



Case Report

1	Case Number	0467/15
2	Advertiser	Volkswagen Group Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	09/12/2015
6	DETERMINATION	Dismissed

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 depicts a close-up of a man talking to someone through the window of his Volkswagen Amarok. The advertisement then cuts to a wider front shot of the Volkswagen Amarok which has stopped in the middle of a shallow creek. The driver has apparently cut off a canoeist who is up against the side of the car, with seemingly nowhere to go. He is trying to paddle backwards with the final tagline being "Amarok Core 4x4 manual from \$38,990 driveaway...you'll want to tell everyone"

THE COMPLAINT

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

The QLD government in particular is pushing very hard for drivers to adopt the "if it is flooded, forget it" mentality to prevent unnecessary deaths from occurring when people attempt to drive through flood waters. This ad undermines this effort by implying that the VW utility is capable of safely driving in a river.

I object to this type of advertising as it reinforces dangerous driver behaviour by presenting driving in water as being socially acceptable, or perhaps even a challenge that one ought to take using the vehicle being advertised, in this instance the Amarok.

THE ADVERTISER'S RESPONSE

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

We refer to your letter and note the contents.

The advertisement in question depicts a close-up of a man talking to someone through the window of his Volkswagen Amarok. The advertisement then cuts to a wider front shot of the Volkswagen Amarok which has stopped in the middle of a shallow creek. The driver has apparently cut off a canoeist who is up against the side of the car, with seemingly nowhere to go. He is trying to paddle backwards with the final tagline being "Amarok Core 4x4 manual from \$38,990 driveaway...you'll want to tell everyone" (the "advertisement").

The advertisement was approved by CAD with reference number VGA4759T615 and CAD rating of "W" (just above G). The advertisement was published/broadcast in all States/Territories across Australia and made available online via Volkswagen's social channels including Facebook and YouTube which commenced 01 October 2015 and due to conclude on 12 December 2015.

Volkswagen Group Australia's Response:

We have reviewed the FCAI Code of Practice for Motor Vehicle Advertising, together with the AANA Advertiser Code of Ethics and comment as follows:

FCAI Code:

The image depicted in the advertisement conforms to all relevant Australian road safety regulations in all respects. In particular, there are no specific Road and Maritime regulations that prohibit a driver driving through what is clearly shallow water and not a raging, swollen river. The FCAI Code specifically relates to unsafe driving, motor sports, off-road vehicles and driving practices. The advertisement is not in breach or contrary to the FCAI Code and does not contradict any road safety messages whatsoever, including those from the Queensland Government. In addition when considering the explicit and implicit messages conveyed by the advertisement, the underlying message in the advertisement and in the final tag line is 'deals you'll want to tell everyone', even if they are in the outback paddling a canoe.

There was no use of motorsport in the advertisement. There was no use of or depiction of off-road vehicles in the advertising.

AANA Code of Ethics:

In relation to section 2 of the AANA Code of Ethics, the advertisement does not portray people or depict material in a discriminatory manner. There is no sexual appeal which is exploitative and degrading of any individual or group of people. There is no portrayal of violence in anyway whatsoever. There is no sexuality or nudity in the advertisement. There is no inappropriate language used in the advertisement.

We respond as follows in relation to a concern that issues that the advertisement may be contrary to:

1. health and safety; and

2. health and safety within prevailing community standards

The Queensland Government 2015-2016 'If it's flooded, forget it' advertising campaign urges Queensland drivers to have a Plan B to keep out of floodwater, raising public awareness and change driver attitudes and behaviour.

The Queensland Governments campaign clearly illustrates the vehicle submerged and obviously in flood waters in a swollen river. The advertisement depicts the vehicle coming off a clearly dry track and into a creek crossing. The river water is shallow in depth and merely shows water crossing in a 4×4 vehicle with what is clearly above average ground clearance, and simply a part of any 4WD experience.

Finally, Volkswagen Group Australia is committed to co-operating with the Advertising Standards Bureau and that any issues raised by the Advertising Standards Bureau will be addressed promptly and diligently.

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 a kayaker approaching a car stuck in a river which is against Prevailing Community Standards.

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 this television advertisement depicts a driver in a Volkswagen pausing as he crosses a river to tell a canoeist all about his vehicle despite the canoeist’s lack of interest.

The Board noted the complainant’s concerns that 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

that this advertisement undermines that message by suggesting the Volkswagen Ute is capable of safely driving in a river.

The Board noted the advertiser's response that the vehicle is shown crossing a shallow creek and not floodwater and that this action is common for the off-road setting of the advertisement.

The Board acknowledged the important safety message regarding entering floodwaters but considered in this instance the vehicle is clearly shown driving in a shallow 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 to the water the most likely interpretation of this scene is that the water is intended to be driven through to get to the other side. The Board considered that the advertisement does not depict a situation which is contrary to the Prevailing Community standards around entering unsafe floodwater.

The Board noted the driver of the Volkswagen is depicted as a nuisance as he is preventing the canoeist from passing him and considered that the advertisement does not suggest or encourage this type of behaviour.

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.