



Case Report

1	Case Number	0480/14
2	Advertiser	Federal Tyres Cairns
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a promotion of the tyres available to purchase at Federal Tyres Cairns. An employee describes the different types of tyres then the final scene shows a man revving a truck outside a Federal Tyres retail store. The truck remains stationary: the engine noise is loud and a large volume of smoke is being generated at the rear of the truck.

THE COMPLAINT

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

I thought burnouts were illegal.

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 depicts a car doing burnouts which is illegal.

The Board viewed the advertisement and noted the advertiser had not provided 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”.

In reviewing the advertisement the Board noted the final scene features a man revving the engine of a stationary vehicle which results in a high volume of smoke being generated from the vehicle’s rear tyres.

The Board noted clause 291 of the Australian Road Rules (February 2012 version) which provides:

“A person must not start a vehicle, or drive a vehicle, in a way that makes unnecessary noise or smoke.”

The Board noted that whilst the vehicle used in the advertisement is stationary and the driver appears to be in control of the vehicle its engine can clearly be heard as the driver presses the accelerator and considered that the level of noise and the amount of smoke generated from the rear tyres is in clear breach of section 291 of the Australian Road Rules.

The Board noted it had previously upheld advertisements featuring breaches of the Australian Road Rules (0299/12, 0150/14) and considered that consistent with these previous determinations the current advertisement does depict material contrary to prevailing community standards with regards to the responsible use of a motor vehicle.

The Board determined that the advertisement does 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

The advertiser indicated their intention to withdraw the advertisement.

Free TV confirmed to the ASB that the CAD number has been withdrawn and the advertisement will no longer air on Free TV.

