



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0255-19
2. Advertiser :	Isuzu Ute Australia Pty Ltd
3. Product :	Vehicle
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	21-Aug-2019
6. DETERMINATION :	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF ADVERTISEMENT

The television advertisement features a father teaching his teenage daughter to drive in an empty car park. The daughter pulls into a carpark and the father states, "nice park". the daughter then states "bit over the carpark dad" the dad takes a deep breath and states, "well off you go".

The daughter is then seen driving along roads with her dad in the passenger seat.

### THE COMPLAINT

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

*Rules state that the L plate must be displayed "clearly at the front and back of the vehicle, on the outside, or an L sign on the roof, when driving. The letter L on the plate must not be hidden."*

*In the ad the L plate is on the bonnet (magnetic) and is not visible during most of the ad. This is illegal. My two teenaged daughters, saw this ad and were very angry. Why didn't someone see this when making the ad. Please pull the ad and fix this, as this is illegal and a terrible message to children and parents alike.*



## THE ADVERTISER'S RESPONSE

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

*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, Isuzu UTE Australia (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, and comply with all Australian state and territory road rules and regulations.*

*Throughout the entire commercial, the Isuzu MU-X (Vehicle) driven by Emily Wayman, is driven within the conditions and regulations complying with learner driving rules, of each and every state and territory within Australia.*

*The vehicle is driven by Emily Wayman, under the attentive supervision of her Father, Dave Wayman, whom is seated in the passenger seat. In every scene, the vehicle can be seen displaying the approved, square black 'L' on yellow learner plate (L plate) on both the lower right-side of the tailgate on the rear of the Vehicle and the lower left-side of the bonnet on the front of the Vehicle, which complied with all state and territory road rules and regulations. Please refer to APPENDIX B IUA008930M3 Images.*

*The complainant states, "in the ad the L plate is on the bonnet (magnetic) and is not visible during most of the ad." Reviewing the commercial IUA008930M3, it is beyond a Reasonable Doubt that the approved magnetic L plate is fully visible from the front of the Vehicle at all times. As a precaution, the advertisement was shot to comply and exceed the visibility requirement of the L plate placement on the front of the Vehicle, of all Australian state and territory road rules and regulations. Please refer to APPENDIX B – L PLATE PLACEMENT REGULATIONS.*

*Citing the Queensland Government learner licence road rules, the L plate must be displayed so it "can be seen clearly at the front and rear of the vehicle from 20m away", and citing the Vic Roads learner road rules, the L plate must be "clearly visible from distance of 20 metres behind and in front of the vehicle". Referring to APPENDIX B IUA008930M3 at time: 00:20 – 00:21, the L plate can be seen from over 20 meters away in this scene—exceeding the visibility requirement of all Australian state and territory L plate placement rules and regulations.*

*Whilst we appreciate that the complainant has voiced concern regarding the visibility of the L plate within the commercial, references illustrate that beyond a Reasonable Doubt the L plate placement on the front and rear of the Vehicle legally complies with all Australian state and territory road rules and regulations.*



*IUA respectfully rejects the complainant's statements that the L plate "is not visible during most of the ad", proving with evidence that it is compliant with road rules and regulations.*

*IUA submits that the Advertisement does not breach FCAI Motor Vehicle Advertising Code\2(c), as vehicle is driven in a manner that is compliant with all Australian state and territory road rules and regulations.*

*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 MU-X 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 father teaching his daughter to drive.

The Panel noted the complainant's concern that the advertisement shows the L plate displayed on the bonnet facing upwards and that this is illegal.

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 that there are no national rules regarding the placement of L plates, beyond that they must be clearly displayed on the front and rear of the vehicle. There is no prohibition of them being placed on a car bonnet.

The Panel noted the complainant's concern that the L plate is not visible throughout most of the advertisement, however the Panel viewed the advertisement closely and determined that the L plate is visible in all exterior scenes showing the front and rear of the vehicle.

The Panel considered that although it may be preferable to display an L plate on the very front of a vehicle, not doing so is not a breach of any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast.

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.