



## **CASE REPORT**

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|-------------------------------|----------------------------------|
| 1. Complaint reference number | 13/08                            |
| 2. Advertiser                 | Shell Co of Australia (V- Power) |
| 3. Product                    | Housegoods/services              |
| 4. Type of advertisement      | Cinema                           |
| 5. Nature of complaint        | Health and safety – section 2.6  |
| 6. Date of determination      | Wednesday, 13 February 2008      |
| 7. DETERMINATION              | Dismissed                        |

## **DESCRIPTION OF THE ADVERTISEMENT**

This cinema advertisement features a beautiful blood red 1952 Ferrari F500 roaring down a spectacular looking tree lined road in Italy, with the driver demonstrating his mastery of the vehicle as it enters Rome before passing by the Colisseum. The car take a series of turns through the streets of Rome. The next scene shows the car has now become a 1967 Ferrari 312 and secondly we're in New York, where the car sweeps through Times Square and Park Lane Avenue. The car then brakes around a tight turn and streaks past a stationary cab driver who is quietly reading whilst drinking a cup of coffee. The Ferrari continues through the city. The scene then moves to the car travelling along a deserted, wet and winding coastal road. When seen again, the car is now moving through the streets of Hong Kong is a 1970, Ferrari F312B. A shopkeeper and her customers jump as the Ferrari zooms past. The car now enters a tunnel and becomes a 1997 Ferrari F310B. The famous Christ the Redeemer statue on top of the Corcovado mountain is then shown to indicate that the car's journey has taken it to Rio, where on a road flanking Ipanema beach, the noise of the car stops people in their tracks. The next scene shows the car in the Principality of Monaco and the car has become a 2003 Ferrari F2003GA. The car is seen to enter the Principality before driving through it and out of it into the surrounding landscape. A voiceover announces "Over 60 years ago we began to work with Ferrari. What we've learned from our shared passion on the track, we've put on the road." The view cuts to a driver's eye view as the car approaches a Shell petrol station in Italy now in a 2006 F1 Ferrari which pulls up to refuel. The attendant looks at his stopwatch in a nonchalant manner and then refuels the vehicle with Shell V-Power as the voiceover continues "Over 60 years ago we began to work with Ferrari. What we've learnt from our shared passion on the track, we've put on the road." The car then pulls out from the petrol station and disappears in a screaming red blur. Very soon it is seen sweeping past the Coliseum once more, as it starts a second world circuit. The voiceover concludes "Shell V-Power. The Fuel Developed with Ferrari."

## **THE COMPLAINT**

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

*A formula 1 racing car speeds along city streets all over the world seemingly narrowly missing pedestrians and dogs along the way. Also rides up on safety barrier. I think it was promoting V-Power fuel. A few weeks ago on the Westgate freeway 4 young men were killed in a high speed crash and this sort of advertisement seems to glorify speeding and may even encourage speeding. There is no place for speeding on city streets, even in advertising.*

## **THE ADVERTISER'S RESPONSE**

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

*We would like to make the following comments in response to the complaint made, presumably*

relating to Section 2.6 “Advertisements shall not depict material contrary to prevailing community standards on health and safety”. The complaint is that the advertisement seems to be glorifying speeding and maybe even encourage speeding.

Our Communication objective of the TVC is:

- A celebration of a 60 year partnership between Shell and Ferrari Formula 1
- To bring to life the Made to Move communications platform to depict the enjoyment of driving and reinforce Shell’s positioning as a manufacturer of quality fuels.

Our Communication strategy is to:

- Leverage the visual metaphor of a range of historic Formula 1 cars driving in a seamless sequence through recognisable international cities around the world to communicate a 60-year relationship. Use Formula 1 sounds and carefully calculated camera angles to create a sense of excitement and movement. The Circuit commercial has been created as a metaphor for Shell’s 60 year relationship with Ferrari to demonstrate the brand’s passion and its commitment to developing the highest possible quality fuels.

The Circuit advertisement shown in cinemas is an engaging mini film specifically designed for the cinema environment. The film begins with a 60-year-old car passing the Coliseum in Rome and driving down a country lane, as each scene changes the car is replaced by the next generation of Ferrari and a new city location. At no time in the film does the car race another vehicle, in fact in each scene all other vehicles, pedestrians and the public in general are stationary - to ensure they are never close to the vehicle and to give an impression of comparative action. It is clear to the audience that the footage does not depict real traffic conditions as it is filmed under controlled conditions involving Formula 1 cars (not ordinary road cars) and professional drivers.

Throughout the commercial there are no moving cars on the road other than the Ferrari, and very few stationary vehicles. The footage depicts the Ferrari on some of the most well known roads in the world. As the viewer would expect these roads to normally carry traffic, they would therefore surmise that the advertisement is filmed in on closed roads and these roads are representative of a circuit. Additionally the Ferrari car is depicted as being driven on roads around the world within a short time frame. Clearly it is not physically possible to drive around the world in a matter of minutes and this is a further illustration that the advertisement does not depict real life.

The viewer’s impression would be that the footage is not real life and therefore view the advertisement as entertainment, especially in a cinema environment where the viewer is expecting to be entertained and where the advertisement’s imagery would not be expected to change driving behaviour. In this way, we do not think it can be said that the advertisement is contrary to prevailing community standards on health and safety. Additionally, in regard to the allegation that the advertisement ‘seemingly narrowly missing pedestrians and dogs along the way’ when reviewing the footage it is clear that, in the small number of scenes where people are present, the people are well separated from the Ferrari, never on the road, and that there are no ‘near misses’. Some of the people look surprised but this is clearly in response to the noise of the car.

The Circuit advertisement was filmed under controlled conditions with appropriate consideration for the safety of all parties involved. Shell has a strong commitment to health and safety (including driver safety), which is prevalent in all the activities we undertake.

Consumer reaction to the commercial has been one of high acceptance (Wheels Magazine January edition ran a feature on the film), and the acceptance of the use of metaphor appears to be well understood in that the message is about the relationship between Shell and Ferrari.

In conclusion, with respect to the use of metaphor as a common tool in both advertising and film, consumers are well accustomed to viewing action scenes or movie themes with an understanding that they depict escapism and not reality. The Circuit advertisement is an example of such escapism and, in the circumstances, we do not think it can be said that the advertisement is contrary to prevailing community standards on health and safety.

We would therefore submit that the advertisement does not breach the AANA Advertiser Code of Ethics and that the complaint should not be upheld.

Shell Australia is not aware of any similar complaints being made in relation to this advertisement either in Australia or overseas.

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) noted that this advertisement is for Shell Petrol and is not an advertisement for a motor vehicle. As the advertisement is not for a motor vehicle the FCAI Voluntary Code for Advertising Motor Vehicles does not apply.

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”), in particular whether it depicts material that is contrary to prevailing community standards on health and safety.

The Board noted the complainant's concern that the vehicle is seen driving unsafely in a number of parts of the advertisement. The Board viewed the advertisement and considered that, for the majority of the advertisement, the racing car is seen driving on relatively deserted roads. The Board noted that the vehicle is depicted as a racing vehicle for the entirety of the advertisement. The Board considered that the overall theme and tone of the advertisement is a fantasy situation - as the racing vehicle is seen driving around the world. The Board considered that some scenes in the advertisement could be seen as unsafe however the overall unrealistic feel of the advertisement and clear branding of the vehicle as a racing vehicle, meant that the advertisement did not depict material that is contrary to prevailing community standards on safe driving. On this basis 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.