



Case Report

1	Case Number	0499/16
2	Advertiser	Renault Australia
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

A Renault Megane GT emerges on a flat gravel driveway. Two other vehicles are shown shortly behind the vehicle as a number of shots show the vehicles exterior design features. The camera focuses on the 4CONTROL badge and the vehicle makes a quick turn to demonstrate the enhanced handling provided by this feature. This turn distances the Megane from the other vehicles following it. The Megane then comes to a stand still for the price pointed end frame.

THE COMPLAINT

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

The FCAI is clear and unequivocal - see quote below. (QUOTE) "Advertisers should ensure that advertisements for motor vehicles do not portray any of the following: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction"

GENERAL PROVISIONS

Advertisers should ensure that advertisements for motor vehicles do not portray any of the following:

(a) Unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which

the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.

[Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]

THE ADVERTISER'S RESPONSE

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

Please be advised this TVC commercial will not be displayed past the 11th of November 2016. This piece of marketing communications was included in a brief launch TV spend directed purely at the "sportier" Megane GT model and is scheduled to end very shortly.

In regards to the complaint and Section 2(a) unsafe driving - the vehicle is not shown as being out of control with the change in direction being a controlled turn and demonstration of the 4CONTROL feature (which includes the shot of the wheels turning to maintain control on the road).

THE DETERMINATION

The Advertising Standards Board (Board) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Advertising for Motor Vehicles Voluntary Code of Practice (the FCAI Code).

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

The Board then considered whether that advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Board determined that the Renault Megane was a Motor vehicle as defined in the FCAI Code.

The Board determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

The Board noted the complainant's concerns that the advertisement depicts a vehicle making a sudden turn without indicating, accompanied by the sound of a high-revving engine, and resulting in the appearance of the vehicle drifting.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement.

The Board considered clause 2(a) of the FCAI Code. Clause 2(a) requires that: 'Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.'

The Board noted the examples given in the FCAI Code include: 'Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle...or the apparent and deliberate loss of control of a moving motor vehicle.'

The Board noted this television advertisement opens on a Renault Megane driving in a deserted location before being joined by two other vehicles and then making a turn to the right of the screen while the camera focuses on the wheels of the turning vehicle.

The Board noted the complainant's concern about the sudden turn made by the vehicle.

The Board noted the advertiser's response that the vehicle performing the turn in the advertisement is demonstrating the 4CONTROL ability of the vehicle and that the turn is controlled.

The Board noted that the advertisement is promoting the vehicle's four wheel drive grip capability and considered that although the turn made by the vehicle is sharp, in the Board's view it is controlled and the focus on the vehicle's tyres during the turn are clearly in the context of the advertised product. The Board noted that the vehicle does not indicate prior to making the turn but considered that in the absence of any road markings and in the context of a demonstration of a vehicle's abilities the lack of indicators is not unsafe and is unlikely to be seen as an encouragement for drivers to not use indicators when traveling on public roads.

The Board noted the complainant's concern about the sound of the revving engine. The Board noted that we can hear the sounds of the vehicle accelerating but considered that the actual speed shown does not appear to be high and in the Board's view the driving appears controlled with no suggestion of excessive or dangerous acceleration and/or speed.

The Board noted the complainant's concern about the visuals of sand being thrown up as the vehicle turns, giving the impression of a 4 wheel drift. The Board noted that we see a dust cloud from the vehicle's tyres as it turns and considered that the dust is a result of the road's surface and not because the car is out of control.

The Board considered that overall the advertisement does not portray any driving which is unsafe, or reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory.

The Board determined that the advertisement did not breach Clause 2(a) of the FCAI Code.

Finding that the advertisement did not breach the FCAI Code on any grounds, the Board

dismissed the complaint.