



# Case Report

1	Case Number	0296/16
2	Advertiser	Mazda Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

FCAI Motor Vehicles 2(e) Environmental damage

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a group of 5 cheetah cubs playing with one another in a field. As they run towards the camera we see them morph in to Mazda CX-5s. We see the 5 cars driving across the field in formation as well as some interior shots, and a male voice over describes the features of the cars. The final scene shows the cars morph back in to cheetahs.

## THE COMPLAINT

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

*The ad promotes off road driving on what appears to be a natural grassland. Driving off formed trails creates erosion, damages native vegetation and is not responsible.*

## THE ADVERTISER'S RESPONSE

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

*The Mazda CX-5 Television commercial showcases the new generation of Mazda CX-5's. The car's animate from computer generated cheetahs, and are seen driving through a field.*

*The scenes from within the car, where the talent are seen driving, were shot on a green*

*screen in a studio environment.*

*The voice over narrative describes the updated and enhanced features of the technology as the vision plays under the audio read.*

*The communications design:*

*Mazda Australia understands the FCAI Code and the relating principles within the code in reference to ethical advertising standards for motor vehicles. As such Mazda Australia wishes to emphasise the core focus of the advertising communications in response to the complaint.*

*In developing this campaign the use of the Cheetah has been employed. The Cheetah has been part of Mazda Australia's communications for the CX-5 SUV since 2013. Since then it has become an iconic part of the communications as a striking visual on screen that is uniquely associated to the Mazda CX-5. The Cheetah acts as a symbol of the CX-5's efficiency, performance and design lines. Essentially, a visual metaphor that has allowed the brand to be noticed in the market.*

*In launching the new range of CX-5 vehicles the storyline using the Cheetah from past campaigns was developed to continue the narrative of the CX-5's presence in Australia. As the Cheetah has been part of the CX-5 communications for a number of years the storyline took on a more specific focus to the Cheetah in the latest campaign with the arrival of a litter of Cheetah cubs, which represents the latest generation of CX-5 SUV cars.*

*The hierarchy of the message was to announce the arrival of new vehicles using the past creative device of the Cheetahs to do so. This is the primary intent of the advertising message. Not a product demonstration message for off-road capabilities. As such the setting of the filming location was chosen to represent an African Savannah, homeland to real world Cheetahs, to add context to the depiction of the range of Mazda CX-5 cars.*

*The intent of the advertisement was to generate awareness of the CX-5 using a visual technique that is part of a storytelling approach that is obviously fictitious. The use of Computer Generated animals and cars within the advertisement further supports the fictitious nature of the advertisement and removal from real world driving use encouraged by Mazda Australia. As such Mazda Australia does not agree with the view that the advertisement encourages driving off designated vehicle tracks, which leads to land degradation and environmental harm.*

*The production of the advertisement:*

*Mazda Australia would like to bring attention to the production method for creating the advertisement. The filming was conducted in pastoral land in Queensland. As a commercial farming property has been used, the land is designated for livestock and farming use with designated grassland for livestock grazing, thereby negating any arguments of actual land impact as a result of production activities. The primary use of the land is animal husbandry and livestock management, not native grassland preservation. Location Agreement included within appendix (A).*

*Any imagery of grasses with the Cheetah's running through longer grass is again Computer*

*Generated Imagery to support the fictitious representation of a Cheetah habitat.*

*The CX-5 Product:*

*Further to the above points Mazda Australia wishes to draw attention to the wider marketing activity of the CX-5. The car is primarily targeted towards young families living in urban and suburban areas with a requirement for a car that supports daily family life. The CX-5 as an SUV is not intended for extensive off-road use. The overall design of the vehicle is intended for optimal efficiency, safety and performance in mixed-use driving, but not off-roading. As such Mazda Australia makes no claims to off-road driving experiences in a CX-5 given it is outside of the vehicles intended primary use.*

*Summary:*

*Mazda Australia wishes to note that the commercial has been on air nationally since February 2015 with no other challenges made against the content of the advert.*

*Finally, the production of the advertisement occurred under controlled conditions on a private farming property with no environmental impact to native grasslands or flora species, particularly given the fact that most of the production of the advertisement is completed through Computer Generated Imagery. The intent of the advertisement was, and continues to be, to draw attention to a new range of cars using a visually iconic metaphorical device of the Cheetahs not to promote off-road driving or inappropriate vehicle use in natural vegetation.*

*Mazda Australia is open to discussing the above response if there are any additional queries or if additional information and reference material is required to assist in the review process.*

## **THE DETERMINATION**

The Advertising Standards Board (Board) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Advertising for Motor Vehicles Voluntary Code of Practice (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 Board decided that the material in question was published or broadcast in all of Australia or in a substantial section of Australia for payment or valuable consideration given that it was being broadcast on television in Australia.

Having concluded that the material was an advertisement as defined by the FCAI Code, the Board then needed to determine whether that 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 Board determined that the material draws the attention of the public or a segment of it to a product being a Mazda CX-5 in a manner calculated to promote that product. The Board determined that the Mazda CX-5 was a Motor vehicle as defined in the FCAI Code.

The Board determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

The Board noted the complainant's concerns that the advertisement depicts a Mazda CX-5 driving over natural grassland and that this creates erosion, damages native vegetation and is not responsible.

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

The Board 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 Board noted it had recently dismissed a similar advertisement for Isuzu in case 0408/14 where:

"The Board noted the Isuzu D-Max is shown driving over sand and through streams and considered that driving vehicles with off road capabilities over these terrains is not uncommon and does not necessarily contribute to environmental damage. The Board noted that some people may consider that environmental damage can be caused by any incursions by people in vehicles into wild/environmental areas however the Board considered that the vehicle is shown to be driven in a cautious manner which is not intentionally damaging to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code."

The Board noted in the current advertisement that the advertiser had responded to say that although the CX-5 SUV is not intended for extensive off-road use the filming took place on land designated for livestock and farming to represent the environment of the CGI cheetah. Given the commercial farming uses of the land, the Board acknowledged the advertiser's statement that there were no negative impacts with regards to native grassland preservation. The Board considered that the grassland depicted in the advertisement does not look like a pristine environment which should be protected but rather it looks like farmland consistent with pastures where animals would graze. Consistent with its previous determination in case

0408/14 the Board considered that driving a vehicle on a field where such driving is permitted and where no lasting damage will be done to native grassland does not depict, encourage or condone intentionally damaging the environment.

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

Finding that the advertisement did not breach the FCAI Code, the Board dismissed the complaint.