



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0504/18
2	Advertiser	HSV
3	Product	Vehicle
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

FCAI Motor Vehicles 2(a) Unsafe driving

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features an image of a vehicle in the left hand lane and the text "Keep left while it's overtaking. New Chevrolet Camaro".

THE COMPLAINT

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

There was a picture of a black Chevrolet Camaro with associated logos etc. Text in white located at the bottom left of the billboard stated: 'Keep Left whilst it overtakes you'. This is in breach of the FCAI voluntary code of practise for motor vehicle advertising. Whilst it appears to advocate the road rules of keeping left unless overtaking, it actually plays to the fact that the type of person driving this vehicle is always looking to overtake no matter the road conditions or your speed, as almost all the other vehicles on the road these days are more than capable of driving at the limit, that drivers of this vehicle are somehow entitled to special treatment and should be allowed to overtake despite any other conditions. given the fact that speeding and entitled road behaviors are a leading cause of accidents and fatalities, the paltry attempt at humour is actually more likely to lead to purchasers of this vehicle



disobeying the road rules and niceties of the road.

THE ADVERTISER'S RESPONSE

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

Complaint Reference No. 0504/18

I write in response to your email of 12 November 2018 with regard to the above complaint.

Please find attached a copy of the advertisement in question. This creative execution is part of a national (metropolitan) billboard campaign developed to support the launch of the new Chevrolet Camaro and is planned to run from the week commencing October 22, 2018 through until the end of the week commencing December 2, 2018.

As you will see, the advertisement in question depicts a Chevrolet Camaro on a public road accompanied by the caption "Keep left while it's overtaking". Please note: the complainant incorrectly quoted the caption as "Keep left whilst it overtakes you" and, this misinterpretation may have led to their claims.

We fully agree with the complainant's assertion that the ad "appears to advocate the road rules of keeping left unless overtaking". The headline is, in effect, simply repeating an acknowledged road rule with only a minor word change, and you will often see road signs that advocate "keep left unless overtaking".

We cannot, however, agree with the complainant's claims, or how they could possibly deduce from the ad, that:

- 1. "... the type of person driving this vehicle is always looking to overtake no matter the road conditions or your speed"*
- 2. "... drivers of this vehicle are somehow entitled to special treatment and should be allowed to overtake despite any other conditions"*
- 3. "... the paltry attempt at humour is actually more likely to lead to purchasers of this vehicle disobeying the road rules or niceties of the road".*

The ad clearly does not depict speeding or excessive speed in any way, nor does it, in our opinion, depict, encourage or condone dangerous, illegal, aggressive, menacing or reckless driving. What it does do is attempt to make use of humour which we find resonates with our target customer and is consistent with our company's brand tone of passionate, confident, approachable and grounded.



As part of a national campaign, we also note that this ad has received just one complaint and would argue that the complainant's views do not represent those of the broader public.

With all this said, however, given the nature of the advertising medium being used (i.e. digital billboards), and the flexibility the digital format affords us with regard to changing creative at low cost, we would be happy to remove the "offending" headline and replace it with alternative copy. We make this offer in good faith but without conceding that our advertisement contravenes the AANA Advertiser Code of Ethics or the FCAI Code of Practice for Motor Vehicle Advertising.

We will ensure this creative change is implemented no later than Friday, November 23, 2018.

THE DETERMINATION

The Ad Standards Community Panel (Panel) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (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 Panel noted that this billboard advertisement features an image of a vehicle in the left hand lane and the text "Keep left while it's overtaking".

The Panel considered whether the 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 Panel determined that the Ford Ranger XLT was a Motor Vehicle as defined in the FCAI Code.

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

The Panel noted the complainant's concern that the advertisement implies that drivers of this vehicle will always overtake you, even if you are doing the speed limit, and that this promotes unsafe driving.



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

The Panel 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 Panel 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 Panel noted the complainant's concern that the advertisement promotes unsafe driving.

The Panel noted the advertiser's response that the advertisement does not depict illegal or reckless driving, and that it used humour as a marketing method by playing on the typical phrase "Keep left while overtaking".

The Panel noted that there is only one vehicle in the advertisement and it is not shown to be overtaking another vehicle.

The Panel considered that the view that that advertisement promotes unsafe driving is unlikely to be shared by most members of the community, and determined that the advertisement did not portray driving that would be unsafe if it occurred on a road or road-related area and did not breach Clause 2(a) of the FCAI Code.

The Panel noted the advertiser's response that the advertisement text had been removed and replaced with alternate copy as a sign of good faith.

Finding that the advertisement did not breach Cause 2(a) of the FCAI Code or any other section of the FCAI Code, the Panel dismissed the complaint.

