



Case Report

1	Case Number	0440/15
2	Advertiser	Super Cheap Auto Pty Ltd
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features four V8 racing cars (branded Shell, Castrol, Valvoline and Penrite) reversing out of a Supercheap Auto branded semi-trailer. The cars then perform a choreographed precision driving sequence to showcase the performance of each of the four oil brands. We see the cars swerving in and out in front of one another and doing burnouts which result in lots of smoke. The final scenes show the cars coming to a stop in front of the semi-trailer which then has to skid to a halt and we see its wheels lift off the surface as the driver turns the semi-trailer to the side.

THE COMPLAINT

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

It promotes hooning and other illegal practices.

This is an example of the type of hoon behaviour seen regularly on our roads. With the ever increasing number of single vehicle crashes due to loss of control I don't believe this is a good example of how to drive, particularly to the demographic likely to copy it.

THE ADVERTISER'S RESPONSE

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

In regard to advertising complaint reference 0440/15 Super Cheap Auto Pty Ltd expresses the wish to respond to the complaint raised under Section 2 of the AANA Advertiser Code of Ethics for review by the Advertising Standards Board.

THE ADVERTISEMENT – ‘THE BEST PERFORMING OILS’

This is a 30 second advertisement which promotes the Oil Category at Supercheap Auto using the message ‘The Best Performing Oils Under The One Roof’ (The Advertisement).

The Advertisement features four V8 racing cars (branded Shell, Castrol, Valvoline and Penrite) reversing out of a Supercheap Auto branded semi-trailer. The cars then perform a choreographed precision driving sequence to showcase the performance of each of the four oil brands.

THE RESPONSE

Supercheap Auto is a brand synonymous with motor sport. We have been the naming rights sponsor of the Supercheap Auto Bathurst 1,000 for 10 years and have sponsored our own racing team in the V8 Supercars for over 20 years. The four oil companies represented in The Advertisement also have longstanding affiliations with motorsport, having sponsored racing cars for many years as a means of showcasing the performance of their product.

This Advertisement is an extension of our combined motorsport programs. It is being aired largely within the V8 Supercar telecast. And it aims to dramatise the performance of our oil range in a way that is relevant to automotive enthusiasts.

From a production perspective, care was taken to communicate that The Advertisement was shot under controlled conditions and not on a normal road:

Location: The location for The Advertisement is the Warwick Airfield, in regional QLD. It is clear from the background imagery (grass, trees, airport hangers) and the markings on the tarmac and the gravelly surface that this is not a normal road but an airport runway.

Cars: The racing livery and lack of number plates on the cars indicate that these are performance racing vehicles, not passenger cars. The advertisement opens with the cars reversing out of a semi-trailer, establishing instantly that these are not road vehicles, and this is not a public road.

Drivers: The cars are driven by a team of Australia’s most experienced professional stunt drivers. We have produced a suite of supporting ‘behind the scenes’ content intended for online, which contains interviews with the professional stunt drivers. The professional drivers are dressed in appropriate safety gear (helmets and racing suits) and they explain the years of practice undertaken to be able to perform the precision moves. The behind the scenes footage also makes reference to the preparation and practice that goes into choreographing the precision driving routine.

Although not an advertisement for 'cars', we make reference to Clause 3 of the Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code), which relates to the use of motor sport, simulated motor sport and similar vehicle testing or proving activities in advertising. Clause 3 of the FCAI code states:

It is acknowledged that motor sport plays a crucial role in brand promotion... Accordingly the [FCAI] Code seeks to ensure that advertisers can continue to legitimately make use of motor sport in advertising, provided that care is taken to ensure that depictions of speed, racing and other forms of competitive driving are clearly identified as taking place in this context. FCAI urges advertisers to avoid any suggestion that depictions of such vehicles participating in motor sport, or undertaking other forms of competitive driving are in any way associated with normal on-road use of motor vehicles.

With our motor sport affiliation comes a responsibility to communicate the message that racing belongs on the track, not on our roads. This is a message we take very seriously at Supercheap Auto. We in no way wish to condone dangerous driving and have invested significantly in promoting road safety through the CARMA initiative.

CARMA is a nation-wide road safety campaign, developed by us, V8 Supercar legend Russell Ingall and leading road safety advocate Russell White. The campaign aims to reduce the number of fatalities on Australian roads by educating drivers about safe behavioural road practices. A not-for-profit campaign, CARMA is designed to teach drivers to have greater awareness of the road environment and how to behave responsibly when behind the wheel.

For the reasons outlined in this response we do not believe that The Advertisement depicts material which contravenes 2.6 of The Code but rather depicts a professional motor sport simulation. Supercheap Auto is committed to complying with the Code, all applicable laws related to advertising as well as community standards around Road Safety.

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 depicts driving practices that are hoon like and that may be copied by other drivers.

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 features four V8 racing cars (branded Shell, Castrol, Valvoline and Penrite) reversing out of a Supercheap Auto branded semi-trailer. The cars

perform a choreographed precision driving sequence showing the cars swerving in and out in front of one another and doing burnouts. The final scenes show the cars coming to a stop in front of the semi-trailer which then has to skid to a halt. The semi-trailer is branded with Supercheap Auto. The voiceover states “the best performing oils under one roof” and the shelves inside a store are shown stacked with various oils.

The Board noted that most members of the community would understand the the depiction of the drivers conducting swerves and formation driving patterns to be behaviour carried out by professional and/or trained drivers and that the type of behaviour that would not be carried out on regular roads and streets.

The Board considered particularly the scene of the truck coming to a halt and lifting the rear wheels of the truck from the ground. The Board noted that although this type of action would suggest the truck has had to stop and swerve at speed, it is clearly carried out by a professional and in a controlled environment.

The Board noted they had previously considered an advertisement for Valvoline (0327/14) where vehicles were being driven seemingly at speed. In that case, the Board noted that “... the advertisement is filmed in very dark and misty conditions to add effect to the film appearance of the advertisement and the advertisement is movie-like and that the scenario of werewolves or primal characters driving cars is fantasy in nature and not realistic...” However in that case, the driving was conducted on streets and was depicting unsafe behaviour.

In the current case, it is clear that it is skilful performance in a controlled environment and not likely to encourage unsafe behaviour on roads.

Similarly in the current matter, the Board noted that the advertisement is filmed to give the impression of a movie-like feel and that the overall impression was one of control and precision driving.

Based on the above, the Board considered that in the context of an advertisement for motor vehicle products and in clearly controlled conditions, 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 other grounds, the Board dismissed the complaint.

