



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0256/18
2	Advertiser	Jaguar Land Rover Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a Land Rover Discovery in various landscapes, including travelling on dirt roads, through forest, on a beach, in rain, through a water crossing, and over sand dunes. The advertisement also showed various scenes of people, including a man chopping wood and a woman surfing, and several scenes of the inside of the vehicle.

THE COMPLAINT

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

The public is told over and over about the dangers of driving through flood waters, but the land Rover Discovery advertisements recommend exactly that. "Through rivers deep" is the wording I complain about. I don't understand how such an advertisement could be approved by land Rover and the television channel approving its showing. The advertisements are on quite frequently around the showing of super rugby matches. If you need exact dates and times; Channel 505 on Friday 20 April at 6.20pm and 6.30pm. The advertisement has been shown on many occasions before and after the



ones noted. I have nothing against Land Rover; I just think their advertisement is encouraging unsafe and dangerous driving.

THE ADVERTISER'S RESPONSE

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

The TV commercial in question is part of a national campaign for the Land Rover Discovery to highlight the recent awards that the vehicle has received. The campaign focuses on the vehicle's on-road and off-road capabilities.

The TVC features the Discovery travelling through a shallow causeway shot in the Northern Territory and then onto some sand dunes shot in South Australia.

The Land Rover Discovery offers "Wade Sensing" technology – which include sensors in the door mirrors that let you know when water levels are near the class-leading 900mm maximum wading depth. The control system provides real-time pictorial information, including maximum wading capability.

It is certainly not our intention to promote any kind of unsafe or dangerous driving. All scenes from the TVC were shot with a qualified Land Rover Experience driver behind the wheel. This important Wade Sensing safety feature is available across all Land Rover Discovery vehicles.

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 Land Rover Discovery 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 the complainant's concern that the advertisement features a vehicle driving through a body of water and promotes driving "through rivers deep", which is dangerous and contrary to current warnings against this type of driving practice.

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

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 the examples given in the FCAI Code include: 'Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle...or the apparent and deliberate loss of control of a moving motor vehicle.'

The Panel noted that this television advertisement depicts a Land Rover Discovery being driven in off-road situations including driving over sand dunes, through a forest, through a water crossing and on a beach.

The Panel noted that the terrain depicted in the advertisement is normal in many areas of Australia and considered that the vehicle appears to be driven in a safe and controlled manner which suggests that the driver is aware of the terrain and is driving appropriately to the conditions. The Panel noted that the vehicle is being driven off road but considered that the style of driving shown would not breach road safety or traffic regulation should it occur on a public road.

The Panel considered that there is significant community concern around vehicles driving in or through flood waters, however noted that the vehicle is not shown driving through flood waters but rather a causeway or water crossing which is very common.

The Panel considered the spoken words "through rivers deep" and noted that the visuals do not coincide with the words as the vehicle is clearly not travelling through a deep river. The Panel considered that this is not a depiction that a reasonable viewer would interpret as promoting driving through flood waters or excessively deep water.



The Panel considered that overall the advertisement does not portray any driving which is unsafe, or that would breach any Commonwealth law or the law of any State or Territory.

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

