



## **CASE REPORT**

1. Complaint reference number	134/04
2. Advertiser	Epson Australia Pty Ltd
3. Product	Office Products
4. Type of advertisement	Transport
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 8 June 2004
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is a print advertisement which features with the tagline “Picture Perfect.” The tagline is accompanied by an image of an Epson photocopier and a picture frame with a photo of a group of young people standing in the back of an open top jeep holding surfboards.

## **THE COMPLAINT**

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

*“Portraying illegal behaviour (such as not wearing occupant restraints and car surfing) gives misleading and confusing messages and therefore jeopardises road safety campaigns.”*  
*“Occupants standing in the vehicle are obviously not wearing seatbelts.”* *“The number of occupants seen standing in the vehicle also raises the issue of car surfing.”*

## **THE ADVERTISER’S RESPONSE**

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

*“The vehicle in the advertisement is shown in a parkland setting and is not in motion.”* *“The people shown in the vehicle with their surfboards are simply posing for a photograph.”* *“In presenting this advertisement, there was no intention on Epson’s part to encourage a vehicle with an excessive number of people on board to be driven on a public road in breach of road safety regulations.”* *“Our current ‘Picture Perfect’ bus advertising campaign has finished but we can assure that Board and the RTA that, in any future advertising campaign, we will not depict vehicles or people in a way that might foster irresponsible road behaviour.”*

## **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 that although the complainant alleged a breach of the FCAI Code, the advertisement was not an advertisement for a motor vehicle and therefore the FCAI Code did not apply.

The Board noted that the image of the people in the car was in a still photograph within a frame and there was no overt indication that the car was moving or being driven.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

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

dismissed the complaint.