



## **CASE REPORT**

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|-------------------------------|-----------------------------|
| 1. Complaint reference number | 131/06                      |
| 2. Advertiser                 | Staedtler (Pacific) Pty Ltd |
| 3. Product                    | Office products/sevices     |
| 4. Type of advertisement      | TV                          |
| 5. Nature of complaint        | Other - Social values       |
| 6. Date of determination      | Tuesday, 11 April 2006      |
| 7. DETERMINATION              | Dismissed                   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement shows women in 4-wheel drive vehicles dropping children off at school. One woman waves at another and sounds a blast from a truck's air horn, while another seems to be grappling with her steering wheel as she attempts to park with sounds of bellowing, rumbling and hissing of semi-trailer air brakes. The women are all attractive with neatly groomed hair and makeup, but are wearing jeans and work boots.

The women then catch sight of a Ford Territory driving smoothly past them, driven by another woman. She flicks through the new 6-speed automatic Sequential Sports Shift and a voiceover announces "A new 6-speed auto on the All-Wheel Drive , Dynamic Stability Control and Acutrac for car-like handling. With the new Ford Territory , you'll never feel like you're driving a truck".

## **THE COMPLAINT**

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

*Four wheel drives outside a school?? Especially when there are moves around the country to ban them...esp outside of schools. They are just death on wheels. Even more so when they are near our schools.*

## **THE ADVERTISER'S RESPONSE**

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

*school car parks today are full of 4WD vehicles and uses the fantasy element of juxtaposing truck like sounds to highlight the difficulties experienced by drivers and the congestion 4WDs cause.*

*The TVC...highlights the fact that it offers car-like handling and driving dynamics, making it a much easier and safer option in school car parks.*

*At no stage through the commercial are any of the vehicles shown to be driving irresponsibly in the car park.*

*4WDs are not illegal in school car parks or on Australian roads, therefore the use of them in a car park situation is completely legitimate and mirrors true life.*

## **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 Ford Territory 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 driving portrayed in the advertisement was careful slow driving outside a school. The Board concluded that the advertisement did not portray any other 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 did not consider that there were any driving practices depicted that would breach any law. At all times the drivers of the car were seen to be complying with all safe driving practices. 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 noted that the complainant considered that 4WD vehicles should not be driven near schools. The Board noted the complainant’s assertion that there are moves ‘around the country to ban them...esp outside of schools.’ The Board noted that from time to time there is controversy about the use of 4WDs in the city, however the Board did not consider that there was a community standard that 4WDs should not be driven near schools nor in the city. The Board did not consider that the advertisement depicted material that contravened community standards of health and safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.