



Case Report

1	Case Number	0361/11
2	Advertiser	Auscarts Racing
3	Product	Leisure & Sport
4	Type of Advertisement / media	Radio
5	Date of Determination	28/09/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
2.5 - Language Use appropriate language

DESCRIPTION OF THE ADVERTISEMENT

The theme of the commercial was that at Auscart's you can drive the way you can't drive on the road in a safe and secure environment. Essentially we are saying you have to drive safely on the road but not necessarily at Auscart's where you can have a bit of fun. It positions Auscart's as the safe place to go have fun on four wheels.

THE COMPLAINT

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

I object and was offended by this advertisement because it starts out sounding like a TAC commercial for speeding or drink driving. It says something along the lines of racing your mates at traffic lights and trying to cut them off then quotes the TAC slogan "you bloody" then pauses and says "LEGEND!" it then goes on to say that you can visit their oz kart centres and drive like a bloody legend where there are no cameras or police to stop you. I object to this add there are many initiatives at the moment encouraging young people to not drink and drive and speed with their mates and this add is working on the well know style and slogan of the TAC adds to keep this dangerous style of driving attractive.

THE ADVERTISER'S RESPONSE

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

- *Before participants go on the track they will be given a DVD briefing/verbal briefing. This covers all safety on the track*
 - *The word bloody was not used in them ad at all, so I really don't know where this came from*
 - *We had discussed our ad before it when to air and we didn't want it to sound like the TAC commercial*
 - *It is correct there is no police to stop you, but our QUALIFIED TRACK MARSHALLS CAN*
 - *No cameras: because there is a FULLY Qualified track marshal on their at all times*
 - *You are racing your mate at the traffic lights: Yes we do have traffic lights here, YELLOW MEANS: slow down to a walking pace, RED MEANS: stop, GREEN MEANS: IN RACING CONDITIONS.*
 - *Cutting you mates off: Yes it does happen from time to time as we get people fighting out for 1st place spot, but we also let our customers know if they are slow drivers to stick to the left hand side of the track*
- Our core business is to enable the average person the opportunity to have the feeling of a race car driver. We don't or ever have encouraged unsafe driving on Australia's roads. Instead we offer a racing experience in an engineered and controlled environment. The aim of the ad is to encourage driving within our venue rather than the road.*
- GO KARTING IS FUN WITH LIMATIIONS AND RULES*

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 concerns that the advertisement encourages dangerous driving.

The Board reviewed the advertisement and noted the advertiser's response

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board noted that this radio advertisement does not feature the term “ bloody” and determined that the advertisement did not breach Section 2.5 of the Code.

The Board then considered whether the advertisement was in breach of 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 is for a go-kart centre and that the advertisement makes it clear that the driving practices portrayed in the advertisement are practices which are not suitable for the road but are suitable for a go-kart race track. The Board considered that the advertisement does not condone or encourage unsafe or dangerous driving on public roads.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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