



Case Report

1	Case Number	0388/17
2	Advertiser	Honda Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a wide shot of a vast plain set amongst an urban backdrop. A man and woman enter the scene and join hands. The woman is shown wearing Honda's Walking Assist Device, a robotic device designed to assist people with restricted mobility to walk more easily. The advertisement cuts to a scene showing a large farm dog bounding across the open plain. A Honda motorbike is then shown riding past the dog at some distance and on a different dirt surface. The motorbike is being driven by a farmer and the dog is following behind – a quintessential Australian scene.

The advertisement then moves to a shot of the new Honda CR-V and Civic Hatch vehicles driving in separate paths around a bend. The farm dog is depicted at a remote distance from, and well behind, the vehicles. A Honda Civic Type R vehicle is then shown driving beside and in the opposite direction to the CR-V and Civic Hatch vehicles. A Honda NSX supercar is then shown driving past the other vehicles. An aerial shot shows each of the vehicles driving in large concentric loops on the open plain.

A Honda speedboat then glides past in a moat at the edge of the open plain. Honda's ASIMO, a humanoid robot, is depicted at the edge of the plain looking over to the speedboat. ASIMO then turns its head and follows a Honda jet as it flies past in the sky.

The closing scene depicts the couple, the dog and each of the Honda vehicles and products. The couple turn and look off into the distance before a final aerial shot captures a view of the futuristic metaphorical environment in which the advertisement is set.

THE COMPLAINT

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

In the advert, a dog is seen running along side the speeding vehicles. It's not appropriate to send the message that it's ok to make dogs run along side vehicles or to drive cars at speed in the same location as dogs off lead. The dog is in clear danger in this advert (assuming no special effects).

THE ADVERTISER'S RESPONSE

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

Advertisement Complaint: Reference 0388/17 (Honda Australia Pty Ltd – 'Masterbrand' TVC)

I refer to your letter regarding a complaint in relation to a television advertisement by Honda Australia Pty Ltd (Honda).

The advertisement has the creative title "the centre of everything" and is designed to communicate Honda's desire to put its customers at the centre of everything it does and features a range of Honda products, including a Honda "Walking Assist Device", a Honda motorbike, the new Honda CR-V and Civic Type R Hatch motor vehicles, a Honda-powered boat and jet plane in an invented, make-believe environment (the advertisement).

Your letter advises that the complaint raises issues under Section 2 of the AANA Advertiser Code of Ethics (AANA Code) and you have asked us to comment on relevant parts of that Code. You have not asked Honda to comment on any matters that may fall within the scope of the FCAI Code of Practice for Motor Vehicle Advertising (FCAI Code) so we have not addressed the FCAI Code in our response, although we do confirm for completeness that the advertisement does comply with the FCAI Code.

1. The complaint

The complaint focuses on what the complainant alleges is the depiction of a dog in a dangerous environment. The complainant states that "it's not appropriate to send the message that it's ok to make dogs run alongside vehicles or to drive cars at speed in the same location as dogs off lead. The dog is in clear danger in the advert (assuming no special effects)".

2. Honda's response to the complaint

Honda takes great care when developing advertisements to ensure compliance with the AANA Code and all other applicable codes and laws. We strongly believe that the advertisement fully complies with the AANA Code and does not in any way portray content

that could be considered contrary to prevailing community standards on health and safety.

Description of the advertisement

The advertisement was produced to showcase Honda's new "masterbrand" in which Honda puts its customers at "the centre of everything". It depicts a range of Honda land, sea and air vehicles in an invented, fantastical environment.

The advertisement opens with a wide shot of a vast plain set amongst an urban backdrop. A man and woman enter the scene and join hands. The woman is shown wearing Honda's Walking Assist Device, a robotic device designed to assist people with restricted mobility to walk more easily. The advertisement cuts to a scene showing a large farm dog bounding across the open plain. A Honda motorbike is then shown riding past the dog at some distance and on a different dirt surface. The motorbike is being driven by a farmer and the dog is following behind – a quintessential Australian scene.

The advertisement then moves to a shot of the new Honda CR-V and Civic Hatch vehicles driving in separate paths around a bend. The farm dog is depicted at a remote distance from, and well behind, the vehicles. A Honda Civic Type R vehicle is then shown driving beside and in the opposite direction to the CR-V and Civic Hatch vehicles. A Honda NSX supercar is then shown driving past the other vehicles. An aerial shot shows each of the vehicles driving in large concentric loops on the open plain.

A Honda speedboat then glides past in a moat at the edge of the open plain. Honda's ASIMO, a humanoid robot, is depicted at the edge of the plain looking over to the speedboat. ASIMO then turns its head and follows a Honda jet as it flies past in the sky.

The closing scene depicts the couple, the dog and each of the Honda vehicles and products. The couple turn and look off into the distance before a final aerial shot captures a view of the futuristic metaphorical environment in which the advertisement is set.

Compliance with the AANA Code

Your letter asks Honda to address the advertisement's compliance with all parts of Section 2 of the AANA Code. In particular, your letter notes that Section 2.6 of the AANA Code is of relevance to the complaint. We have considered all the provisions of the AANA Code, and in our view, the only section that could possibly be relevant to the advertisement and the complaint is section 2.6

Section 2.6 relevantly provides:

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

When preparing the advertisement, Honda carefully considered the requirements of the AANA Code and maintains that the advertisement fully complies with Section 2 as well as the intent of the Code more generally.

The complainant states that "it's not appropriate to send the message that it's ok to make dogs run alongside vehicles". The advertisement shows a large farm dog running alongside

and behind the farmer on his Honda motorbike. Further fleeting shots of the dog running in a large circle are depicted throughout the advertisement. Honda notes that the dog was not present when the vehicles were being filmed. The dog was filmed separately from the vehicles at all times and inserted into the advertisement in the post production process using special effects.

Although the advertisement is set in a made-up environment, farmers frequently ride motorbikes with farm dogs nearby and the depicted scene is common to many Australian farms. The dog is not depicted as being at risk of any harm; indeed, the dog is shown with a large grin as it bounds across the open plain.

Additionally, the complainant states “it’s not appropriate to send the message that it’s ok to ... drive cars at speed in the same location as dogs off lead”. Although the advertisement is set in an invented off-road environment, the dog is clearly depicted on a different and separately demarked surface to the surface on which the vehicles are being driven.

As part of the production process for the advertisement, Honda took great care to ensure that all driving was conducted carefully and at controlled speeds. Film Livestock Australia (FLA) was engaged to protect the wellbeing of the dog and to ensure that all aspects of the production process involving the dog were conducted safely and responsibly.

FLA inspected the dog prior to and at the conclusion of filming to ensure it was not stressed and was otherwise fit and healthy. FLA had a qualified safety officer and animal wrangler on set during the filming process. Any conditions that may have caused stress (such as loud noises, glare or heat) were minimised. Further, the producer was also obliged to be familiar with relevant sections of the Prevention of Cruelty to Animals Act 1986 (Vic). Both in the production of the advertisement, and in the imagery of the advertisement, at no time was the dog in any danger or suffered any harm.

For the reasons above, Honda strongly submits that the footage of the dog in the advertisement could be considered contrary to prevailing community standards on health and safety.

3. Summary

While Honda acknowledges the further complainant’s concerns, we firmly believe that the advertisement fully complies with the requirements set out in the AANA Code.

For the reasons outlined above, Honda requests that the complaint be dismissed.

We look forward to receiving the results of the Board’s determination in due course.

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 Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code) and Section 2 of the AANA 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 considered whether the 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 Honda 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 noted the complainants' concerns that the advertisement features vehicles driving at speed near a dog which is unsafe.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement.

The Board considered clause 2(a) of the FCAI Code. Clause 2(a) requires that: 'Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.'

The Board noted the examples given in the FCAI Code include: 'Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle...or the apparent and deliberate loss of control of a moving motor vehicle.'

The Board noted that this television advertisement depicts a man and woman in the centre of a circle with a dog, motorbike, various vehicles, and a plane circling them.

The Board noted it had previously dismissed a complaint about a similar advertisement by the same advertiser in case 0339/17 where:

"The Board noted that the advertisement is intended to be metaphorical and is dream like in tone as the boy visualises the cars he wants to own and then is seen growing up and driving these vehicles. The Board noted that the expression of the driver in the latest Honda is relaxed and the addition of the music gives an overall feel of calm and there is no aggressive driving or erratic changes in direction.

In the Board's view the location and set up of the advertisement was something that would not be copied by viewers and there was a high level of control demonstrated throughout the advertisement. The Board considered that overall the advertisement does not portray any driving which is unsafe, or that would breach any Commonwealth law or the law of any State or Territory."

Consistent with its previous determination the Board considered that the driving in the current advertisement was not aggressive, there were no erratic changes in direction, and in the Board's view the overall impression is of the various vehicles depicted being driven in a safe and controlled manner.

The Board determined that the advertisement did not breach Clause 2(a) of the FCAI Code.

The Board then 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 the vehicles are shown being driven near a dog running alongside them. The Board considered the safety concerns regarding the proximity of the cars to the dog. The Board noted the advertiser's response that "Film Livestock Australia (FLA) was engaged to protect the wellbeing of the dog and to ensure that all aspects of the production process involving the dog were conducted safely and responsibly".

The Board noted that overall the driving appeared to be controlled and considered that there was no suggestion that the dog was at risk.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach the Code.

Finding that the advertisement did not breach the FCAI Code or the Code of Ethics on any grounds, the Board dismissed the complaint.