



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0302-21
2. Advertiser :	RepcO Ltd
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	10-Nov-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a man sitting at the wheel of a vehicle talking about the brand's excitement to be sponsoring the Bathurst racing event. He then puts on a helmet and does a burnout while still talking.

THE COMPLAINT

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

I consider it inappropriate to exhibit such road behaviours. TV ads, in particular, do affect the behaviour of those witnessing them ; if adverts do not affect peoples' behaviour, why do advertisers spend billions \$ every year. Psychologists reports will verify this. Repco has got this advert wrong, it can do little to encourage appropriate road behaviours. Indeed it encourages the opposite! I believe this ad should be pulled immediately. I seek your response.

Absolutely disgusted that this is portrayed on television giving the impression that this lunatic, illegal behaviour is being promoted by Repco. It is not ok, I'm sure the Police are doing their best to stop this and yet...it's shown on prime time television. Ludicrous.

It is offensive to me. It encourages bad vehicular use. Encourages burnouts.



THE ADVERTISER'S RESPONSE

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

This Repco ad depicts a modified vehicle, with a single male stunt driver, wearing a helmet, performing a controlled burnout stunt, on a purpose-build closed race track.

When developing this new Repco campaign, the intention was to convey a sense of the spirit and energy of the Bathurst 1000 experience. The ad is to celebrate a commercial partnership with an iconic race, which is the biggest and most revered event in Australian Motorsport.

Burnout displays are a common part of the motor racing spectacle, particularly at Bathurst where the winning driver performs a victory burnout. As such this is part of a strong sub-culture of Repco's core customer groups who are car enthusiasts and regularly restore, modify, enhance and compete in their vehicles.

Repco does not condone or encourage any form of unsafe or illegal behaviour. This stunt is performed by a qualified stunt professional, wearing a helmet, on a closed, private race track, purpose-built for the stunts performed. The ad does not show any other vehicles or people in the vicinity of the vehicle performing the stunt, or anywhere else in the picture.

These stunts were conducted safely and legally, and the following actions were taken to ensure safety remained at the front of everything we did during production:

- The ad was produced in conjunction with certified stunt & precision drivers. All performers wore appropriate safety equipment and the stunt utilised a purpose-built race vehicle on a closed race circuit environment.*
- All action took place under the supervision of accredited stunt supervisors. A detailed safety & risk assessment was prepared during pre-production prior to the shoot commencing. This report required our stunt performers & supervisors to be accredited at the highest level necessary to execute the activity outlined in the film. Safety on the set of this production was paramount, and executed successfully.*
- The content within the produced TV commercials was produced to be considered within the context of 'motorsport'. The vehicle utilised for filming being purpose built and modified, with careful consideration taken throughout pre-production to ensure that the visuals depicted were clearly within the context of motorsport.*
- The controlled environment is clearly free of any other people, vehicles, buildings, further illustrating the safe environment it was conducted.*
- Our advertising agency sought regular advice from CAD (Commercials Advice) from the start to finish of production, and we were issued with a 'W' rating which means*



that we cannot feature during children’s programming. In addition, our media agency were made fully aware of the CAD approval rating and constructed the media buy in line with the Free TV Commercial Television Industry Code of Practice 2018.

- *Lastly, the ad clearly includes a warning disclaimer, advising of the above safety measures taken. Disclaimer transcript: Do not attempt to replicate any of the high octane stunts you are about to witness. This actor is a professional driver, using a purpose-built, modified and fully Bathurstified vehicle, on a closed race course.*

The ad does not depict any discrimination or vilification, exploitative or degrading activities, violence, sex, sexuality or nudity, offensive language, and is clearly distinguishable as advertising for Repco.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concerns that the advertisement includes unsafe behaviour which would breach the road rules and could lead to people attempting to copy the behaviour.

The Panel viewed the advertisement and noted the advertiser’s response.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to Section 2.6 which states:

“Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.”

The Panel noted the advertiser’s response that the advertisement had been filmed in controlled conditions, and the stunt was performed by professional driver and included a disclaimer.

The Panel noted that it is illegal for people to perform burnouts on public roads.

The Panel noted that in this ad the stunt is clearly not being performed by a driver of an everyday passenger vehicle on a public road or road-related area. The Panel noted that the vehicle was clearly in racing livery and featured a roll-cage. The Panel noted that the driver was wearing a seatbelt and helmet and it appeared as though all possible steps had been taken to ensure his safety.



The Panel noted that the vehicle appeared to be on a race-track or testing ground that was clear of other people and vehicles.

The Panel noted that it was not uncommon for televised racing events to include depictions of vehicles doing burnouts, and that some events featured burnout competitions. The Panel considered that the depiction in this advertisement was consistent with similar scenes from car events and was not a depiction which would be interpreted as taking place illegally on a road or public area.

The Panel acknowledged that there is a high-level of concern in the community in relation to people undertaking unsafe driving behaviours, such as burnouts. However, the Panel considered that in this instance the advertiser had taken all reasonable steps to clearly differentiate the driving behaviour in the advertisement from illegal behaviours on public roads.

The Panel considered that most members of the community would not find the advertisement to be promoting unsafe driving behaviour.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.