



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0474/17</b>
<b>2</b>	<b>Advertiser</b>	<b>McMillan Law</b>
<b>3</b>	<b>Product</b>	<b>Professional Service</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/11/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man driving a car being chased by multiple police cars with their lights flashing. A man in a suit witnesses the chase and starts writing notes. The driver is intercepted by police. The driver and the man in a suit are then seen leaving court smiling.

## THE COMPLAINT

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

*Making light of dangerous driving, police chases, in light of the amount of road deaths and property damage caused by the above to metaphorically say it's acceptable if you contact said law firm is ludicrous, and poor taste.*

## THE ADVERTISER'S RESPONSE

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

*This television add was produced taking the greatest care to ensure that what was depicted would on one hand clearly disclose to the viewer that this advertiser offered the services of a*

*criminal law firm, but on the other hand didn't denigrate a class or persons nor depict conduct that was not realistic. The outcome is that it shows an alleged criminal attempting to flee from police, the police admirably performing their role in apprehending him, and then our law firm getting the alleged criminal a just result. The complainant here obviously fails to grasp this point. First of all, the add does not at all make light of anything – let alone dangerous driving. Secondly, the driving was performed by paid stunt drivers in controlled conditions where the streets were cordoned off, Local Council approval had been obtained to perform the shoot, and the Queensland Police Service had been alerted to the shoot and permitted it to occur. Never once was anyone or anything endangered by the driving. It's also clear from the complainant's allegation that the add suggests dangerous driving is acceptable if you contact the said law firm that he or she fails to grasp a fundamental tenant of our criminal justice system: everyone, even those charged with dangerous driving, are entitled to legal representation. I wonder, if the add had shown an alleged criminal stealing a loaf of bread before coming to this law firm, would the complainant decry that too as suggesting stealing bread is acceptable? Given that it is obviously fictional, the add does not even reach the same level of disclosure of criminal conduct as any of the advertisements on television for the various police shows like RBT of Highway Patrol. The advertisements for these shows depict actual crimes being committed. Those individuals are often appear remorseless. The real police officers involved with often joke with the offenders or when giving their view of what they see will make light of the situation. And that is actually happening, as opposed to an obviously fictional event like my television add. But these adds continue to air! The advertisement was professionally produced at great expense and never once was any of those concerned in creating the concept, bringing it to like, obtaining the appropriate classification or airing it, disposed to a view even remotely similar to that expressed by this complainant. I'm afraid I don't agree with the assertion that anything depicted in the add comes close to offending any of the standards to which you have alerted me. The add has aired constantly virtually all year (or more) without complaint, and must have been seen by hundreds of thousands of viewers. Apart from this individual, the feedback I have received from the legal profession, clients, general members of the public and the police service has been very positive. I must say I find it thoroughly irritating that self-appointed "community values monitors" like this complainant can thrust their value judgements on things like this television add, and then try to use a body (like this Board) to ensure that their view of community standards is given supremacy. And those that don't confirm to it, are punished – in this case by having the add removed. Surely, one person's views must be weighed against the lack of complaint made by the hundreds of thousands that have seen it and not complained.*

## **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 complainants' concerns that the advertisement makes light of dangerous driving which is contrary to prevailing community standards on health and safety.

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 car chase through city streets. A man watches the chase go past and writes down some details. The young male driver is eventually stopped by police and yells out “McMillan” as they hold him on the ground. He is then seen leaving the court house with a man from McMillan Law firm. The text appears on screen ‘McMillan Criminal Law – with you all the way.’

The Board noted the advertiser’s response that the relevant authorities were notified of the filming of the advertisement and the appropriate approvals were given.

The Board noted that the young man is seen attempting to get away from the Police and that the advertisement is indicative of a police car chase that would be seen in a movie. The Board noted that the depiction of the car chase means it is difficult to determine what the advertisement is about until the final scene that shows the men leaving the court house and the business logo appears on screen.

The Board noted that there is a significant level of community concern about driver responsibility and safe driving practices and a minority of the Board felt that it was difficult to tell that this was an advertisement and that the depiction of driving practices that break the law (such as evading Police) is a depiction that is contrary to Prevailing Community Standards on health and safety.

The majority of the Board considered that the storyline behind the advertisement is about the provision of legal services to assist when you have broken the law and that it is reasonable to show an activity that is law breaking in order to highlight the service.

The Board noted that the driver was seen coming out of a court house seemingly with a representative from McMillan Law. The Board noted that it is not clear of the punishment that the man has been given and that this does not amount to a depiction that is condoning unsafe or illegal behaviour.

The Board noted that there would be many other ways to promote legal representation but in this case the depiction of a police chase for the purpose of adding dramatic effect is not a depiction that is contrary to Prevailing Community Standards on health and safety and 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 complaints.

