



Case Report

1	Case Number	0479/15
2	Advertiser	House of Smiles
3	Product	Health Products
4	Type of Advertisement / media	Radio
5	Date of Determination	09/12/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a male driver being warned by his female passenger that a speed camera is coming up. We then hear the car accelerating and the man says, "Cheeeeeeeeee" as we hear the sound of a speed camera taking a photo.

THE COMPLAINT

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

While the intention of the advertisement may be to promote the services of the House of Smiles Dental Clinic the message also implies that speeding is acceptable. However speeding on the road is not only illegal but also a leading contributing factor to road crash death and serious injury. In 2014, 184 people died and thousands more were seriously injured in Western Australia up to 28% of those were likely to involve speed. As road safety practitioners we aim to heighten awareness of the dangers of speeding and increase the social unacceptability of speeding as a means of changing this risky driver behaviour. It is therefore disappointing to hear an advertisement that does the opposite and has the potential to do harm.

Our concerns were raised via email on 25 September 2015, directly to the radio station and House of Smiles. We have not received a response from either.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 suggests that speeding is acceptable in its depiction of a driver encouraging his passenger to 'smile for the camera'.

The Board reviewed the advertisement and noted the advertiser did not provide a 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 radio advertisement features a male driver being warned about an upcoming speed camera by his female passenger and then speeding up so that as he drives past the camera we hear it taking a photograph just as he says, "Cheeeeeeeeeeeese".

The Board noted that after the passenger points out the speed camera the car is clearly heard to speed up and considered that this sound effect along with a man saying 'cheese' as we hear a camera noise is strongly suggestive of a person breaking the speed limit and triggering a speed camera.

The Board noted the advertised product is a dental clinic and acknowledged the link the advertisement is trying to draw between smiling for a camera and dental work. The Board noted however that breaking the posted speed limit on a public road is against the law and considered that a depiction of a driver speeding up in order to trigger a speed camera is a depiction which is contrary to Prevailing Community standards on safe and responsible driving. The Board noted that the man does not show remorse for his actions or acknowledge that what he has done is against the law but rather he seems pleased with the result of having broken the speed limit. The Board noted the overall tone of the advertisement is light-hearted and considered that the overall impression on the listener is that the advertisement is making light of breaking the law.

The Board considered that the advertisement did depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We are withdrawing the ad from radio until further notice.