



Case Report

1	Case Number	0327/15
2	Advertiser	Isuzu
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(b) Breaking the speed limit
2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

To highlight the 4X4 prowess of the Isuzu D-MAX the TVC shows an experienced 4 wheel driver in a D-MAX come across a vehicle caught in a remote area in the pouring rain with no other way of extracting themselves from a compromised predicament. He collects a tow strap from the tub of his ute, securely attaches it to both vehicles and extracts the vehicle. We then see the D-MAX in a variety of 4x4 scenarios – crossing a riverbed, through the river, on the beach and in the bush showing the different environments the 4x4 Isuzu D-MAX is comfortable driving in.

THE COMPLAINT

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

The speed at which the reversing of the vehicle attached to a tow rope is clearly unsafe. The reversing speed is excessive and the result would be serious injury to the driver and possibly the driver of the other vehicle when the tow rope engages. The images following of driving also show excessive speed in unstable terrain which if copied by inexperienced drivers would possibly roll over the vehicle. The image of the vehicle driving through the river shows excessive speed and sends a message that it is ok to drive in an unsafe way in off road environments.

1. They attach the snatch strap to the vehicles tie down point. This is not a rated recovery point.

2. You should never snatch in reverse as the crown wheels in the diffs are at their weakest in reverse. My main concern is the snatching as there have been quite a few injuries and deaths from improper snatching practices!

THE ADVERTISER'S RESPONSE

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

The advertisement in question depicts an Isuzu D-MAX driver finding, offering help and then assisting another vehicle caught in a remote area in the pouring rain with no other way of extracting themselves from a compromised predicament. The Isuzu D-MAX in the advertisement is a four-wheel drive with seating for five adults.

Isuzu UTE Australia acknowledges that the Advertisement must comply with the Federal Chamber of Automotive Industries Code of Practice Relating to Advertising for Motor Vehicles (FCAI Code and the AANA Advertiser Code of Ethics.

In particular we take deep and careful consideration of all health and safety aspects of the driving activities we are depicting as well as the safety and welfare of the cast and crew during the filming of our commercials (Reference AANA Code of Ethics Section 2.6).

This advertisement, as is mandatory on all our TVC shoots, was filmed under the supervision of an Occupational Health and Safety Officer and no OH&S concerns were raised during the filming process.

The actual attachment of the tow strap to the vehicle is not a 'tie down' point as mentioned in the complaint but an official towing point of the Isuzu D-MAX.

The scenario depicted in the advertisement was conducted to take full advantage of the front mounted towing hook. The extraction method depicted in the advertisement is a very common practice in 4WD circles in Australia. In the advertisement we use a tow strap that complies with the Trade Practices (Consumer Product Safety Standard) (Motor Vehicle Recovery Straps) Regulations 2010, and is rated to 8,000kgs – along with a dampener as an additional safety measure.

The advertisement depicts a rather lengthy and calculated process that cannot be reasonably condensed into a 30 or 15 second TV commercial – and as such requires a level of imagination and factual discretion from the viewer. Notwithstanding when viewed objectively by a reasonable member of the audience, the advertisement would not be taken to depict unsafe activities. As supported by the CAD rating, the view of Isuzu UTE Australia is that the Advertisement is compliant with the FCAI Code, and AANA Codes in all respects.

Isuzu UTE Australia submits that the Complaint should be dismissed.

THE DETERMINATION

The Advertising Standards Board (Board) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Advertising for Motor Vehicles Voluntary Code of Practice (the FCAI Code) and the AANA Advertiser Code of Ethics (the "Code").

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

The Board decided that the material in question was published or broadcast in all of Australia or in a substantial section of Australia for payment or valuable consideration given that it was being broadcast on television in Australia. The Board determined that the material draws the attention of the public or a segment of it to a product, being an Isuzu D-MAX, in a manner calculated to promote that product. The Board concluded that the material is an advertisement as defined by the FCAI Code.

The Board then considered whether that advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Board determined that the Isuzu D-MAX was a Motor vehicle as defined in the FCAI Code.

The Board determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

The Board considered Clause 2(b) of the FCAI Code. Clause 2(b) requires that Advertisements for motor vehicles do not portray... "people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published."

The Board noted the complainant's concern that the advertisement depicts driving at excessive speed in unstable terrain.

The Board noted that when the Isuzu D-MAX is shown towing a vehicle it reverses at speed and considered that this action is consistent with towing a vehicle out of muddy terrain and is not suggestive of excessive, inappropriate or dangerous speeding. The Board noted that subsequent scenes show vehicles driving in different outdoor settings and considered that there are no posted speed limits and we do not see the speedometer of the vehicles. The Board noted that in each scene the vehicles are being driven in a controlled manner and considered that overall there is no suggestion that the vehicles are being driven at excessive speed or in a manner which is unsafe for the driving conditions depicted.

The Board determined that as there is no context of a speed limit, the advertisement did not depict speeding and therefore did not breach Clause 2(b) of the FCAI Code.

The Board then considered the AANA Advertiser Code of Ethics (the Code).

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 features an Isuzu towing another vehicle which is stuck in a muddy location.

The Board noted the complainant’s concerns that the snatch strap is attached to a tie-down point but considered that as stated in the advertiser’s response, the advertisement depicts the snatch strap being attached to an official towing point.

The Board considered that as the advertisement depicts a towing scenario where a snatch strap is correctly attached to an official towing point, the advertisement did not depict material contrary to Prevailing Community Standards on health and safety with regard to the safe recovery of a vehicle.

The Board determined 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 complaints.