



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0436/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Mitsubishi Motors Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Vehicle</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>26/10/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young boy running through a field while a male voice over says, "The Mitsubishi Run Out Sale is on now and if you're quick you can get a free auto upgrade on manual ASX, Outlander and Triton 4-wheel drive double cab pick-up models..." We then see footage of different Mitsubishi's driving in different environments - city and country.

## THE COMPLAINT

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

*There have been many drownings during recent years as people are driving through water flooding over roads and causeways. Advertising companies who depict vehicles attempting to drive through water to showcase the all-terrain aspects of the vehicle encourages drivers to have false confidence in their vehicles in dangerous conditions. Drivers get a false sense of security through these repeated images in these advertisements and it may lead to impaired driving decisions in dangerous conditions. Why do we have to see vehicles driving through water to advertise a sedan or 4wheel drive?*

## THE ADVERTISER'S RESPONSE

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

*Response to Complaint*

*The Mitsubishi Run Out Sale television commercial portrays a Triton 4x4 Ute travelling through a creek crossing. I can confirm that the road was closed for filming and at no time did the Triton exceed any localised speed limits (the vehicle only travelling between 10-30 kilometres an hour). The creek crossing was an actual road related area and the vehicle was not depicted undertaking any reckless or unsafe driving practices and remains in total control of the driver. The Triton being a 4WD Ute with capacity for 5 passengers is well equipped and designed for off-road driving and the water in the creek was well under the fording depth of the vehicle.*

**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 people to drive through flood water.

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 the advertisement shows footage of vehicles driving through different environments, in both the city and country.

The Board noted the complainant’s concern over the depiction of the vehicle driving through water.

The Board noted it had previously upheld a similar complaint in case 0490/15 where:

“The Board noted the scene where the narrator of the advertisement is rescued from a flooded field. The Board noted the advertiser’s response that a river has burst its banks and flooded the field and that the water does not meet the vehicle’s wheel arches. The Board noted that it is not clear in the advertisement where the water in the field has come from but with the image of a river in the background it appears to be flood water . The Board noted the Queensland government is raising awareness of the dangers of floods to drivers (<https://www.fire.qld.gov.au/communitysafety/downloadlibrary/pdf/Swiftwater-Web.pdf>) and considered that there was significant community concern around this issue.

The Board noted that the level of the water does not meet the vehicle’s wheel arches but considered it was not clear whether the water level was rising or not and that the fact the man

had been stranded on a fence would suggest that the water levels had risen suddenly and caught him unaware.

The Board considered that this scene in the advertisement, of a vehicle driving through flood water was a depiction which undermines the currently community safety messages around driving through floodwater and determined that the advertisement did breach Section 2.6 of the Code.”

In the current advertisement the Board noted that while we do see the vehicle driving through water, the vehicle then drives on to a road. The Board noted the advertiser’s response that this was a creek crossing on a road related area and considered that while this does appear to be a road crossing, the depth of water shown is quite high for a creek. The Board noted that the advertised vehicle is a 4 wheel drive and considered that while it was appropriate for the advertiser to demonstrate the vehicle being driven in the environment it is designed for, advertisers should take care around the depth of water shown in creek crossings and preferably make it very clear that the crossing is a safe water crossing.

Overall the Board acknowledged the important safety message regarding entering floodwaters but considered in this instance the vehicle is clearly shown driving in a creek which does not appear to be flooded or unsafe. The Board noted that the setting of the advertisement is an off-road environment where crossing a shallow creek or river would not be uncommon and considered that as there is a dirt road leading from the water the most likely interpretation of this scene is that the track across the creek is well established and is safe to cross in normal conditions.

Consistent with a previous determination in case 0467/15, the Board considered that the current advertisement does not depict a situation which is contrary to the Prevailing Community standards around entering unsafe floodwater.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

