



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0398/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Toyota Motor Corp Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Vehicles</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/10/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.2 - Violence Hooliganism-vandalism-graffiti

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a pair of comedians attempting to recreate an incident (breaking a post) with the football player responsible for the original incident, Leigh 'Lethal' Matthews. Being unable to do so under the same conditions as the original incident, the three men resolve to pull the post down with a rope (after considerable effort). The final shot shows the men jumping in the air and then we see the Toyota slogan, "Oh what a feeling!"

### THE COMPLAINT

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

*There is already too much vandalism in our society and small football club associations have too much damage to clean up now around their ovals and football club houses. The advertisement shows the three men deliberately breaking a goal post and I believe that this ad appears to condone the vandalism. Children will see this advertisement and try to copy their heroes thereby damaging property and causing a lot of inconvenience to local sporting clubs.*

### THE ADVERTISER'S RESPONSE

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

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code") and the Voluntary Code of Practice of Motor Vehicle Advertising set by the Federal Chamber of Automotive Industries ("FCAI Code"). We note that the nature of the complaint relates generally to the AANA Code and specifically to the concern that the ad in question contains imagery that is alleged to condone or encourage vandalism.*

*We have carefully considered the AANA Code and the FCAI Code, and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the AANA Code or the FCAI Code on any of the grounds set out in the same. We note that although the advertisement is for a motor vehicle, no driving practices are depicted in the advertisement. Accordingly, no provisions of the FCAI Code have been breached.*

*Looking at the AANA Code, Provision 2.2 provides that advertisements "shall not present or portray violence unless it is justifiable in the context of the product or service advertised". Further, Provision 2.6 provides that advertisements "shall not depict material contrary to Prevailing Community Standards on health and safety". We note the complainant's particular concern that the advertisement encourages vandalism, particularly of football posts.*

*We note the advertisement in question is a humorous attempted recreation of a well known incident of a goal post being broken during a 1982 VFL game. The advertisement features a pair of comedians attempting to recreate the incident with the football player responsible for the original incident, Leigh 'Lethal' Matthews. Being unable to do so under the same conditions as the original incident, the three men resolve to pull the post down with a rope (after considerable effort).*

*The original incident is well known to football fans, and it has been documented that the reason the original post snapped was due to an extension of the post not having been properly secured. Under normal circumstances, it is extremely difficult to break a goal post (as evidenced by the advertisement in question), and this would be understood by most reasonable viewers.*

*The goal posts depicted in the advertisement were not existing property, but were in fact constructed and installed by Toyota for the purposes of the advertisement only. No existing property was damaged in the shooting of the advertisement. Further, we note that most modern day football goal posts are constructed from aluminium rather than wood, making them even more difficult to damage. Wooden posts were used in this advertisement in order to recreate the conditions that were present in 1982. We note that in the course of the advertisement, one of the comedians attempts to knock the goal post down himself but is unsuccessful. The actual impact is not depicted, but he is shown on the ground. However, in the very next scene is shown to have fully recovered again. Accordingly, no violence is actually depicted in the advertisement in accordance with Provision 2.2 of the AANA Code. With regards to depictions of vandalism, it is clear from the advertisement that it is an attempted recreation of a famous football incident rather than a malicious attempt to destroy public property. The overall tone of the advertisement is also humorous and light-hearted rather than menacing or dangerous. Further, the advertisement portrays the actual act of breaking a goal post as extremely difficult, which ties in with the overall theme of the advertisement as an "unbreakable" moment. The advertisement does not condone or endorse vandalism in any sense, and in fact, appears to discourage the same by portraying how*

*difficult such an activity would be to undertake. In our view it is extremely unlikely that the advertisement will encourage other viewers to copy the activity featured. Accordingly, we submit that the advertisement does not breach Provision 2.2 or Provision 2.6, or any other provision of the AANA Code. For the reasons above, we respectfully request that the complaint 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 complainant’s concern that the advertisement features and encourages vandalism.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted that the advertisement features Leigh Matthews trying to recreate an incident where he broke a goal post whilst playing in an AFL match. The Board considered that the depiction of Leigh and the two actors repeatedly trying to break the goal post is a depiction which most members of the community would consider humorous and that the advertisement does not encourage viewers to copy their actions.

The Board noted that trying to break a goal post is not something to be encouraged, however the Board considered that the advertisement was not encouraging acts of vandalism but showing an over the top attempt at replicating an actual event which would appeal to the target audience.

Because of the exaggerated nature of the image shown the Board considered that this behaviour was not a realistic depiction of vandalism and was unlikely to lead to copycat/antisocial behaviour.

On this basis the Board determined that the advertisement did not breach of Section 2.2 of the Code.

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

