



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0318-19
2. Advertiser :	Supercheap Auto
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	9-Oct-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a man in a car being given a package to deliver. The advertisement follows the package as it uses a blue car, a boat, a white car, a green car, and a man in a powered paraglider to deliver the package.

THE COMPLAINT

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

They show a number of vehicles siding out on dirt and speeding. I thought advertising standards had banned this practice for carmakers in the interest of promoting safe driving practices. Surely this extends to a franchised car parts supplier? If not, why not?

THE ADVERTISER'S RESPONSE

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



Supercheap Auto is a brand synonymous with motor sport. We have been the naming rights sponsor of the Supercheap Auto Bathurst 1,000 for over 10 years and have sponsored our own racing team in the V8 Supercars for over 20 years. The four oil companies represented in The Advertisement also have longstanding affiliations with motorsport, having sponsored racing cars for many years as a means of showcasing the performance of their product.

Vehicles: The vehicles featured in this commercial are very clearly racing vehicles. The racing liveries, lack of number plates and in some cases inclusion of roll cages indicate that these are performance racing vehicles, not passenger, road legal cars.

Drivers: The cars are driven by a team of Australia's most experienced professional stunt drivers. We have produced a suite of supporting 'behind the scenes' content intended for online, which contains interviews with the professional stunt drivers. The professional drivers are dressed in appropriate safety gear (helmets and racing suits) and they explain the years of practice undertaken to be able to perform the precision moves. The behind the scenes footage also makes reference to the preparation and practice that goes into choreographing the precision driving routine.

Locations: It is also clear that these scenes in The Advertisement were not filmed on public roads. The 4 locations include: A private warehouse, private runway, private quarry and waterways. None of these locations contain any road markings, street signs or any other signage that would allude to these this Advertisement taking place on public roads.

With our motor sport affiliation comes a responsibility to communicate the message that racing belongs on the track, not on our roads. This is a message we take very seriously at Supercheap Auto. We in no way wish to condone dangerous driving and have invested significantly in promoting road safety through our "Check it" campaign.

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 professional drivers carrying out a highly detailed choreographed precision driving sequence to showcase the performance of each of the four oil brands.

Supercheap Auto is committed to complying with the Code, all applicable laws related to advertising as well as community standards around Road Safety.

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 complainant's concern that several vehicles are depicted sliding out on dirt and speeding.



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

The Panel considered whether the advertisement was in breach of 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 Panel noted the complainant's concern that several vehicles are depicted sliding out on dirt and speeding.

The Panel noted the advertiser's response that the vehicles depicted are clearly racing vehicles, and that the scenes in the advertisements were clearly not filmed on public roads.

The Panel considered that the advertisement was clearly fantastical in the storyline portrayed, and promoted that the advertiser would go to any lengths to obtain a product a consumer required.

The Panel considered that the quick moving transitions between scenes create the impression of speed, but that it is not possible to tell the actual speed of the vehicles in shots that last less than a second. The Panel considered that a significant part of the advertisement contains racing imagery, including all vehicles depicted with racing style branding.

The Panel considered that although the scenes show the vehicle turning sharply, there is no indication that the driver has lost control of the vehicle and there is no depiction that would indicate that the driver does not possess the necessary skills to drive the vehicle as portrayed. The Panel noted that this type of driving may breach road rules if it were to take place on an ordinary road but considered that most members of the community would consider the clear fantasy nature of the advertisement and not consider the advertisement to be promoting or encouraging unsafe driving or depicting material contrary to prevailing community standards.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on road safety and did not breach Section 2.6 of the Code.

The Panel noted the complainants' concern that the advertisement was in breach of the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel noted that the FCAI Code only applies to advertisements for 'motor vehicles'. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Panel determined that Supercheap Auto is a retailer of automotive accessories and not a Motor Vehicle as defined in the FCAI Code.



The Panel determined that the material before it was not an advertisement for a motor vehicle and therefore that the FCAI Code did not apply.

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