



Case Report

1	Case Number	0334/13
2	Advertiser	Australian Fast Foods
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	25/09/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

While a voiceover celebrates “hard-working Aussies”, a used car salesman is shown engaging in various laid-back situations in the workplace: kicking a bumper bar on a used car (described as “checking the integrity of every vehicle”), tossing crumpled paper into a basketball ring over a rubbish bin (“hitting his monthly target”), doing a burnout (“test driving for your safety”), and wasting time on a computer (“watching a cat play a piano”). As the voiceover explains that this “works up an appetite”, the salesman puts his feet up in the back seat of a car, holds a sun reflector to work on his tan, and eats a Red Rooster “Mega Ripper”.

THE COMPLAINT

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

How is how a car performing a burnout since its against the law and promotes bad driving. If car manufactures aren't allowed to show any form of dangerous driving why is a fast food chain allowed too?

Depicts illegal 'hoon' activities of a motor vehicle.

THE ADVERTISER'S RESPONSE

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

The advertisement is clearly a tongue-in-cheek representation of inappropriate behaviour. The voiceovers applauding “hard-working Aussies” and describing various legitimate aims of diligent employees are sharply contrasted with images of an incompetent used car salesman who is portrayed as wasting time and generally being lazy and unreliable. This is self-evident from the juxtaposition of the voiceover describing each activity that should be done by hard-working salesman whilst showing how the advertisement’s anti-hero does it.

The advertisement received a “G” rating from Commercials Advice (CAD), indicating that the advertisement is appropriate for general audiences.

We note that a complaint has been received claiming that the advertisement depicts “illegal ‘hoon’ activities”, presumably referring to the brief shot where a car is seen performing a burnout. The complaint refers to section 2.6 of the AANA Code of Ethics, which states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

We submit that the advertisement does not breach section 2.6 of the AANA Code of Ethics, or any other section, for the following reasons:

- 1. Consistent with the theme running throughout the advertisement, the shot in question is shown as an example of how not to behave. There is nothing in the advertisement that endorses or encourages hoon driving.*
- 2. The shot was filmed on private property at the Sydney Speedway under controlled conditions and with a safety officer/stunt co-ordinator present. The vehicle was driven by a stunt/precision driver, not the actor playing the salesman in the rest of the rest of the advertisement.*
- 3. As can be seen from the advertisement itself, the driving was conducted in an open space with a wide area surrounding the car. The area is seen to be on private property rather than any road or highway. It is not part of a crowded used car lot, as there are no other cars, people or obstacles in the shot and no one is in danger.*
- 4. The situation depicted in the advertisement is clearly fanciful and unrealistic. Viewers would readily understand from the context of the advertisement and the sarcastic voiceovers that this is clearly an exaggerated representation that does not reflect how a responsible used car salesman would actually test used vehicles they have for sale, and again, that the advertisement does not condone such behaviour. Accordingly, the scene is unlikely to encourage copycat behaviour by viewers.*

Finally, although the complaint suggests that the driving is “illegal”, we do not believe that such driving actually contravenes the law when conducted on private property as is depicted in the advertisement. We note, in any case, the AANA Code of Ethics does not prohibit the depiction of illegal activity in general, and the FCAI Code of Practice does not apply in this case as this is not an advertisement for motor vehicles.

In light of the above, we submit that the complaint should be dismissed.

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 complainants’ concerns that the advertisement is irresponsible and in its depiction of a man doing a burnout in a car and that the actions are illegal.

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 that the advertisement features a man depicted as a used car salesman carrying out activities as the voice over describes what he is doing. Actions include: Kicking the front bumper of a vehicle - “testing the integrity of every vehicle.” Throwing screwed up paper through a basketball ring – “hitting his monthly targets” and Doing a burnout in the car park – “test driving for your safety.”

The Board noted that the scenes depicted in the advertisement are intended to be humorous and are stereotypical of a used car salesman or someone in a mundane job, doing things to keep themselves amused.

The Board noted that the actions of the man are not presented in a positive manner and that it is clear that the activities he does are not being promoted as actions that should be adopted in the work place.

The Board noted that the scene that shows the salesman performing a burnout in a car is identifiable as a car park or car yard and that it does not look as if it is performed on a road or in association with any other vehicles or people.

The Board considered that performing a burnout is not behaviour that should be encouraged, and on public roads is illegal, but that in connection with the other silly behaviours of the character it is obvious that the activities are all in the context of a range of foolish behaviour leading to the need for the advertised product.

Based on the above the Board considered that the advertisement is not condoning or encouraging behaviour which is contrary to prevailing community standards on health and safety relating to appropriate driving behaviour and that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.