



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0358/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Alpha Finance</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</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>23/09/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement starts with a fortune teller's hands waving over a crystal ball and saying, " I see a car in your future". A young couple is seen driving in a car. The couple are singing and dancing and the on-screen text explains the deals available with Alpha Finance.

## THE COMPLAINT

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

*Woman driving in car playing loud music and making dancing movements- depicts driver not paying attention to the driving of a car which is a concern regarding driver distractions on the road and not paying attention while driving.*

## THE ADVERTISER'S RESPONSE

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

*Alpha is a proud Australian small business that provides quality Car Finance, Car Hire & Airport Parking services across 3 states and now proudly provides its collective services to over 100,000 customers per annum. We are a progressive small business and have enjoyed*

*strong growth over the last 3 years and are forecasting the same growth for the next number of years. We attribute our growth to our strong customer service and valued products & services.*

*This specific advertisement is one of our advertisements for our Alpha Car Finance business & run for approximately 3 years and we have had no negative feedback to date. In fact, quite the opposite as the driver was/is representative of our core demographic of our Australian clients within this business.*

*We acknowledge that the driver is having fun but remains attentive at all times and as such we believe does not constitute unsafe driving. We believe that at no time does this driver remove both hands from the wheel. She also ensures she regularly checks both the rear vision mirror numerous times and is wearing her safety belt. Nor does she break any current legislation in Australia.*

*As mentioned earlier; we welcome feedback however in this instance we sincerely trust that the Advertising Standards Bureau Board respectively agrees with our position.*

## **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 shows poor driving practices as a woman and her passenger are seen doing dancing movements while driving and this could be dangerous and cause an accident.

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 this advertisement features a fortune teller's hands waving over a crystal ball and saying, "I see a car in your future". There is a young couple driving in a car. The couple are singing and dancing and the on-screen text explains the deals available with Alpha Finance.

The Board noted the complainant’s concerns that the driver is not paying attention while driving.

The Board noted that it had considered an advertisement for McDonald’s (0162/15) where a woman tapping the steering wheel to the music and noted that as the woman is drumming her hands there is a fleeting moment where she is not holding the wheel at all.

In this advertisement the Board noted that the woman “... is continually checking traffic in the rear view mirror and is conscious of her surroundings and the traffic. “

The Board noted that, similar to 0162/15, the female driver maintains her focus ahead as she drives and at the same time is singing and moving to the music. The Board noted that in several scenes the driver glances at her rear vision mirror and in one scene the driver looks very quickly at the passenger but remains in control of the car at all times.

The Board noted that the passenger is carrying out much more vigorous dance moves and that the driver is seen with her head facing forward and she continues to check the mirrors of the car to ensure suitable awareness of what is going on around her.

The Board noted that according to the Australian Road Rules relating to control of a vehicle “...A driver must not drive a vehicle unless the driver has proper control of the vehicle...”

The Board noted that based on the road rules above, it is not illegal to drive with one hand as depicted in this advertisement, and that the drivers appear in proper control of the vehicle in all scenarios in this advertisement and does not appear to be driving dangerously or in a manner that would be considered uncontrolled.

Based on the above, the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety relating to the driving of vehicles and does not condone or encourage unsafe driving practices.

The Board determined that the advertisement did not breach of Section 2.6 of the Code. Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.