



Ad Standards Community Panel
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Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0235-20
2. Advertiser :	Renault Australia
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	12-Aug-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(a) Unsafe driving

DESCRIPTION OF ADVERTISEMENT

This television advertisement is a promotion for the Renault Koleos and features a family running towards the car from house (father, mother & two children) and they pack their belongings into the boot. There are a few exterior shots of the vehicle driving. There are several shots of the family inside the vehicle, of both front and rear passengers including:

- a hand selecting an app from the screen in the dashboard
- The driver lifting his hands off the wheel as the vehicle parks itself
- Two children in the backseat of the car - both in car seats.

THE COMPLAINT

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

In one of the shots inside the car, the driver takes both hands off the wheel - which I believe is both dangerous and illegal.

THE ADVERTISER'S RESPONSE



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

The TVC under examination depicts the Renault Koleos SUV imported and distributed by Renault Australia. The TVC is 15 seconds in duration.

In its brief complaint, the complainant finds issue with the driver utilising the vehicle's Hands Free Parking or Easy Park Assist feature. Renault Australia submits that this is not the first occasion where this driving assistance has been broadcast in the Australian market. Renault Australia submits that it has no case to answer in this regard and in addition, this complaint is baseless, frivolous and should be summarily dismissed by the Community Panel in its entirety. Renault Australia's further explanations and detailed reasons are set out further below.

This feature is a parking aide for the driver which forms part of Renault's suite of driving assistance features. Activated by the driver, the vehicle then manoeuvres the vehicle into an identified parking spot using the vehicle's parking sensors. As the vehicle is manoeuvring, the driver controls the speed of the vehicle with the accelerator and brake pedals and the vehicle automatically turns the steering wheel (as demonstrated in the video) without any need for driver input. The driver must allow the vehicle to perform this function or else the parking manoeuvre may be cancelled (for example, if the vehicle detects that it cannot turn the wheel due to the driver holding or obstructing the movement of the steering wheel). Despite this, it is always advisable that the driver keeps their hands close to the steering wheel ready to re-take control of the wheel once the vehicle has finished parking. We would also note that to avoid any risk of injury, the driver's fingers, hands or other parts of the driver's body should be well clear of the steering wheel while this function is engaged and the steering is under the vehicle's control.

Renault Australia also notes that within the advertisement (at the 8-9 second mark) is the vehicle's infotainment screen which clearly shows that the driver has engaged the 'Easy Park Assist' function. In this part of the advertisement, the driver is shown monitoring the screen:

- a) an animation of the progress of the vehicle into the parking space identified by the vehicle;*
- b) live footage from the vehicle's rear view camera; and*
- c) other feedback relating to the vehicle's proximity with other objects from the vehicle's front, side and rear parking sensors.*

In filming of the advertisement, which was conducted by Flinders Lane [The Trustee for Flinders Lane Trust ABN: 18 033 055 74] on Renault Australia's behalf, Renault Australia understands that Flinders Lane engaged the self-parking feature in a closed, controlled car park area away from public roads. This is evidence by stills attached to this submission.

Flinders Lane was instructed by Renault Australia and followed the very same guidelines that Renault Australia use to instruct its customers on how to park with



Easy Park Assist. These instructions or guidelines may be accessed online via: <https://www.youtube.com/watch?v=tjw8LqsRTeo>

In the absence of any depiction of off-road driving or motorsport in the advertisement under examination, Renault Australia submits that the further guiding principles relating to these areas are not relevant in this matter.

FCAI Code of Practice

Renault Australia has also been asked to address certain matters which feature in clause 2 of the FCAI Code of Practice for Motor Vehicle Advertising. To the extent which Renault Australia considers relevant, Renault Australia further submits the following:

1. What assurances can the advertiser provide that any driving depicted in the advertisement would conform to relevant road safety regulations, were it to occur on road or road-related area?

As mentioned above, the advertisement was professionally filmed in a closed, controlled car park area and not on public roads. The use of self-parking driving assistance aids for the purpose of parking a vehicle (or conducting a demonstration in a closed, controlled environment) is not prohibited in any State or Territory in Australia. Renault Australia and Flinders Lane conducted the filming and engaged this feature in accordance with Renault Australia's instructions which are accessible online via the You Tube link set out above.

2. Can the advertiser confirm that any vehicles portrayed in the advertisement were driven within legal speed limits at all times?

Renault Australia respectfully submits that this factor is not relevant and otherwise, yes.

3. Was it necessary for the advertiser to obtain any special permission/permits to undertake filming of any driving sequences depicted in the advertisement?

Renault Australia submits that no part of the advertisement under examination requires any special permission/permits to undertake the filming. The filming was conducted in a closed, controlled car park area and not on any public roads. Renault Australia notes that questions 3 and 4 as set out in this section of the letter are identical.

5. Has the advertisement been made available on the internet?

Renault has made the advertisement under examination available online.

Concluding comments

Renault Australia trusts that its responses provided above and otherwise attached are sufficient for Ad Standards and the Community Panel to make an appropriate determination in respect of the complaint.



Renault Australia reiterates that it does not consider there to be any case for Renault Australia to answer in this matter in the absence of any illegality or breach of any applicable codes.

Renault Australia requests that the Community Panel summarily dismisses the complaint in its entirety and otherwise treat it as a frivolous and baseless complaint. Renault Australia looks forwards to the Community Panel's determination.

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).

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 Renault Koleos is 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 the complainant's concern that the driver in the advertisement takes both hands off the wheel, which the complainant believes is dangerous and illegal.

The Panel considered clause 2(a) of the FCAI Code. Clause 2(a) requires that: 'Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or 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.'

The Panel noted that the driver does take both his hands off the wheel during a scene nine seconds into the advertisement.

The Panel considered that the man is using parking assist. The Panel noted that advertiser's response that when a driver activates this parking function, the vehicle will manoeuvre itself into a parking spot using the vehicle's parking sensors. The function requires that drivers not be holding the wheel, as the function will abort if it detects that the driver is impeding the action by holding the wheel.

The Panel further noted the advertiser's response that it is advisable that drivers keep their hands near to the wheel ready to take over control once the vehicle has completed parking. The Panel noted that the driver's hands are shown to be close to the wheel.



The Panel noted that this is a common feature in new vehicles and considered that the advertiser can showcase the driving aids available within the vehicle being promoted.

The Panel noted that the display screen in the centre console of the vehicle clearly shows that the parking assist feature is enabled.

The Panel noted that it would be preferable that a disclaimer be on screen during this scene to state that this scene is demonstrating the parking assist function, but considered that that is not a requirement of the Code.

The Panel noted that the Australian Road Rules do not specifically state that a person's hands must be on the steering wheel at all times. The Australian Road Rules state that a driver must have proper control of the vehicle, and the Panel considered that the depiction of the driver in the advertisement using a parking assist feature in its intended manner is not a depiction of the driver not being in control of the vehicle.

The Panel considered that the advertisement did not depict unsafe driving that would be likely to breach relevant Commonwealth Law were it to occur on a road or road related area.

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