



Case Report

1	Case Number	0313/17
2	Advertiser	Century Batteries
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement theme is, "Australia just loves a Century." The tone of the advertisement is Century's brand ambassador (Matthew Hayden); finds himself in the unlikely situation of having to rescue stranded everyday Australians as he goes about his day. He comes to the assistance in the following scenarios; a family broken down on a country road, two fisherman stranded out on the water and, a family campsite in need of power.

The underlying message of the advertisements is to highlight the importance of having a reliable battery and to showcase Century's range of Australian made batteries.

THE COMPLAINT

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

The commercial quite possibly shows illegal parking, certainly high potential for a collision with another vehicle [third party] travelling same direction as the 4WD.

The third party would not expect or have reason to slow down, the 4WD driver would have extremely limited, if any vision of approaching traffic from the rear, actually a very unsafe manoeuvre from my towing training background, as rearward over shoulder vision is completely blocked by the boat.

The commercial clearly gives the impression to inexperienced drivers this manoeuvre/exercise is "ok" to do, I'm sure when viewed by Qld. Police Service, Transport &

Main Roads Road safety they will have a similar view to myself.

THE ADVERTISER'S RESPONSE

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

The complaint is concerned with a scene in the advertisement in which a vehicle is parked on a rural road to perform a jump start before driving away. The concern relates to section 2.6 of the ANNA Code (Health and Safety within prevailing Community Standards) and in particular to road safety.

Century Batteries takes great care throughout all aspects of our operation, to ensure compliance with all applicable standards and regulations. For our advertising, we engage a third party professional (advertising agency), 'Market2Market.' To this end, great care is taken to ensure that the advertisements do not encourage any form of unsafe, illegal or reckless activity, or depict scenes or behaviour contrary to prevailing community standards in relation to health and safety.

In respect to the road safety concerns, before the advertisement was filmed there was consultation (and subsequent approvals gained) by Redland City Council. From a production perspective, the advertisement was filmed on a closed road, under controlled conditions and with local government approved road closure and safety staff.

Despite the various controls in place, the filming took place on a straight 60km per hour road in a rural location with clear view either side of the scene and both cars were parked on a grass verge off the sealed road. Neither of the vehicles, pulled onto to the road rapidly and instead, the advertisement demonstrated Matthew Hayden assisting a stranded family before continuing on his way.

Century Batteries is a brand that is proud of their Australian Manufacturing heritage. Our current brand awareness campaign "Australia just loves a Century" is focused on emphasising the reliability and connection of our products to the Australian environment. The significance of this campaign is that the advertisement was produced to showcase the connection of the brand with our Australian environment by being filmed on a rural road. There were a number of other elements including, the involvement of Matthew Hayden (one of Australia's all-time cricketing icon.).

With our various affiliations within the automotive industry and our focus on providing quality products comes a responsibility to promote safe driving. This is a message that we take very seriously at Century Batteries.

For the reasons outlined in this response, we do not believe that the advertisement depicts material which contravenes 2.6 of the Code but rather depicts an exceptional circumstance in a controlled environment within the Australian outback.

Century Batteries is committed to complying with the Code, all applicable law related to

advertising as well as community standards around road safety and as a responsible company are willing to provide an undertaking to include a disclaimer 'filmed on a closed road under controlled conditions' on future screenings of the advertisement to highlight that the advertisement had been filmed in a safe and controlled environment.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts unsafe behaviour with the 4WD parked on the incorrect side of the road which is dangerous and unsafe.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted this television advertisement depicts a stranded family standing together outside of their vehicle as a man (Matthew Hayden) assists them by jump starting the car battery. The vehicles are parked on a grass verge off the sealed road. The next scene shows two men stranded in a boat as the same man assists them to get their battery going again. The final scene shows My Hayden assisting a group at a camp site to get the battery going so they can watch television.

The Board noted the scenes that are identified as being unsafe are the car and boat scene.

The Board noted the advertiser's response that "in respect to the road safety concerns raised, the advertisement was filmed in consultation (and after approvals gained) by Redland City Council. The advertisement was filmed on a closed road, under controlled conditions."

The Board noted firstly the road side scene. The Board noted that the road was clearly a rural road and there was no visible additional traffic. The Board noted that Mr Hayden arrives at the scene to assist with a flat battery and he uses jump leads to start the other car. The Board acknowledged that the most practical position of a vehicle in order to perform this function is to be parked "nose to nose." The Board noted that the vehicles were pulled over on to the side of the road on the grass verge and there was no part of the vehicles still on the road.

The Board noted the complainant's concern about the possible illegal parking and potential for a collision when pulling away from the side of the road due to lack of visibility for the driver of the assisting vehicle.

The Board noted that in relation to the conditions, ie: the rural stretch of road, the placement of the vehicles is appropriate for the action being carried out and considered that the vehicles are positioned safely. The Board acknowledged that driving away from the incorrect side of

the road may mean visibility would be reduced, but considered that in the context of the advertisement showing road side assistance, the depiction is not contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

The Board then considered the scene on the water with assistance being provided to the stranded boat.

The Board noted that the issue of safety at sea is a very important community concern but that there is not yet an Australian community standard regarding wearing life vests. The Board noted that the advertisement depicts only fleeting images of the men on the boat and that in the scene the conditions appear to be calm and the men do not appear to be in any danger from unsafe sailing conditions.

The Board considered that wearing life jackets on a boat may be considered best practice for adults and children but is not law in the situation depicted in the advertisement, in all jurisdictions.

The Board considered that the advertisement's depiction of the men not wearing a life jacket in a stationary boat did not amount to unsafe or illegal act given the laws governing the wearing of life jackets are not harmonised but jurisdictionally determined. The Board noted this was in line with previous determinations (case 0059/13 and 0164/16).

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.