



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

Case Report

1	Case Number	0454/18
2	Advertiser	Ford Motor Co of Aust Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man walking and saying “We could tell you about the autonomous emergency braking available on this Ford Ranger, or we could just show you”. He walks in front of a vehicle as it is moving and the vehicle beeps and stops in front of him. The man proceeds to tell the audience “Don’t try this at home” before the ad resolves to a still scene of the Blue Ford Ranger and a Ford 2019 Ranger Script super.

THE COMPLAINT

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

A child may look at the advert and think all vehicles will be the same. Dangerous and misleading

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 0454/18

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 television commercial (Ranger AEB 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 AEB 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 AEB TVC does not breach the FCAI Code or the AANA Code, and accords with prevailing Community Standards.

Your letter suggests that the Ranger AEB TVC may raise issues in relation to Section 2(a) (unsafe driving) of the FCAI Code. Your letter also indicates that the Board will review the Ranger AEB TVC against the entirety of Section 2 of the AANA Code. Accordingly, our response addresses these considerations.

Description of the Advertisement

The asset in question is a television commercial produced by Ford of Australia for the Ford Ranger brand. The asset is a demonstration of the new Autonomous Emergency Braking (“AEB”) functionality available on Ford Ranger XLT shown. The asset opens with a Ford script and a male protagonist walking towards camera. The scene is set in a clearly defined ‘testing environment’ facility with ‘set lights’, safety bollards and yellow/black safety rails, as well as on screen supers denoting ‘Controlled Demonstration’. As the protagonist walks through the set, he explains how he will show the audience how the AEB functionality works. The protagonist proceeds to walk out in front of an oncoming Ranger, which then activates AEB functionality and performs an emergency stop. The Protagonist proceeds to tell the audience “Don’t try this at home” before the ad resolves to a pack shot of the Blue Ford Ranger and a Ford 2019 Ranger Script super.

Response to Complaint

We have taken the complaint raised very seriously and the Ranger AEB 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 is a rigorously designed, engineered, and highly tested vehicle and adheres to all Australian Design Rules.



- AEB (also referred to by Ford as Pre-Collision Assist with Pedestrian Detection) is a system that can reduce the severity of or even eliminate some frontal collisions involving vehicles and pedestrians. In daylight and clear weather conditions and at lower speeds, the new technology uses radar and camera technology to scan the roadway ahead and detect people in or near the road ahead, or pedestrians crossing the vehicle's path. If a pedestrian is detected in front of the car and a potential collision is identified, the driver first receives an audible and visual warning. Should the driver not respond, the system improves brake responsiveness by reducing the gap between brake pads and discs. The system continuously monitors the road ahead and if it detects an imminent collision, can instantly apply up-to full braking force if there is still no response from the driver. Ford engineers tested the system on closed test tracks using rigs fitted with manikins to replicate pedestrians. They then spent months refining the technology on roads around the world to test system reliability.
- The demonstration shown in the TVC is specifically designed to highlight this important safety feature.
- The demonstration of AEB in this asset replicates scenarios, including movement and speed, that ANCAP deploy when testing vehicles with AEB functionality. That is a vehicle's ability to autonomously apply braking when a pedestrian walks out in front of the oncoming vehicle in the manner shown. Both the script and final execution were developed and approved by Ford's own Driver-Assist-Technology Engineering Team, based in Melbourne, to ensure the depiction reflected ANCAPs requirements.
- The entire Ranger AEB TVC was filmed on a closed and controlled environment in Sydney with requisite safety production standards adhered to. A CAMS-licensed, professional driver was hired for filming the Ranger AEB TVC and was behind the wheel of the Ranger during the shoot. Ford can confirm that the AEB functionality activated during this demonstration.
- It is clear that the driver in the TVC was not intentionally driving towards a pedestrian as the protagonist walks at speed from out of view into the vehicle's path. This is outside of the driver's control.
- From 2018, ANCAP Testing requires vehicles to have satisfactory AEB functionality for it to achieve a 5 star safety rating. Subsequently, there are a number of TV Commercials on air from multiple car manufacturers that promote their AEB feature. Unlike the other scenario based depictions, Ford has chosen to show an overt demonstration of the functionality aided by verbal advice directly to camera "Don't try this at home" to ensure the feature is clearly explained as per its actual application. It is not intended to be depicted as a foolproof measure for negligent driving or incorrect pedestrian behaviour, nor does it suggest as such.
- We strongly disagree that the TVC gives the misleading impression that all vehicles will have this technology and act in this same manner. The TVC includes the opening Ford script, a reference in the voice over to "this Ford Ranger" (with a disclaimer that says "Ranger XLT with optional tech pack shown.") and 2019 Ranger XLT, the 2019 Ford Ranger script and the Ford Blue Oval in the final frame. On that basis, it is clear that the TVC is depicting technology available on the Ford Ranger XLT only, not vehicles of other makes and models. It is the fact that Ranger is unique in its segment



in offering this potentially life-saving technology that lead us to demonstrating the feature in our hero TVC.

We believe that given the Ranger AEB TVC is depicted in a clearly controlled and overt demonstration environment, with the protagonist clearly stating to camera the intended demonstration and advising the audience to 'Not try this at home', that this TV Commercial does not at any stage encourage unsafe driving practice as claimed by the complainant.

Issues arising under section 2 of the AANA Code

Ford Australia submits that in respect of Ranger AEB TVC, no issues arise under section 2 of the AANA Code. The Ranger AEB 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 AEB 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 noted that this television advertisement features a man in a building yard walking and saying "We could tell you about the autonomous emergency braking available on this Ford Ranger, or we could just show you". He walks in front of a vehicle as it is moving and the vehicle beeps and stops in front of him. The man proceeds to tell the audience "Don't try this at home".

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 XLT 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 complainant's concern that the advertisement depicting a man deliberately walking in front of a vehicle to demonstrate the autonomous emergency braking feature was dangerous.

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 the complainants' concern that the advertisement is dangerous.

The Panel noted the advertiser's response that the advertisement that it is clear that



the driver was not intentionally driving towards a pedestrian as the protagonist walks from out of view into the vehicle's path, which is outside the driver's control.

The Panel considered that the purpose of the demonstration was clear from the start of the advertisement and that it was clearly staged.

The Panel considered the vehicle was being driven slowly and carefully and was not deliberately aiming for the pedestrian, rather the man walks out the front of the car purposefully and the safety feature allows it to stop.

The Panel determined that the advertisement did not portray driving that would be unsafe if it occurred on a road or road-related area and did not breach Clause 2(a) of the FCAI Code.

The Panel noted the complainant's concern that a child might see the advertisement and replicate the behaviour, however considered that this interpretation of the advertisement is unlikely to be shared by most members of the community.

The Panel considered that the advertisement clearly sets up from the start that it is about to demonstrate the safety feature and afterwards the man states 'don't try this at home'.

The Panel considered that it is reasonable for a car manufacturer to demonstrate safety features on their vehicle, as long as the demonstration does not breach the FCAI Code.

Finding that the advertisement did not breach Cause 2(a) of the FCAI Code the Panel dismissed the complaint.

