



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0274/18
2	Advertiser	Fiat Chrysler Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	20/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement begins with an opening shot of a crowd of people walking through a city street. A birds-eye shot pulling towards the sky revealing hundreds of white, grey and black cars in a carpark. A yoga class. A sweeping shot of people sitting in office cubicles. Cars driving through city streets. The advertisement then shows scenes of the vehicle focussing on headlights and tyres. A scene shows the vehicle driving on a winding road, then through a city. The voiceover through the advertisement states “When did we all become so confused and conformed? Confined to conventions, controls and codes. We are the conservative. We’ve been conned. Start a new chapter. Start thinking for yourself. Start pulling down the walls. Start turning heads. Stelvio. The SUV from Alfa Romeo. Start something.”

THE COMPLAINT

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

Description of ad:

The ad starts with a crowd scene of the back of many heads. Then other scenes of many motor vehicles from above, then people lying on mats - then a building, then



traffic at night sped up dramatically

Voice over: "When did we all become so confused and conformed, confined to conventions, controls and codes. We are the conservative, we've been conned."

Then we see an Alfa Romeo being driven at high speed along a winding road, while the sound of a very high revving vehicle is played commensurately while the tachometer is seen to jump dramatically. The Voice Over states: Start a new chapter. Start thinking (inaudible) ... Start cooling down the "laws". Start turning heads

Then the vehicle is seen speeding through what looks like a European city in areas which are clearly high pedestrian activity zones and doing sudden turns.

During this time for the following words appear at the bottom of the screen: OVERSEAS MODEL SHOWN. PROFESSIONAL DRIVERS ON CLOSED COURSE. DO NOT ATTEMPT.

Reasons I object to the advertisement:

THE FCAI VOLUNTARY CODE OF PRACTICE FOR MOTOR VEHICLE ADVERTISING EXPLANATORY NOTES STATE (excerpts): GUIDANCE TO ADVERTISERS

The FCAI supports a responsible approach to advertising for motor vehicles. FCAI asks advertisers to be mindful of the importance of road safety and to ensure that advertising for motor vehicles does not contradict road safety messages or undermine efforts to achieve improved road safety outcomes in Australia.

Advertisers should ensure that advertisements do not depict, encourage or condone dangerous, illegal, aggressive or reckless driving. Moreover, advertisers need to be mindful that excessive speed is a major cause of death and injury in road crashes and accordingly should avoid explicitly or implicitly drawing attention to the acceleration or speed capabilities of a vehicle ...

In particular, it is noted that use of disclaimers indicating that a particular scene or advertisement was produced under controlled conditions; using expert drivers; that viewers should not attempt to emulate the driving depicted; or expressed in other similar terms, should be avoided. Such disclaimers cannot in any way be used to justify the inclusion of material which otherwise does not comply with the provisions of the Code.

This entire ad is about promoting speed and reckless and dangerous driving.

The evidence is unequivocal in the statement appearing during the advertisement: PROFESSIONAL DRIVERS ON CLOSED COURSE. DO NOT ATTEMPT.



It is clearly and irrefutably in breach of Clause 2 (a) of the FCAI Code

2. GENERAL PROVISIONS

Advertisers should ensure that advertisements for motor vehicles do not portray any of the following:

(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.

[Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]

Put simply, if this behaviour were legal on any or all road or road-related areas in any or all jurisdictions Australia, then there would be no need for the Disclaimer.

It is an utter disgrace that many motor vehicle advertisers try to get around the Code. They import overseas ads for very low cost. They know the ad breached the Code, but they also know that it will take the ASB at least a month to review the complaint/s and make a determination. That is usually the maximum time motor vehicle advertisers run these ads. They also know because there are no penalties, no need to apologise that they can get away with such appalling behaviour caring nought that these ads may influence impressionable drivers who may end up causing death and destruction on Australian roads.

The FCAI Code is screaming out for review and we will be writing to the Commonwealth Government recommending that if there is not a major overhaul of these sorts, that the Government takes over the regulation of motor-vehicle advertising.

Apart from the pain, grief and suffering, Road Trauma costs Australia over \$28 billion per annum. Ads like these only help worsen the increasing Road Toll and those responsible must be brought to account.

Their behaviour is nothing short of immoral and supports the axiom: Self-Enforcement is to Enforcement as Self-Importance is to Importance.

The advertisement must be withdrawn immediately - not in a month when the damage is done.

THE ADVERTISER'S RESPONSE



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

Please find below response in relation to complaint reference number: 0274/18.

ADVERTISEMENT DESCRIPTION

This is the launch commercial for the All-New Alfa Romeo Stelvio. It features driving footage of Stelvio, combined with footage of life at its most ordinary. It sets out to inspire drivers to step out from the norm and unleash their individuality with Stelvio.

To depict this narrative, the commercial begins with an opening shot of a crowd of people walking through a city street. A birds-eye shot pulling towards the sky revealing hundreds of 'generic-looking' white, grey and black cars in a carpark. A women's yoga class. A sweeping shot of people sitting in office cubicles. Cars driving through dull city streets.

Suddenly, the headlights of the Alfa Romeo Stelvio blink to life out of the darkness. We can sense that life is about to get a lot more interesting. We pivot on this thought and showcase the Alfa Romeo Stelvio in all its stunning glory – the tech capabilities, safety features, the luxurious interior, the stunning design detailing that only Alfa Romeo offers. We watch as it drives around spectacular landscapes and cityscapes.

The video ends with a graphic end plate and the Alfa Romeo logo and tagline: 'La Meccanica delle Emozione' (translation: The mechanics of emotion).

SCRIPT

When did we all become so confused and conformed?

Confined to conventions, controls and codes.

We are the conservative.

We've been conned.

-

Start a new chapter.

Start thinking for yourself. Start pulling down the walls. Start turning heads.

Stelvio. The SUV from Alfa Romeo. Start something.

CAD DETAILS

Key Number: MFCA630R

CAD Number: G5UJ1MVA

Rated: G

RESPONSE

This advert combines footage from two advertisements originally filmed for Fiat Chrysler Europe and Fiat Chrysler North America.



FCA Australia have taken this content and edited it into a 30-second advert, wrote an original script and recorded a local voice over.

The footage we see is of a road that, other than the Alfa Romeo Stelvio, is deserted, with no other vehicle or pedestrian traffic.

The car is shown driving on a combination of European streets and a mountain pass road. The car is driven on the left hand side of the road as the filming was done overseas. This is unavoidably the case since the source material is from an overseas market (where the vehicle is manufactured). There is a disclaimer indicating that the overseas model is shown.

The car is being driven safely. At no point in the commercial is the car close to losing grip or traction, it is being driven well within the dynamic limits of the vehicle.

FCA Australia has been informed by FCA NAFTA and FCA EMEA that the vehicle was filmed on a closed road and that the vehicle was driven by a professional driver only.

Accordingly, the ad includes a super that appears over the driving footage: 'Professional drivers on closed course. Do not attempt.'

The advert has been broadcast in the following metro and regional markets: Sydney, Melbourne, Brisbane, Adelaide, Perth, Newcastle, Maryborough, Canberra, Cairns and Gold Coast.

The advert has also been made available on the Alfa Romeo Australia Facebook, Instagram and YouTube Pages.

FCA considers that the ad does not depict:

Unsafe driving, or driving activities that would breach any laws in jurisdictions in which it was broadcast. In particular, the ad does not depict the vehicle travelling at excessive speed, or any sudden, extreme and unnecessary changes in direction and speed; people driving at speeds in excess of speed limits in the jurisdictions in which it was broadcast; or

Driving practices or other actions, which would breach any laws in jurisdictions in which it was broadcast. FCA Australia can confirm that sections of the original driving footage (makers: 0'16" and 0'20") supplied by FCA EMEA and FCA NAFTA has been slowed down by 15% to ensure the vehicles is perceived to be driving at a safe speed for Australian Broadcast.

The complaint alleges, "the tachometer is seen to jump dramatically". The shot where



the tachometer is visible shows the engine revving at a reasonable level and not “redlining”. This does not depict recklessness as the complaint suggests.

The complaint also alleges that the voiceover states: “Start Cooling down the “laws””. This is incorrect. The voiceover states: “Start pulling down the walls” This statement aligns to the creative positioning of the ad and urges the viewer to find their individuality and step out of conformity.

The ad seeks to convey an athletic, sporty and exciting feel to driving the Stelvio. The sounds, angles and road surface all convey that feeling. That said, FCA is firmly of the view that the ad does not promote excessive “speed and reckless and dangerous driving” behaviour as alleged. The vehicle is not performing any dangerous manoeuvres.

Please also note that some visual effects have also been used that are camera zoom effects, and are not indicative of or a result of speeding by the vehicle/driver.

FCA is of the view that the ad fully complies with the FCAI Code of Practice for Motor Vehicle Advertising.

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 promotes speed and reckless and dangerous driving, which is supported by the disclaimer on screen.



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 Alfa Romeo Stelvio driving on a winding road and through a city, with a disclaimer on screen stating "Professional drivers on closed course. Do not attempt."

The Panel noted that the complainant described the advertisement as showing a tachometer to jump dramatically, and considered the advertiser's response that the tachometer shows the engine revving at a reasonable level and not 'redlining', and noted that a speedometer is not shown.

The Panel noted that the complainant described the advertisement as including a line that states "start cooling down the laws" and considered the advertiser's response that the line is actually "start pulling down the walls". The Panel considered that the complainant may have misheard the line.

The Panel considered that although the speed limit of the road was not apparent in the advertisement the car did not appear to be driving at a speed which was unsafe. The Panel noted the advertiser's response that the vehicle does not lose traction or appear out of control at any time, and noted that although visual effects have been used in the advertisement to imply an impression of speed, this in itself is not a depiction of unsafe driving.

The Panel noted that the vehicle is shown to be driven on the left hand side of the road, and noted the advertiser's response that the advertisement was filmed overseas. The Panel considered that Practice Note of FCAI Code that states "The Board will not consider complaints which relate solely to: (a) The use of images produced overseas which may depict...left-hand drive vehicles travelling on the right-hand side of the road, when the footage is provided for an Australian company by its overseas



parent company...The Board has previously considered that such images do not raise an issue of road safety or vehicle occupant protection.”

The Panel noted the complainant’s concern that that the vehicle is shown speeding through a city in areas which would be high pedestrian areas and that the advertisement is about promoting speed and reckless driving, which is evidenced by the disclaimer stating “Professional drivers on closed course. Do not attempt”. The Panel considered that the disclaimer is informing viewers that there are no pedestrians or traffic requirements because the advertisement is filmed on a closed course and that this would not be the case for a private driver. The Panel considered that a reasonable viewer would understand that this inclusion of a disclaimer is not promoting speeding and reckless driving.

The Panel noted the complainant’s view that a disclaimer on screen cannot be used to justify the inclusion of material which otherwise does not comply with the provision of the Code, and noted that this is a quote from the Guidance to Advertisers section of the FCAI Code. The Panel considered however, that the content of the advertisement does not depict driving or driving practices which breach the Code and the inclusion of a disclaimer is not proof of such.

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.

