



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0462/18
2	Advertiser	Jackson Motor Company
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts individuals and couples utilising vehicles throughout everyday tasks and at various life stages including a mother and child in a car, a young couple both in the city as well as in a forest, a businessman in a multi story building and a farmer on the land.

THE COMPLAINT

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

At one point during the advertisement when the young woman (mother) is shown to be driving a vehicle, she turns her head away to the left (taking her eyes off the road) to look directly at the back seat where her infant son is asleep in his child seat. Which isn't a good road safety message, particularly when an infant/child is a passenger in a vehicle. Also, the young woman/mother is wearing polarised sunglasses inside the vehicle when driving. Which wouldn't be necessary and would make it harder to see outside of the vehicle.



THE ADVERTISER'S RESPONSE

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

This letter is to address Ad Standards Complaint 0462/18.

We believe the incident highlighted in the complainant's reason for concern is not in breach of the Advertisers Code of Conduct. At no time during the 30 second television commercial does the commercial depict any unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory. The young woman in question who is driving the Subaru motor vehicle does not extend her gaze any further than would be required to physically check one's blind spots to ensure safe merging or changing of lanes. We believe the complainant's cause for concern in this instance is baseless.

In regard to concern over the driver's choice of sunglasses, there is no law banning polarised sunglasses being worn while operating a motor vehicle. The only sunglasses that are banned from being used while driving is Prescription Lens Category 4 . Polarised glasses are a useful tool for reducing glare and are recommended by many optometrists. There is no way to tell what lens category her sunglasses fall into without being able to site the glasses in question's Lens Category classification.

As instructed we have below addressed each individual part of Section 2 of the AANA Code of Ethics

2.1 - Discrimination or vilification

This television commercial 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.

2.2 - Exploitative or degrading

This television commercial does not breach the AANA Code of Ethics or community standards in relation to the use of sexual appeal in an exploitative or degrading manner, and is positive, responsible, suitable for general viewing.

2.3 – Violence

This television commercial does not display, refer or allude to any form of suggested violence or actual depictions of violence.

2.4 - Sex, sexuality and nudity

This television commercial does not display, refer or allude to any form of sexual act, sexuality or nudity.



2.5 – Language

This television commercial only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is not used.

2.6 - Health and Safety

This television commercial does not depict any unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory.

2.7 - Distinguishable as advertising

The JMC Brand Campaign 30” television commercial, Titles ‘Start your search’ is clearly distinguishable as marketing communications to relevant viewing audiences. It draws the attention of the public in a manner calculated to promote the Jackson Motor Company brand.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concerns that the advertisement features a woman taking her eyes off the road while driving, and wearing eyewear unsuitable for driving.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel 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 Panel noted the advertisement features several scenes, including a woman driving with a infant child in the back seat, and the same woman wearing polarised sunglasses while driving.

The Panel noted the complainant’s concern that the advertisement gives the message that it is OK to take your eyes off the road while driving.

The Panel considered that that the depiction of a woman looking over her shoulder briefly to her child in the back seat is not a depiction that most members of the community would consider to be in breach of prevailing standards on health and safety. The Panel noted that the action is similar to turning to look behind the vehicle



for hazards, or when overtaking.

The Panel considered that the context of the glance is not unsafe. The Panel considered that the advertisement does not depict any activity that is clearly unsafe, or which goes against road and driving safety messages.

The Panel then noted the complainant's concern that the woman in the advertisement is wearing polarised sunglasses, which would make it harder to see while driving.

The Panel considered the advertiser's response that there is no law regarding polarised sunglasses being used whilst driving. The Panel also noted that viewers would be unable to determine that the driver's sunglasses were polarised or not.

In the Panel's view most members of the community would be unlikely to view this advertisement as promoting unsafe behaviour.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel 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 Panel dismissed the complaint.

