



Case Report

1	Case Number	0367/10
2	Advertiser	Zeffirelli
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	08/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The commercial depicts three pizza delivery vehicles from three different pizza companies. Two of the vehicles leave the traffic lights quickly, whilst the third (Zeffirelli's) slowly drives off. We hear opera music from the Zeffirelli car, and the Italian sounding voice over talks about how it's not about fast food, but how authentic it is.

A different voice over then says that Zeffirellis now home deliver to all of Canberra.

THE COMPLAINT

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

First of all to be advocating street racing between the two pizza delivery cars then have one of those cars the same make and model as a car involved in a quadruple fatality after evading police earlier this year is disgraceful. Then for the red car to proceed through an intersection from a right turn only lane is another break of the road rules.

THE ADVERTISER'S RESPONSE

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

Essentially, the complainant raises three issues. 1. The advocating of street racing. 2. The use of a vehicle in the commercial "the same make and model involved in a Quadruple fatality". 3. The red car proceeding through an intersection from a right turn only lane.

Responding to Point 1. The advocating of street racing.

Zeffirelli does not advocate street racing and we certainly don't believe this commercial condones this activity. None of the vehicles exceeded the posted speed limit in the filming of this commercial, which was filmed under a permit from the ACT Territories and Municipal Services, with Closed Road arrangements and authorised Traffic/Safety Marshalls in place. We would also suggest that the (hero) red car chooses not to accelerate away with the other two cars thereby, if anything, sending a positive message to the viewer.

Responding to Point 2. The use of a vehicle the same make and model involved in a Quadruple fatality.

Clearly, Zeffirelli would not seek to alienate or cause anguish to people by intentionally featuring a vehicle of a make and model involved in a local fatal accident. If this is the case, it is a most unfortunate coincidence. We would also respectfully suggest that no matter what make or model of vehicles were selected in the making of this commercial, that someone somewhere may (regrettably) be reminded of a fatal road accident.

Responding to Point 3. The red car proceeding through an intersection from a right turn only lane.

As stated previously, this commercial was filmed under a permit from the ACT Territories and Municipal Services, with Closed Road arrangements and authorised Traffic/Safety Marshall's in place. The Red vehicle (Fiat Bambino) departs the intersection in a slow and safe manner. We acknowledge that in an open road situation that this vehicle would be contravening ACT Road Rules but given the context in that it is clearly a television commercial selling Pizzas, that a strict matter of the law should not apply. If this were to be the case, we imagine other advertisers such as AAMI Insurance whose television commercials contain far more numerous "contraventions of road rules" would not be on air. Overall comment: The creative thrust of the commercial is to adopt a humorous non offensive approach to selling the merits of Zeffirelli's Home Delivery Service, relative to competitors. The commercial has received considerable airplay in the ACT and the response to the commercial from consumers has been overwhelmingly positive. We obviously respect a person's right to register a complaint to the Advertising Standards Bureau but suggest that is an isolated response and by no means reflects the views of the community at large.

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 advocates cars street racing, and depicts a driving manoeuvre which breaks the road rules.

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

The Board 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 Zeffirelli vehicle does do would what would be a breach of traffic legislation. However the Board considered that the focus of the advertisement is on the product and that the driving depicted is not encouraging unsafe driving.

The Board noted the advertiser's response that the vehicles in the advertisement did not exceed the posted speed limit in the filming of this commercial, and that the advertisement was filmed under a permit from the ACT Territories and Municipal Services, with Closed Road arrangements and authorised Traffic/Safety Marshalls in place. The Board noted that the Zeffirelli car is shown driving off slowly accompanied by a message about the authenticity of the product.

The Board considered that the overall tone of the advertisement was humorous and that the message is about Zeffirelli pizza being better than other pizza and fast food. The Board considered that the actions depicted in the advertisement matched this message, and that at no time was the advertisement suggesting that speeding or racing cars is a positive thing. The Board considered that street racing was shown in a negative light and that it was the slow driver who was shown as the hero of the advertisement.

The Board determined that the advertisement did not depict "material contrary to Prevailing Community Standards on health and safety"

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