



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0319-21
2. Advertiser :	RepcO Ltd
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Nov-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man in front of a Repco store explaining to the viewer that Repco is a store for people who are into cars.

It becomes clear that the Repco store is actually fake and it separates in the middle and each half the of the store exits to the sides of the shot, revealing a race-track.

A race car begins to perform a burnout.

A disclaimer appears on screen, stating "Do not attempt to replicate any of these stunts. Ever! This high-octane action was performed on a closed circuit, under strict and qualified stunt supervision, using risk assessments, safety gear, precision drivers and burnt rubber. This commercial contains a Supercar's worth of power."

The race car then begins a series of doughnuts around the Repco man.

The camera then pans up, and as three CGI jets fly over, the Repco Bringin' the Bathurst logo appears on screen.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The car doing burnouts around the announcer. How dangerous and what a terrible example for our young drivers



THE ADVERTISER'S RESPONSE

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

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.

This Repco ad is the second ad in the Bringin' The Bathurst campaign, and is designed to be a continuation of the theme – with our previously introduced stunt professional now standing in front of a Repco store and walking towards the camera. As he walks towards camera, the store pulls away, revealing he is still on the fully enclosed purpose built race track from the previous ad. As a disclaimer appears on screen stating "Do not attempt to replicate any of these stunts. Ever! This high-octane action was performed on a closed circuit, under strict and qualified stunt supervision, using risk assessments, safety gear, precision drivers and burnt rubber. This commercial contains a Supercar's worth of power" a professional race car begins to perform a burnout then proceeds to do a series of doughnuts around him, before three jets fly overhead.

As detailed in our response on a previous ad (REPCANN30A), burnout displays are a common part of the motor racing spectacle, particularly at Bathurst where the winning driver performs victory burnouts and doughnuts. 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 in a professional race car, by a professional driver, on a closed, private race track, purpose-built for the stunts performed.

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 performers & professional race 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.*
- Despite this ad being filmed on a later date, the director, cast and crew, including the stunt coordinator and the stunt professional featured in the ad, are the same*



experienced professionals that featured in our previous ad, ensuring high levels of trust, and continued high levels of safety.

- The major stunt that was performed, was a series of doughnuts performed by a professional supercar driver, around a qualified stunt professional. The director and the stunt coordinator, ensured that the stunts were performed at a distance that allowed for visual eye contact between the performers as well as corrective action if the stunt was not executing as planned.*
- The content within the produced TV commercials was produced to be considered within the context of 'motorsport'. The vehicle utilised for filming being a professional race car, featured in the Supercars category of racing, with careful consideration taken throughout pre-production to ensure that the visuals depicted were clearly within the context of motorsport.*
- The controlled environment features only a single stunt performer and a race car driven by a professional driver in full race suit, helmet, gloves and shoes, and is free of other people, vehicles and buildings, further illustrating the safe environment in which 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 these stunts. Ever! This high-octane action was performed on a closed circuit, under strict and qualified stunt supervision, using risk assessments, safety gear, precision drivers and burnt rubber. This commercial contains a Supercar's worth of power.*

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 complainant's concerns that the advertisement includes dangerous behaviour and sets a bad example to young drivers.



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 as drivers do not have control over their vehicle.

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 appeared to be on a race-track or testing ground that was clear of other 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 on a road or public area (which would be illegal).

The Panel considered that while a person is visible in the advertisement and is shown standing in the centre of the scene while the car does burnouts around him, the man looks calm and confident in the abilities of the professional driver.

The Panel considered that the scene depicted a professional driver and stunt man performing a professional stunt in a controlled scenario. The Panel considered that the scene was not unlike events such as monster trucks or Nitro Circus in which highly exaggerated stunts are performed.

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.