



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0453/18</b>
2	<b>Advertiser</b>	<b>Ford Motor Co of Aust Ltd</b>
3	<b>Product</b>	<b>Vehicle</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>24/10/2018</b>
6	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving  
FCAI Motor Vehicles 2(b) Breaking the speed limit  
FCAI Motor Vehicles 2(e) Environmental damage

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a tagline over mountainous scenery followed by several quick shots of vehicle parts and background scenes of the vehicle creation. A professional driver in full race suit and helmet then enters the Ranger Raptor which departs a facility revealing a second tagline, before scenes show the driver and vehicle driving on a dirt road. Intermittent scenes show the vehicles dashboard, suspension and tachometer. The advertisement ends with Ranger Raptor shown on screen.

## THE COMPLAINT

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

*The new ford ranger ad where it races out of a shed, tyres lifting of the road, doing*





*burn outs in a paddock. This type of driving is very dangerous and should not be shown on a TV ad. Plus I thought car ads weren't supposed to show idiots speeding behind the wheel.*

*Certainly not an example to set depicting what appears to be ultra fast acceleration from inside a shed out on to dirt roads jumping over rises and then going off road and ripping up ground surface by spinning wheels under power only encourages unsafe and destructive driving by others*

## **THE ADVERTISER'S RESPONSE**

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

*Re: Advertising Complaint – Reference Number 0453/18*

*I refer to your email and attached letter dated 10 October 2018 in relation to a complaint received by the Advertising Standards Bureau (ASB) regarding a Ford Ranger Raptor television commercial (Ranger Raptor TVC).*

### *Introduction*

*I would like to emphasise that Ford Australia takes seriously its commitment to the AANA Code of Ethics (AANA Code) and the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code), and we are aware of the potential impact that our advertising may have on members of the public. All of our advertising, including the Ranger Raptor TVC, are carefully reviewed in that context and is approved by legal counsel. In this instance, we firmly believe that the scenario depicted in the Ranger Raptor TVC does not breach the FCAI Code or the AANA Code, and accords with prevailing Community Standards.*

*Your letter suggests that the Ranger Raptor TVC may raise issues in relation to Section 2(a) (unsafe driving), 2(b) (breaking the speed limit) and 2(c) (driving practice that would breach the law) of the FCAI Code. Your letter also indicates that the Board will review the Ranger Raptor TVC against the entirety of Section 2 of the AANA Code. Accordingly, our response addresses these considerations.*

### *Description of the Advertisement*

*Before a production vehicle is sold to the public, several pre-production models are manufactured. These vehicles undergo gruelling vehicle testing with data and results being used to make product improvements.*

*The asset in question is a television commercial produced by Ford, which was designed to replicate some of the pre-production testing undertaken by the Ranger Raptor in a*



*test-like environment using a professional driver.*

*The opening shows a tagline over mountainous scenery followed by several quick shots of some of Ford Australia's Product Development tests and procedures that Ranger Raptor, an off-road performance vehicle, undertook prior to production. For example, you see a quick shot of the engine dynamometer and its measuring equipment in action.*

*A professional driver in full race suit and helmet then enters the Ranger Raptor which departs the testing facility revealing a second tagline, before tackling a closed test-track designed by our engineers. This test-track included elements that were used in the real life pre-production testing of the Ranger Raptor, such as muddy trails to test its tyres and off-road handling, a "whoops" track of multiple small bumps in succession to test the suspension's composure and durability, and a large bump followed by hard landing to test the suspension and chassis' shock absorption. Following the successful completion of these tests, the Ranger Raptor turns around on the loose off-road surface to return to the testing facility.*

#### *Response to Complaint*

*We have taken the complaint raised very seriously and the Ranger Raptor TVC has been carefully considered by our marketing team and legal counsel.*

*In response, we'd like to point out the following:*

*- The Ford Ranger Raptor is a rigorously designed, engineered, and tested off-road performance vehicle that adheres to all Australian Design Rules.*

*- The Ford Ranger Raptor is an off-road passenger vehicle homologated under the MC-category. It meets the following criteria for an off-road vehicle:*

*Has a seating capacity of five*

*Has a 4x4 drivetrain*

*Has an Approach Angle of 32.5 degrees*

*Has a Breakover Angle of 24 degrees*

*Has a Departure Angle of 24 degrees*

*Has a Ground Clearance of 283mm*

*- The entire Ranger Raptor TVC was filmed on a closed testing circuit on private property around Queenstown, New Zealand. No other vehicles or pedestrians are shown in the TVC.*

*- A CAMS-licensed, professional driver was hired for filming the Ranger Raptor TVC and was behind the wheel of the Ranger Raptor at all times.*

*- A safety officer and Ford's Suspension Engineers were on site at all times.*

*- Despite speed limits not applying to the private property hired for filming, during the Ranger Raptor TVC the vehicle is travelling at a maximum of 80km/h, and any perception of speed is a result of dynamic filming and editing techniques designed to enhance the energy and excitement of the commercial. These include: the camera vehicle passing the Ranger Raptor at in the opposite direction, the camera panning*



*past the Ranger Raptor in an opposing direction, and speeding up the captured footage during editing. The Ranger Raptor is not depicted accelerating inside the testing facility.*

- The Ranger Raptor is shown in control at all times.*
- Any jumps shown in the Ranger Raptor TVC are reflective of Ford Australia's Product Development testing regime to approve this high-performance off-road vehicle for production. The bumps and subsequent landings are a demonstration of the rigorous testing we put our vehicles through to give customers confidence in the product they purchase. It is an accurate representation of what the vehicle can actually do in a safe manner.*
- Ford does not at any time encourage replicating this driving footage, especially on public roads which is made clear via the use of safety gear.*
- The following disclaimer is shown throughout the depiction of the tests: "Filming took place under controlled conditions on closed private roads and grounds using professional drivers. Consult the Ranger Raptor's Owner's Manual before off-road driving, use appropriate safety gear."*
- The Ranger Raptor is depicted driving off-road for the duration of the Ranger Raptor TVC. Due to the loose nature of the surfaces it travels over, at times some terrain can be seen being displaced by the Ranger Raptor's off-road tyres. Ford feels this is indicative of the off-road surface rather than any sort of dangerous driving (such as burn outs), and adds that this was a private testing facility with all driving approved by the owner of the land.*

*Ford believes that as the Ford Ranger Raptor is an ADR-approved off-road vehicle with exceptional performance credentials, and that the footage portrayed is reflective of product development testing in a private, closed circuit using a professional test driver, it does not "encourage" unsafe or destructive driving at any point of the Ranger Raptor TVC as claimed by the complainant. Further, Ford believes it is a responsible depiction of the outstanding capabilities of this vehicle.*

*Issues arising under section 2 of the AANA Code*

*Ford Australia submits that in respect of Ranger Raptor TVC, no issues arise under section 2 of the AANA Code.*

*The Ranger Raptor TVC:*

- Does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (Section 2.1 of the AANA Code);*
- Does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 of the AANA Code);*
- Does not present or portray violence unless it is justifiable in the context of the product or service advertised (Section 2.3 of the AANA Code);*
- Does treat sex, sexuality and nudity with sensitivity to the relevant audience (Section*



2.4 of the AANA Code);

- Does only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (Section 2.5 of the AANA Code); and

- Does not depict material contrary to prevailing community standards on health and safety (Section 2.6 of the AANA Code).

*If the ASB considers that any other issues arise under the AANA code, Ford requests the opportunity to be informed of the ASB's views in that regard so that an appropriate response can be made.*

*Ford Australia strongly believes that the Ranger Raptor TVC does not breach the AANA Code. I trust that this correspondence adequately addresses the concern raised in the complaint referenced.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) 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).

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 Panel 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 Panel determined that the Ford Ranger Raptor was a Motor Vehicle as defined in the FCAI Code.

The Panel determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

The Panel noted the complainants' concern that the advertisement shows the car driving in a dangerous and illegal manner and included depictions of the vehicle speeding, tyres lifting off the road, burnouts and ripping up the ground.

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



The Panel 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 Panel 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 Panel noted that this television advertisement features the Ford logo and the words 'in 1934 we invented the ute'. A series of quick shots are shown including a blue ute revving its engine in a dark room, a close up of the engine, the ute from behind and a computer display showing gauges and wheels spinning. The driver, wearing a racing helmet, is seen entering the ute and a road can be seen through a large door. The ute is then shown from above as it exits the shed quickly and the words 'now we've re-invented it' are shown. The ute is then seen driving along a bumpy dirt road, at one point all four wheels are off the ground.

The Panel noted the complainants' concern that the advertisement depicts dangerous driving, in particular speeding and scenes where the vehicle's tyres lift off the road and spinning wheels in dirt.

The Panel noted the advertiser's response that the advertisement was designed to show pre-production testing undertaken by the vehicle in a test-like environment.

The Panel noted the advertisement featured the disclaimer "Filming took place under controlled conditions on closed private roads and grounds using professional drivers. Consult the Ranger Raptor's Owner's Manual before off-road driving, use appropriate safety gear", however noted that this appeared on screen for only six seconds and was very small.

The Panel considered that while it appeared that the vehicle was on private property, the overall impression of the advertisement was not of a testing area.

The Panel noted the guidance in the FCAI Code which states "In particular, it is noted that use of disclaimers indicating that a particular scene or advertisement was produced under controlled conditions; using expert drivers; that viewers should not attempt to emulate the driving depicted; or expressed in other similar terms, should be avoided. Such disclaimers cannot in any way be used to justify the inclusion of material which otherwise does not comply with the provisions of the Code."



Accordingly, the Panel considered that the use of a disclaimer, qualified driver and private testing facility does not justify the inclusion of any unsafe driving.

The Panel noted the complainants' concern regarding the depiction of the vehicle in the air with all four wheels off the ground.

The Panel noted the advertiser's response that the scene of the vehicle going over the large bump and landing was to demonstrate testing of the suspension and chassis' shock absorption.

The Panel that the depiction of the vehicle going over the large bump at a speed which caused all four wheels to leave the road was a depiction which would constitute unsafe driving if it were to take place on a road or road related area.

The Panel then considered the complainants' concern that the advertisement depicted the vehicle accelerating too quickly and speeding.

The Panel noted the advertiser's response that the vehicle travelled at a maximum of 80km per hour and any perception of speed is a result of filming and editing techniques.

The Panel considered that while the vehicle may not have been travelling at more than 80km per hour, the revving engine sounds and the focus on the speed of acceleration as the vehicle exits the building was dramatizing speed and acceleration of the vehicle.

The Panel considered that the overall impression of the advertisement was of a vehicle accelerating at a speed which would be likely considered to be unsafe by many members of the community.

The Panel considered that the speed that the vehicle is seen travelling down the dirt road, dramatized by the sound of the engine and filming techniques, appeared reckless. The Panel considered the speed of the vehicle appeared unsafe when the vehicle became airborne.

The Panel then noted the complainants' concerns that the car is seen to do a burnout at the end, or lose traction and kick up dirt.

The Panel noted the advertiser's response that due to the loose nature of the surface the vehicle was travelling over some terrain can be seen being displaced, and that this was indicative of the off-road surface rather than dangerous driving.

The Panel considered that the last scene of the advertisement did not depict the



vehicle doing a burn-out, however did depict the vehicle turning at a speed which caused some dirt to spray out. The Panel considered that this scene was fleeting and that it was not possible to tell how controlled the turn was. The Panel considered that the displaced dirt may have been a result of loose terrain and not unsafe driving, however noted that this scene added to the overall impression of excessive speed in the advertisement.

The Panel determined that the advertisement did portray unsafe driving, through depiction of excessive speed and depicting the vehicle leaving the surface, and did breach Clause 2(a) of the FCAI Code.

The Panel noted that Clause 4 of the FCAI code , which relates to the depiction of off-road vehicles, states: “An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.”.

The Panel also noted the advertiser guidelines for Clause 4 which state: This clause provides some limited flexibility allowing advertisers to legitimately demonstrate the capabilities and performance of such vehicles in an off-road context. In so doing however, care should be taken to ensure that all other provisions and the underlying objectives of the Code are still adhered to. In particular, advertisers should be mindful to ensure that advertisements for such vehicles do not involve the depiction of ‘excessive’ or ‘unsafe’ speed. Equally, advertisers should avoid portrayal of images of off-road driving which could otherwise be construed as being unsafe.

The Panel considered that the scenes depicting the 4WD vehicle travelling over uneven terrain were a depiction of the off-road vehicle’s capabilities, however, considered that the depiction of the vehicle going over the large bump at a speed which caused all four wheels to leave the road was a depiction which would constitute unsafe driving.

The Panel determined that the advertisement did portray driving that would be unsafe if it occurred on a road or road-related area and did breach Clause 2(a) of the FCAI Code.

The Panel then considered clause 2(b) of the FCAI Code. Clause 2(b) requires that “Advertisements for motor vehicles do not portray: people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.”

The Panel noted the complainants’ concerns that the advertisement depicted the





vehicle speeding.

The Panel considered that there was no depiction of the speedometer in the advertisement and no indication of how fast the vehicle was travelling.

The Panel noted the advertiser's response that the vehicle travelled at a maximum of 80km per hour and any perception of speed is a result of filming and editing techniques.

The Panel considered that a speed of 80km per hour on a private dirt road was not a speed which would breach the law in most jurisdictions in Australia.

The Panel determined that the advertisement did not depict people driving at speeds in excess of speed limits and therefore did not breach Clause 2(b) of the FCAI Code.

The Panel then considered Clause 2(c) of the FCAI Code. Clause 2(c) requires that 'Driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation.'

The Panel considered the advertiser's response that the vehicle was driven in a safe manner at all times by a professional driver and that the car did not travel above 80km per hour.

The Panel considered that the advertisement was depicting the capabilities of an off-road vehicle and did not depict any driving practice or action that would breach any law relating to road safety or traffic regulation.

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

The Panel considered Clause 2(e) of the FCAI Code which requires that advertisements for motor vehicles do not portray "deliberate and significant environmental damage, particularly in advertising for off-road vehicles."

The Panel noted the complainants' concerns that the advertisement depicted the vehicle ripping up the ground.

The Panel noted that the majority of the advertisement depicted the vehicle on a dirt road which appeared to be on private property. The Panel considered that the scene at the end of the advertisement where the vehicle is turning and where dirt sprays up is fleeting and that it is not clear what kind of environment the vehicle is driving in.



The Panel considered that the fleeting scene in the advertisement could not be considered to be causing deliberate and significant environmental damage and determined that the advertisement did not breach Clause 2 (e) of the FCAI Code.

Finding that the advertisement did breach Cause 2(a) of the FCAI Code the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

I refer to your email and attached letter dated 25 October 2018 in relation to a complaint received by Ad Standards regarding a Ford Ranger Raptor television commercial (Ranger Raptor TVC).

Ford Australia would like to thank the Panel for considering the complaint and providing comprehensive and detailed feedback for all subject points. I would like to emphasise that Ford Australia takes seriously, and will continue to do so, its commitment to the AANA Code of Ethics (AANA Code) and the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code).

In response to the complaint upheld under Section 2(A) of the code, we would like to propose the following measures that Ford of Australia will undertake:

- Upon receipt of the panel feedback on 25/10/18 Ford of Australia immediately suspended all Media programming running the Ranger Raptor TVC until a solution was agreed.
- The Ranger Raptor TVC will be re-edited to address the Panel's concerns that the TVC depicts the vehicle accelerating at an unsafe speed and with four wheels off the ground.

Ford Australia is committed to creating a Ranger Raptor TVC that complies with the FCAI Code while continuing to demonstrate the capability of our off-road performance flagship.