



Case Report

1	Case Number	0532/16
2	Advertiser	Super Cheap Auto Pty Ltd
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on helicopters delivering four wheel drive vehicles to a beach where we see them racing one another. The racing livery on each vehicle represents different brands of oil: Castrol, Shell, Penrite and Nulon. We then see the vehicles racing on roads and the on-screen disclaimer reads, "filmed under controlled conditions". As the vehicles cross a finishing line with the SuperCheap logo, a male voiceover says they have all the best performing oils under one roof.

THE COMPLAINT

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

We are trying to stop this kind of behaviour in our streets.

The Australian road toll is going through the roof. Advertisements like this, promoting dangerous driving will only add to the carnage.

If this ad were for a motor vehicle it would be taken off air immediately as it breaches practically every road rule and section of the FCAI code.

Please consider my complaint under AANA Code of Ethics, Section 2.6 Health and Safety.

THE ADVERTISER'S RESPONSE

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

Supercheap Auto is a brand synonymous with motor sport. We have been the naming rights sponsor of the Supercheap Auto Bathurst 1,000 for 12 years and have sponsored our own racing team in the V8 Supercars for over 20 years. We currently sponsor two Stadium Super Trucks (the same vehicles featured in The Advertisement. The four oil companies represented in The Advertisement also have longstanding affiliations with motorsport, having sponsored racing cars for many years as a means of showcasing the performance of their product.

The significance of this campaign is that it launched at the same time as the V8 Supercars event at Surfers Paradise on the Gold Coast. V8 Supercars own creative executions included imagery of cars racing in front of the same beach where The Advertisement was filmed. The Stadium Super Trucks featured in the commercial were also promoted as a major draw card category for this event.

This Advertisement is an extension of our combined motorsport programs. It was aired largely within the V8 Supercar telecast. And it aims to dramatise the performance of our oil range in a way that is relevant to automotive enthusiasts. From a production perspective, care was taken to communicate that The Advertisement was shot under controlled conditions and not on a normal road. This message was on-screen during The Advertisement. Trucks: The vehicles featured are very clearly racing vehicles. The racing livery and lack of number plates on the trucks indicate that these are performance racing vehicles, not passenger cars. The Advertisement opens with the trucks being dropped from helicopters, this is clearly not going to be replicated by members of the public.

Drivers: The cars are driven by a team of Australia's most experienced professional stunt drivers. We have produced a suite of supporting 'behind the scenes' content intended for online, which contains interviews with the professional stunt drivers. The professional drivers are dressed in appropriate safety gear (helmets and racing suits) and they explain the years of practice undertaken to be able to perform the precision moves. The behind the scenes footage also makes reference to the preparation and practice that goes into choreographing the precision driving routine. Although not an advertisement for 'cars', we make reference to Clause 3 of the The Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code), which relates to the use of motor sport, simulated motor sport and similar vehicle testing or proving activities in advertising. Clause 3 of the FCAI code states: It is acknowledged that motor sport plays a crucial role in brand promotion... Accordingly the [FCAI] Code seeks to ensure that advertisers can continue to legitimately make use of motor sport in advertising, provided that care is taken to ensure that depictions of speed, racing and other forms of competitive driving are clearly identified as taking place in this context. FCAI urges advertisers to avoid any suggestion that depictions of such vehicles participating in motor sport, or undertaking other forms of competitive driving are in any way associated with normal on-road use of motor vehicles. With our motor sport affiliation comes a responsibility to communicate the message that racing belongs on the track, not on our roads. This is a message we take very seriously at Supercheap Auto. We in no way wish to condone dangerous driving and have invested significantly in promoting road safety through our CARMA initiative. For the reasons outlined in this response we do not believe that The Advertisement depicts material which contravenes 2.6 of The Code but rather depicts a professional motor sport simulation. Supercheap Auto is committed to complying with the Code, all applicable laws related to advertising as well as community standards around

Road Safety.

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 complainants’ concerns that the advertisement promotes unsafe driving. The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that this advertisement is for Supercheap Auto not for a motor vehicle and that therefore the provisions of the FCAI Code for Motor Vehicle Advertising did not apply. The Board noted that only the Code of Ethics applied to its consideration of this advertisement.

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 the television advertisement features helicopters delivering four wheel drive vehicles to a beach where they begin to race each other. The vehicles are then shown racing through city streets, with the disclaimer ‘filmed under controlled conditions’.

The Board noted the scenes where the cars are dropped from helicopters and racing across a beach. The Board considered these scenes are highly stylised and that the racing scenes of the beach are clearly of trucks being driven by skilled drivers in stunt conditions. The Board considered that this scenario was clearly unrealistic and exaggerated and unlikely to be copied by members of the community. The Board considered that the images of the trucks being dropped by the helicopters and racing in an off road environment did not depict material contrary to prevailing community standards on safety given the unrealistic scenario.

The Board then considered the scenes where the cars are racing through city streets. The Board noted the advertiser’s response that the campaign launched at the same time as the V8 Supercars event at Surfers Paradise on the Gold Coast and care was taken to communicate that the advertisement was shot under controlled conditions and not on a normal road. The Board noted the images of the trucks driving on the streets are accompanied by a superimposed text ‘filmed under controlled conditions.’

The Board considered that where the trucks are depicting on city streets, the streets do appear to be real city streets able to be recognised by the community – although clearly closed to routine traffic. The Board noted that these roads may be used during the V8 Supercar event; however there was no indication in the advertisement that these were the same roads or that the advertisement was filmed while the streets were closed for the V8 event.

The Board considered that the trucks were driven in an unsafe manner in that they appeared to be racing, were driving unsafely through city streets and were driving contrary to road rules as they crossed lanes and went over curbs.

The Board noted that street racing and unsafe driving are issues of concern to the community. The minority of the Board considered that the advertisement was clearly filmed in control conditions with vehicles that would not usually be seen on roads and that this was unlikely to encourage or condone unsafe driving.

The majority of the Board considered that the depiction of the trucks racing through city streets, did so in a manner that highlighted speed and performance of the vehicles or tyres and that the overall impression was condoning street racing or at very least unsafe driving.

The majority of the Board considered that the advertisement did depict material contrary to Prevailing Community Standards on health and safety and that the advertisement breached

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 provided verbal confirmation that the advertisement has been modified in line with the Board's determination.