



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0492/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Chrysler Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Vehicle</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
<b>5</b>	<b>Date of Determination</b>	<b>20/01/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

We open on the reflection of a group of young twenty-somethings walking along the beach. We then see the Jeep Renegade driving along the sand and then through a range of different backdrops showing our group of talent undertaking various lifestyle activities, from skateboarding, to a music concert to walking across a bridge. One scene shows young men climbing over a fence in to a basketball court at night.

The music track 'Renegades' by X Ambassadors is played throughout.

## THE COMPLAINT

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

*Shows young males jumping over what may or may not be but is easily construed as a rail corridor fence. This is extremely dangerous behaviour.*

*Even if it is not construed as a rail corridor fence it is easily construed as anti-social behaviour as this is clearly a well designed fence to keep people out - not a benign fence, such as (for example) a farm fence.*

## THE ADVERTISER'S RESPONSE

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

*Fiat Chrysler Automobiles (FCA) ensures that advertisements screened in Australia comply with the AANA Code and FCAI Code and we take great care to ensure that our commercials do not depict scenes or behavior that is contrary to prevailing public standards, and that our commercials do not encourage any form of unsafe, illegal or reckless activity. FCA strongly believes that the advertisement complies with the AANA Code.*

*The advertisement of the new Jeep Renegade was positioned at our core target, individuals that blaze their own trail, doing things their way, in their own time. The advertisement portrays this by showing individuals in everyday life situations doing things in a more exciting and adventurous way. As a complete story, it shows people getting the most out of life.*

*The ASB's letter requires FCA to address the advertisement's compliance with all parts of section 2 of the AANA Code. FCA does not believe that any issues would arise under sections 2.1 to 2.5. The only possible relevant section of the AANA Code is section 2.6, which states: "advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety".*

*The complaint in question alleges "young males jumping over what may or may not be but is easily construed as a rail corridor fence. This is extremely dangerous behavior" ... "easily construed as anti-social behavior as this is clearly a well designed fence to keep people out – not a benign fence..."*

*FCA respectfully submits that the advertisement does not depict any material contrary to prevailing community standards on health and safety. Whilst FCA acknowledges that the young people are climbing over a fence, the fence itself is non-descript and there is no indication that the fence is dangerously high nor is there an indication that the fence is designed to keep an area secure, given there is no barbed or razor wire. With regards to this being "anti-social behaviour", there is no malicious intent or any reference to anti-social behaviour throughout the entire TVC. The overall sentiment is an upbeat one and as mentioned earlier, as a complete story, it shows people getting the most out of life.*

*While FCA acknowledges the complainant's concerns, it does not believe that the advertisement breaches the AANA Code. We respectfully request that the complaint be dismissed. We look forward to receiving the results of the Board's determination.*

## **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 shows young men climbing over what appears to be a rail corridor fence which is potentially dangerous.

The Board noted the complainant's concern that the men's behaviour is anti-social and considered that the issue of anti-social behaviour is not a matter which falls under the Code.

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 features various depictions of a Chrysler Jeep Renegade being driven in different environments interspersed with depictions of various people taking part in a range of activities from hiking to swimming at night and taking part in sports events. One scene shows a group of young men climbing a fence to enter an outdoor basketball court at night.

The Board noted the complainant’s concern that the fence the men climb over looks like a rail corridor fence, which would be dangerous, and that if it isn’t a rail corridor fence it is still a fence which should not be climbed over so the men’s actions are anti-social and inappropriate.

The Board noted that the fence climbing scene is very brief. The Board noted that a basketball net is visible in the background and considered that the complainant’s interpretation of the fence being alongside a railway track is unlikely to be shared by the broad community. The Board noted that the fence, if not a railway fence, is probably a sports ground fence and considered that whilst climbing over such a fence is not necessarily to be encouraged it is not inherently dangerous for the age of the people shown climbing the fence.

Overall the Board considered that the advertisement did not depict, encourage or condone unsafe 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.