



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0234-19</b>
<b>2. Advertiser :</b>	<b>Isuzu Ute Australia Pty Ltd</b>
<b>3. Product :</b>	<b>Automotive</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>24-Jul-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(c) Driving practices

### DESCRIPTION OF ADVERTISEMENT

The advertisement opens on a family leaving their house to take their dog, for a leashed walk. The youngest daughter asks her Mother if they can take their dog, "off-leash today?". The family forgo their leashed walk plans and instead drive their D-MAX off-road.

### THE COMPLAINT

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

*The family have their seat belts on, the dog is travelling in the car unrestrained.*

*Two issues - if on a public road the dog legally needs to be restrained just like a human passenger. If on private property, the dog should be restrained anyway as the road is quite rocky and could cause an issue.*

### THE ADVERTISER'S RESPONSE



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

#### *DESCRIPTION OF THE ADVERTISEMENT*

*The advertisement opens on the Wayman Family (Deb Wayman, Zack Wayman, Brooke Wayman) leaving their house to take their dog (Max), for a leashed walk. The youngest daughter (Brooke) asks her Mother (Deb) if they can take their dog, a Border Collie named Max "off-leash today?". Spurred by the suggestion, the Wayman Family forgo their leashed walk plans and instead drive their D-MAX off-road, in search of a wide-open field with plenty of space for Max to play.*

#### *ADVERTISER'S RESPONSE*

*In regards to the complaint pertaining to the Issue Raised under the FCAI Motor Vehicle Advertising Code\2(c) Driving practices that would breach the law, IUA would like to stress that safe driving practices is paramount with the company code of ethics. IUA has always and will always endeavour to comply with FCAI Rules and Regulations, along with ensuring the safety and wellbeing of all people and animals used within our commercials.*

*All occupants depicted within the advertisement were safely restrained using seatbelts and in the Dog's (Max) case, an appropriate dog harness securely tethered to a seatbelt buckle was used. We recognise that the nature of the Border Collie's long fur has at times, concealed the dog harness from view in this commercial, but we would like to make reference to APPENDIX B IUA008930D3 at time: 00:15 and APPENDIX B IUA008930D3 at time: 00:04, which illustrates that Max is wearing the dog harness which is secured to the seatbelt buckle. The same dog harness was used in our Q2 2019 D-MAX TVC, APPENDIX B IUA008930D2 at time: 00:08 and APPENDIX B IUA008945C at time: 00:01. All advertisements depict that Max is restrained evidently via a dog harness, which is securely tethered to the seatbelt buckle whilst in the vehicle. APPENDIX B Max Website Talent Image adds further proof to the fact that Max wore a dog harness throughout the filming of the commercial, albeit highlighting that the long fur partially conceals the harness from view.*

*Whilst we appreciate that the complainant has voiced concern for the wellbeing and safety of the occupants in the commercial, references illustrate that the correct methods of safely securing all occupants were employed.*

*IUA respectfully rejects the complainant's statements that 'the dog is travelling in the car unrestrained'.*

*IUA submits that the Advertisement does not breach FCAI Motor Vehicle Advertising Code\2(c), as all occupants are safely secured using seatbelts.*

*IUA submits that the Complaint should be dismissed.*

#### **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 Voluntary Code of Practice for Motor Vehicle Advertising (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 considered whether the 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 Isuzu D-Max was a Motor Vehicle 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 that this television advertisement depicts a family leaving their house to take their dog, for a leashed walk. The youngest daughter asks her Mother if they can take their dog, "off-leash today?". The family forgo their leashed walk plans and instead drive their D-MAX off-road.

The Panel noted the complainant's concern that the advertisement does not show the dog in the car being restrained which is illegal and unsafe.

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

The Panel considered clause 2(c) of the FCAI Code. Clause 2(c) requires that:

"Advertisements for motor vehicles do not portray ...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. (examples: illegal use of hand-held mobile phones or not wearing seat belts in a moving motor vehicle]."

The Panel noted the advertiser's response that the dog was wearing a harness, which was obscured in this version of the advertisement by the dog's long hair, but which can clearly be seen in other advertisements for this campaign.



The Panel noted that there are no specific road rules related to restraining pets in vehicles, however drivers can be penalised if the animal is causing the driver not to be in full control of the vehicle or if the animal was on the driver's lap.

The Panel noted the advertiser's response that the dog was restrained and wearing a harness in the advertisement, however considered this may not be obvious to people viewing the advertisement in isolation. However, the fact that it is not clear that the dog is wearing a harness does not imply that there is not one.

The Panel considered that the dog was shown in the backseat, seated next to a child and was not distracting the driver or behaving in a manner which could cause the driver to lose control of the vehicle.

The Panel considered that the advertisement did not portray driving practices or other actions which would breach any commonwealth law.

The Panel determined that the advertisement did not breach Clause 2(c) of the FCAI Code.

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