



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0327/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Valvoline (Aust) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Automotive</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for Valvoline SynPower Motor Oil and features primal looking characters driving motor vehicles until they meet up at a look out and when they get out of the cars they resume a more human like appearance.

## THE COMPLAINT

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

*The VALVOLINE ad encourages young male adults to drive fast, again not something anyone should wish to encourage. I had a hard time to try to explain both these advertisements to my 8 and 6 year old grandchildren. Both these advertisements need to be removed from TV. This is the first time I have complained about television advertising. I think the standard of both these advertisements leave a lot to be desired.*

## THE ADVERTISER'S RESPONSE

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

*We refer to the complaints received concerning the advertisement relating to section 2.6 of the AANA Code of Ethics. Thank you for the opportunity to comment on the issues raised in the complaints.*

*The drivers of the vehicles are clearly depicted as uncivilised and “primal”. This is evidenced by their extreme facial hair, basic expressions and unclean appearance. They are not intended, nor are they portrayed, to be human characters in a realistic setting. Rather, they are shown as primal and in an unreal environment. Only at the end of the commercial, when the driver exits the vehicle do we see him as a clean cut modern male.*

*We deny that the advertisement encourages reckless driving or dangerous behaviour in breach of general community standards on health and safety. All driving was conducted within and well below the posted limits. All vehicles are in control. All occupants are correctly restrained. This spot does not glorify excessive speed or reckless driving. This spot does not display excessive speed or reckless driving.*

*Indeed the spot was specifically created with section 2.6 of the AANA Code in mind. We have also added a Super “Closed Course, Professional Driver” which was not required. The Super was added to reemphasise that this is not a real situation.*

*The relevant section of the Code refers to "Prevailing Community Standards on health and safety". We understand that any form of dangerous driving will be viewed by the ASB as being against Prevailing Community Standards on health and safety, because of the risk that such driving presents to the community, both to the driver and other road users. We have deliberately not breached the Australian Road Rules or the code.*

*On the basis of the above, we respectfully submit that the complaints should be dismissed on the basis that the advertisement is clearly not in breach of section 2.6 of the AANA Code.*

## **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 concern that the advertisement shows driving that is irresponsible and dangerous.

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 the advertisement features primal looking men, driving through the city and meeting at a look out and changing back into more civilised looking men. There is background music and singing and the Valvoline oil product is shown at the end with the text “Faster Flow for more go” “Man like Horsepower.”

The Board noted that this advertisement is the modified version of the advertisement upheld in case 0192/14 and that the previous version included scenes of driving actions that included repeated ‘burnouts’ including in front of a group.

The Board noted that the advertisement is filmed in very dark and misty conditions to add effect to the film appearance of the advertisement and the advertisement is movie-like and that the scenario of werewolves or primal characters driving cars is fantasy in nature and not realistic.

The Board noted that the bottom of screen includes a disclaimer that the advertisement is

filmed on a closed course with a professional driver.

The Board noted that there are scenes that show the vehicle seemingly being driven at speed but that there is no indication of the speed the vehicles are travelling and that the vehicles remain in control at all times.

A minority of the Board considered that as the advertisement was likely directed to a target market of young males aged 18-24 there was not enough clarity around what is considered acceptable driving practice and that some of the driving displayed could be considered unsafe. The majority of the Board however, felt that unlike the previous version there are no depictions of driving practices such as burnouts etc that are illegal and unsafe. The Board considered that the advertisement in its current form does not depict material contrary to prevailing community standards on safety, specifically responsible driving and that the advertisement did not breach Section 2.6 of the Code.

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