



CASE REPORT

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| 1. Complaint reference number | 117/06 |
| 2. Advertiser | Suzuki Auto Co |
| 3. Product | Vehicles |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | FCAI - Driving practice that would breach the law
FCAI - Environmental damage |
| 6. Date of determination | Tuesday, 11 April 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement shows a Grand Vitara splashing through waters at the ocean's edge at twilight, and the caption "Live your life". The image has a left hand border of young faces depicted enjoying the driving experience, and the information "Off road, on road, city, mountain, track or highway. The new Grand Vitara with its striking design, Japanese 4x4 technology and quality, loves life and your lifestyle as much as you do. A real off road athlete with looks, performance and refinement to match. The new Grand Vitara – because you want to make the most of every single moment in your life."

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

...it promotes a very irresponsible style of driving

it is simply foolish to be driving on a beach and in water like this at twilight where any visibility is totally deceptive

...the driver which (sic) is "yahooing" and having a great time does not appear to be wearing a seatbelt

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The car is not driving through waves, it appears to be travelling parallel to a very small ripple of water...the depth of the water is quite shallow

The headlights and fog lights being on are for dramatic purposes only....anywhere where vehicles are allowed on a beach, vehicles travel at all hours of the day and night.

The fact that people have smiles on their faces while being in an automobile does not make them irresponsible.

The claim that it shows a driver "yahooing" is incorrect...these shots were taken from the television commercial and are in fact people singing.

We do not understand the concern with the shot of the children restrained in the back seat.

THE DETERMINATION

The Advertising Standards Board (“Board”) first considered this advertisement under 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’ for a ‘motor vehicle’. The Board considered that the advertisement for the Suzuki satisfied these criteria.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement. The Board identified that clauses 2(a) and 2(c) were relevant in the circumstances. The Board first considered whether clause 2(a) of the Code had been breached.

In order to breach clause 2(a) of the FCAI Code, the advertisement must portray:

“unsafe driving, including reckless and menacing driving that would breach any Commonwealth law... if such driving were to occur on a road or road related area...”

The Board noted that the advertisement appeared to depict a person driving along a beach. The advertisement in question, a print advertisement, did not depict the car on the beach in a manner that would suggest that it was being driven in an illegal manner. The Board also noted that it is legal to drive on many beaches and there was no indication that the car in this advertisement was driving on a beach where such driving was illegal.

The Board concluded that the advertisement did not portray any unsafe driving in breach of clause 2 (a) of the FCAI Code.

The Board then considered whether the advertisement breached clause 2(c) of the Code. In order to breach clause (2)(c) of the FCAI Code, the advertisement must portray:

“driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law.”

The Board noted that the images accompanying the image of the car depicted passengers and the driver. In all of these images appropriate seat belt use was clear or not possible to be seen due to the angle of the photo. None of the images suggested that the driver or passengers were not wearing a seatbelt.

The Board did not consider that the advertisement depicted any other images that would contravene clause (2)(c). The Board did not consider that the advertisement breached clause 2(c) of the FCAI Code.

On the above basis, the Board confirmed its view that the material before it did not constitute an advertisement in breach of the FCAI Code.

The Board then considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered that driving a four wheel drive on a beach was an activity that was not uncommon in Australia . The Board also considered that most people would realise that driving in such conditions may require particularly careful driving. The Board did not consider that any of the images in the advertisement depicted material that was contrary to prevailing community standards on safety nor did they depict any images that undermined the importance of safe driving.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.