



Ad Standards Community Panel
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Advertising Standards Bureau Limited
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Case Report

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| 1 | Case Number | 0281/18 |
| 2 | Advertiser | Jaguar Land Rover Australia Pty Ltd |
| 3 | Product | Vehicle |
| 4 | Type of Advertisement / media | TV - Pay |
| 5 | Date of Determination | 20/06/2018 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving
FCAI Motor Vehicles 2(c) Driving practice that would breach the law

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows the Range Rover Sport climb 999 steps at 45 degrees to a natural rock arch. It is set in the Tianmen Mountain National Park, Zhangjiajie, in northwestern Hunan Province, China. The vehicle is driven by professional racing driver Ho-Pin Tung.

THE COMPLAINT

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

Its reckless driving , its clearly and overseas model and shows cars driving up stairs which is illegal in Australia.

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 new Range Rover Sport. It has been produced by the global advertising agency – Spark44 – and aired in many countries around the world.

This activity was conceived to showcase the all-terrain capability and performance of the New Range Rover Sport. No other vehicle has ever climbed the steps to Heaven's Gate. Previous challenges set out by Range Rover Sport include a record-setting hill climb at Pikes Peak in the US, a record crossing of the 'Empty Quarter' desert in the Arabian Peninsula and last year's Downhill Alpine Ski Challenge in Switzerland.

No modifications were made to the vehicles. Standard production vehicles were used, fitted with optional off-road 20' Duratrac tyres, due to their stronger sidewalls.

The vehicle was driven by Ho Pin Tung – a professional racing driver, a 24 Hours of Le Mans winner and a friend of Land Rover thanks to his connections with the Panasonic Jaguar Racing Formula E team. Ho Pin had never attempted anything like this and was keen to be involved, attending tests at Jaguar Land Rover's Gaydon development HQ in order to successfully complete the challenge.

Land Rover worked closely with authorities on the ground in Tianmen Mountain National Park to ensure the activity did not offend any local communities or organisations. Land Rover engineers carried out numerous tests to understand the difficulties involved and installed a safety line to prevent a rollover situation in the event of a loss of traction.

As you can see from the supporting attachment, a clearly visible disclaimer is featured stating that the climb has been carried out in a closed area by a professional driver and is not to be attempted.

It is certainly not our intention to promote any kind of reckless driving.

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 depicts reckless driving in that a vehicle is shown driving up stairs which is illegal in Australia.

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 Range Rover driving up a large number of stairs

The Panel noted the complainant's concern that the advertisement depicts reckless driving in that a vehicle is shown driving up stairs which is reckless driving and illegal in Australia, and that the advertisement shows an overseas model vehicle.

The Panel noted that the Range Rover Sport is available for purchase in Australia, and that overseas model vehicles with left hand drive are permitted to be advertised in Australia.

The Panel considered the advertiser's response that numerous tests were performed prior to advertisement being filmed, and that a safety line was used during filming in case of a rollover event or loss of traction.

The Panel noted that the vehicle is driving at a safe speed, and noted that advertisers



are permitted to show the capabilities of their product, including the off-road capabilities of such equipped vehicles.

The Panel considered that the fantastical elements of taking a vehicle to such a location to show off the capabilities of the model and the imagery used in the advertisement is not a depiction that a reasonable viewer would interpret as promoting reckless driving or encouraging driving on non-road related areas.

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.

