



Ad Standards Community Panel
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Case Report

1. Case Number :	0276-20
2. Advertiser :	Ford Australia
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a man resting his arm on the window of a car, looking thoughtfully into the distance. A Ford is then shown navigating its way through the river and pulling a bigger piece of farming equipment on a trailer confidently back onto land.

A driver is then shown standing on the roof of his car while holding up his phone in the hopes of getting signal for his map app. The interior of a Ford is then shown with a map function being used on the screen in the dash.

A vehicle is shown in a dirt track stuck on an awkward angle with all the wheels are spinning. The driver's looking out of the window with frustration. A Ford is then seen driving past the stuck car, spraying it with mud and continuing up the steep track.

The voice over with the ad states, "When you see something like that for the first time, it's only natural to want to do it yourself. To live that life. Capable. Powerful. In control. That confidence. You just want to follow it. I'm no different. I'll get there."

The man from the start of the ad us then shown. His truck (towing a small earth mover on its trailer) is stuck in the middle of a river crossing. The man says, "Not right now obviously. But one day."

The advertisement ends with all three Rangers driving on difficult terrain.



THE COMPLAINT

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

*Having an old Vehicle with trailer in a FRESH WATER
That goes against all Environmental issues with OIL leaks contaminating it.*

Environmental.Wild life.Pollution.They would have had the Vehicle and trailer with excavator in the water for hours just to film it

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:

In this advertisement we see a man resting his arm on the window of a car, looking thoughtfully into the distance. We then see that his truck (towing a small earth mover on its trailer) is stuck in the middle of a river crossing.

Then we quickly cut to see a Ford Ranger XLT navigating its way through the river and pulling a bigger piece of farming equipment on a trailer confidently back onto land.

We then see a driver standing on the bonnet of his car while holding up his phone in the hopes of getting signal for his map app.

Then we see the inside of a Ford Ranger Wildtrak using the breadcrumbs function on the screen and we see the Wildtrak driving through an open plain.

We now cut to see a car that has tried to get up a steep dirt road, but it's stuck on an awkward angle and all the wheels are spinning. The driver's looking out of the window with frustration.

We cut to see the Ranger Raptor handling the same road by burning up it without any hesitation.

We then see the man from the start of the ad, still stuck in the river.

The advertisement ends with all three Rangers driving on the extremely difficult terrain.



Comments in Relation to the Complaint:

In relation to the complaint, which is that we had an old vehicle in the water which would have contaminated the water and the environment with oil leaks, I can confirm the following pertaining to FCAI Motor Vehicle Advertising Code\2(e) Environmental damage\deliberate and significant damage :

This advertisement was filmed in New Zealand. Prior to filming, we obtained a permit from the New Zealand parks authorities to ensure we were lined up with the correct permissions.

All of the oil and petrol for the old truck was taken out prior to filming as this was required to secure our permit to film.

In addition to this, the engine of the old truck was completely removed and the vehicle was towed into place, there was no driving for that shot to ensure that there was no risk of oil leaking into the water.

Once filming was complete, this vehicle was then towed out of the water.

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 Ford Ranger 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 depicted an old vehicle with a trailer in fresh water which depicts environmental wildlife pollution.

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 that two vehicles, the advertised vehicle and the older vehicle, were seen crossing a body of water. The Panel noted that there is concern in the community regarding the safety of crossing rivers in vehicles, particularly in non-suitable vehicles or in flood waters.

The Panel noted that it had considered a similar issue in case 0256-18, in which:

"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 noted that in the current advertisement the advertised vehicle was seen to cross the river safely. The Panel noted that the body of water did not appear to be moving swiftly and the water level was not above the advertised vehicle's tyre height. The Panel noted that the older vehicle which was seen to be stuck in the water was also not immersed past its tyre depth. The Panel considered that the message in the advertisement was not to attempt to cross a river in an unsuitable vehicle. Consistent with the determination in case 0256-18, the Panel considered that the advertised vehicle was seen to cross the river safely, in line with the capabilities of off-road vehicles and that this did not depict the vehicle engaging in unsafe driving or menacing driving which would be likely to breach relevant Commonwealth Law were it to occur on a road or road related area.

The Panel noted the scene which featured a vehicle overtaking a bogged vehicle on a dirt track then proceeding up the hill. The Panel noted that the back end of the vehicle was seen to slide slightly on the muddy track. The Panel considered that the driver appeared to be in control of the vehicle and it was seen to continue up the dirt track safely and easily. The Panel considered that the vehicle was not driving at excessive speed, but was driving at a speed necessary to maintain traction on the muddy track.

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



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

The Panel considered Clause 2(e) of the FCAI Code which requires that advertisements for motor vehicles do not portray “deliberate and significant environmental damage, particularly in advertising for off-road vehicles.”

The Panel noted the complainant’s concern that the advertisement depicted an old vehicle with a trailer in fresh water which depicts environmental wildlife pollution.

The Panel noted the advertiser’s response that all of the oil and petrol for the old truck was taken out prior to filming and the engine of the old truck was completely removed and the vehicle was towed into place to ensure that there was no risk of oil leaking into the water.

The Panel considered that the advertisement was not promoting leaving old vehicles in fresh water, and that care had been taken to ensure that the filming of the advertisement did not cause deliberate or significant environmental damage.

The Panel noted that in the current advertisement the vehicle was being driven in a manner consistent with off-road recreational use of off-road vehicles, and that the advertisement depicted the vehicles’ abilities in off-road conditions.

The Panel considered that the advertisement did not depict the vehicles driving in a manner which could be seen to cause deliberate or significant damage to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code.

The Panel noted Clause 4 of the FCAI code states “An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.”

The Panel considered that the advertisement depicts the capabilities and performance of an off-road vehicle travelling over terrain not forming part of a road or road related area and did not portray unsafe driving or driving at a speed which would contravene relevant laws if the driving were to occur on a road or road related area. The Panel found that the driving in the advertisement was consistent with Clause 4 of the Code.

Finding that the advertisement did not breach Cause 2(a) or Clause 2(e) of the FCAI Code or any other section of the FCAI Code, the Panel dismissed the complaint.