most popular small car."

THE COMPLAINT

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

The catch phrase of "some people will do anything for a Toyota" ending the advertisement and the depiction of people stealing cars from the back of a lorry may encourage some people especially younger people to think that if they cannot afford a car (or anything else for that matter) it is alright to steal the item of your desire without consequence.

THE ADVERTISER'S RESPONSE

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

Toyota Motor Corporation Australia Limited (Toyota) takes its responsibility as an advertiser very seriously. We make extensive efforts to understand and respond appropriately to community concerns and issues. Over and above this, we have established our own stringent internal review and approval process including legal advice.

Additionally, we adhere to the Commercials Acceptance Division pre-approval process to ensure suitability before production begins, as well as final approval classification before the commercial is aired. This is a rigorous and exhaustive process.

We have carefully considered the complaint, and strongly disagree with it.

While we respect the right of this individual to hold their view, we believe that this complaint does not accurately or fairly represent the content or tone or intention of the TVC, and strongly disagree that the TVC promotes the idea that it is "alright to steal the item of your desire without consequence".

The premise of the TVC is to make the point that this car is highly desirable. However this has been executed through the creative technique of intended exaggeration, by depicting a scene where by a group of people are so eager to get their hands on the car they have intercepted the truck on its way to a dealership. The way that this scene was written is clearly fictional, light-hearted, fun and fantastical. This was done so that it could not be interpreted as reality, and to entertain the view, this The execution of the characters taking the truck is intentionally slapstick, disorganised and comical. The depiction of the characters in camouflage costumes also underlines this as a comic portrayal, so that the viewer can understand the depiction as a humorous exaggeration of the public desire to own a Corolla, rather than being taken as an encouragement to steal vehicles. The 'super' at the end of the TVC - 'Corolla: still the world's most popular car' - also supports the intended message being that of the vehicle's desirability, rather than an encouragement to steal.

It is this portrayal of the scene that gives us confidence that it will certainly not incite antisocial behaviour, such as stealing, and therefore don't believe that this complaint accurately or fairly represents the content, tone or intention of the TVC.

Finally, the TVC was given a W rating by the Commercials Acceptance Division. Accordingly, Toyota has strictly adhered to the guidelines of advertising with this rating - i.e. by broadcasting the TVC at any time except during P and C programs or adjacent to P or C periods' and by exercising 'care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience'.

Based on the above explanations, we strongly submit that the complaint should be dismissed. We look forward to hearing from you.

THE DETERMINATION

The Advertising Standards Board (the 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 decided that the material in question was published or broadcast in all of Australia or in a substantial section of Australia for payment or valuable consideration given that it was being broadcast on television in Australia.

The Board determined that the material draws the attention of the public or a segment of it, to a product being a Toyota in a manner calculated to promote that product. Having concluded that the material was an advertisement as defined by the FCAI Code, the Board then needed to determine 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 Toyota 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 then analysed specific sections of the FCAI Code and their application to the advertisement. The Board identified that clause 2(a) was relevant in the circumstances. Clause 2(a) provides that 'advertisers should ensure that advertisements for motor vehicles do not portray (a) unsafe driving, including reckless and menacing driving that would breach any Commonwealth law of the law of the State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation.'

The Board viewed the advertisement and noted the advertiser's response in relation to the filming and location of the advertisement noting also that it had previously considered this advertisement in a different medium in Case number 97/10 (TV). The Board considered that the vehicles are depicted driving in a controlled manner, that there are no line markings on the road and that there is no other traffic or pedestrians in the advertisement. Taking into account the specific depictions in this advertisement the Board determined that the advertisement did not depict unsafe driving and did not breach clause 2(a) of the FCAI Code.

On the above basis, the Board determined that the advertisement did not breach the FCAI Code.

The Board also noted complainant's concerns that the advertisement promoted theft. The Board considered that the advertisement is an exaggerated and unrealistic depiction of the lengths that some people will go to to obtain the advertised product. The Board considered that the advertisement does not condone or promote theft and does not breach the Code.

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