



Ad Standards Community Panel
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Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0229/18
2	Advertiser	Ford Motor Co of Aust Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(e) Environmental damage

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features an opening frame of three Ford SUVs parking on a hill, followed by a shot of a dog harnessed and sitting in the backseat of a stationary SUV. These are followed by a number of shots of the SUVs in motion, flicking between shots of the vehicles driving and shots of dogs running through different environments (beach, grass, water).

THE COMPLAINT

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

It is mindless speeding through pristine wilderness throwing up spray with little regard for the ecosystem.

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 raised very seriously and the SUV TVC has been carefully considered by our marketing team and legal counsel.

In response, we'd like to make the following points:

- The water, mud and farmland that is depicted in the SUV TVC was on closed, private property in New South Wales.*
- Professional precision drivers were hired for filming the SUV TVC and were behind the wheels of the SUVs at all times.*
- Despite speed limits not applying to the private farm hired for filming, any perception of speed during the SUV TVC is a result of dynamic filming and editing techniques designed to enhance the energy and excitement of the commercial. These include: the camera vehicle passing an SUV at similar speed in the opposite direction, the camera panning past an SUV in an opposing direction, and speeding up the captured footage during editing.*
- During the SUV TVC the Everest SUV is travelling through the water at speeds not greater than 7km/h to align with its water wading abilities and to avoid any damage to the surrounding farm environment.*
- The EcoSport which is depicted to be driving through a stream is actually driving over a cement bridge/path on a private farm which is wet from recent rain water.*
- The sand dunes that are shown in the SUV TVC are on a public beach where dogs are permitted to run around without a leash. Every care was taken to ensure the dogs did not deliberately harm the sand dunes when jumping over them. Vehicles were at no point driven onto the sand dunes that were shown in the SUV TVC.*

The SUV TVC legitimately depicts the vehicles' abilities in some off-road conditions and this is consistent with section 4 of the FCAI Code.

We also refer to previous decisions of the Board (0408/14 and 0125/15). The Board dismissed an Isuzu advertisement for where: "The Board noted the Isuzu D-Max is shown driving over sand and through streams and considered that driving vehicles with off road capabilities over these terrains is not uncommon and does not necessarily contribute to environmental damage. The Board noted that some people may consider that environmental damage can be caused by any incursions by people in vehicles into wild/environmental areas however the Board considered that the vehicle is shown to be driven in a cautious manner which is not intentionally damaging to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code." Similarly, we believe the SUV TVC does not include any suggestion of deliberate or significant environmental damage.

In summary, our view is that the SUV TVC does not portray unsafe driving, does not show the vehicle travelling at an illegal or unsafe speed, and does not portray deliberate and significant environmental damage. As supported by the CAD rating, we



maintain that the SUV TVC is compliant with the FCAI Code, and AANA Codes in all respects.

Issues arising under section 2 of the AANA Code or the FCAI Code generally

Ford Australia submits that no issues arise under the FCAI Code or other provisions in section 2 of the AANA Code. The SUV TVC:

- (a) Does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (Section 2.1 of the AANA Code);*
- (b) Does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 of the AANA Code);*
- (c) Does not present or portray violence unless it is justifiable in the context of the product or service advertised (Section 2.3 of the AANA Code);*
- (d) Does treat sex, sexuality and nudity with sensitivity to the relevant audience (Section 2.4 of the AANA Code);*
- (e) Does only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (Section 2.5 of the AANA Code);*
and
- (f) Does not depict material contrary to prevailing community standards on health and safety (Section 2.6 of the AANA Code).*

As for the FCAI Code, the SUV TVC does not raise issues under this code as it does not depict:

- (a) unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement;*
- (b) people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast;*
- (c) 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;*
- (d) people driving while being apparently fatigued, or under the influence of drugs or alcohol to the extent that such driving practices breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing directly with road safety or traffic regulation; or*
- (e) deliberate and significant environmental damage.*



If the ASB considers that any other issues arise under either of the codes, Ford requests the opportunity to be informed of the ASB's views in that regard so that an appropriate response can be made.

THE DETERMINATION

The Ad Standards Community Panel (Panel) 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 Panel 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.

Having concluded that the material was an advertisement as defined by the FCAI Code, the Panel 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 Panel determined that the material draws the attention of the public or a segment of it to a product being Ford SUVs in a manner calculated to promote that product. The Panel determined that the SUVs were Motor Vehicles as defined in the FCAI Code.

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

The Panel noted the complainant's concern that the advertisement depicts vehicles speeding through pristine wilderness with little regard for the ecosystem.

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

The Panel considered Clause 2(e) of the FCAI Code which requires that advertisements for motor vehicles do not portray "deliberate and significant environmental damage,



particularly in advertising for off-road vehicles.”

The Panel noted that the advertisement depicted a number of SUVs driving in different environments, including through water, over a stream, across farmland and through mud.

The Panel noted the advertiser’s response that the advertisement was filmed on a private property and care was taken that vehicles only travelled through water at low speeds to avoid any damage to the farm environment.

The Panel considered it had recently dismissed a similar advertisement for Isuzu in case 0408/14 where:

“The Board noted the Isuzu D-Max is shown driving over sand and through streams and considered that driving vehicles with off road capabilities over these terrains is not uncommon and does not necessarily contribute to environmental damage. The Board noted that some people may consider that environmental damage can be caused by any incursions by people in vehicles into wild/environmental areas however the Board considered that the vehicle is shown to be driven in a cautious manner which is not intentionally damaging to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code.”

The Panel noted that in the current advertisement the vehicles were being driven in a manner consistent with off-road recreational use of SUV vehicles, and that the advertisement depicted the vehicles’ abilities in off-road conditions.

The Panel noted the complainant’s concern regarding a scene in which a vehicle is travelling through a stream. The Panel noted there are two scenes containing this driving manoeuvre.

In the first scene, the advertiser’s response stated that the vehicle was not driven at more than 7km/h in order to avoid any damage to the environment, and to align with the water wading abilities of the vehicle. The Panel noted that in this scene the vehicle is shown crossing the waterway and the uneven terrain of the watercourse is shown by the movement of the vehicle. The Panel considered that there was no evidence in the vision of the vehicle causing environmental damage in this scene, and the advertiser had taken all care to not deliberately cause damage.

In the second scene, the advertiser’s response stated that the vehicle was not driving through a stream, but rather a cement bridge that had water over it. The Panel noted that that scene does show the vehicle as being stable throughout the crossing which indicates a solid, even base. The Panel also noted that the water coming off the vehicle in this scene is similar to driving through a puddle, which also indicates a solid base. The Panel considered that the scene does not depict environmental damage in



the water crossing.

The Panel also considered the complainant's concern that dogs were shown running through delicate sand dune retention growth vines. The Panel noted the advertiser's response that the dogs in the advertisement were shown running on a public beach that had no leash regulations. The Panel noted the depiction of the dogs in an off leash approved area is not a depiction that would breach section 2€ of the Code.

The Panel considered the driving scenes where the vehicle is driven on both firm ground and a muddy area. The Panel considered that the vehicle is depicted as being driven in a controlled manner and the driving manoeuvres are not shown as being reckless or dangerous or done without due regard to the environment. The Panel noted the advertiser's response that it had taken all care to protect the environment during filming by using camera and editing techniques rather than having the vehicle perform at high speeds.

The Panel considered that the advertisement did not depict the vehicle driving in a manner which could be seen to cause deliberate or significant damage to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code.

Finding that the advertisement did not breach the FCAI Code, the Panel dismissed the complaint.

