



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 172/07                          |
| 2. Advertiser                 | Frankies Auto Electrics         |
| 3. Product                    | Housegoods/services             |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 12 June 2007           |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a young man showing off sound equipment just installed in the boot of his car by Frankies Auto Electrics. The driver and his friends enter the car and drive off playing music. When his girlfriend in the front seat tries to turn up the volume she is told "No! Frankie told me not to turn it up past 5". With another male bopping in the back seat, the girlfriend continues to increase the volume level, with the result that, as they drive through a built-up area, the alarms of parked cars go off and glass windows in the buildings they pass shatter. As the volume reaches 35 we see clothing flying out of the car onto the roadside and the passengers are shown in the car naked and shocked.

## **THE COMPLAINT**

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

*The passenger in the rear seat is not wearing a seat belt!*

## **THE ADVERTISER'S RESPONSE**

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

*The primary concern for the complaint is that the passenger in the rear is not wearing a seatbelt. If you review the commercial carefully you will see that all passengers are wearing their seatbelts. The passenger in the rear is wearing a grey coloured T-shirt, which makes it less obvious, but non-the less it is still visibly there.*

*The secondary cause for concern was that the stereo in real life would be a distraction. In the commercial the driver instructs the other passengers that "Frankie told me not to put it past 5", meaning that they did not do what the auto electrician told them.*

*The commercial was not written to promote or advocate dangerous driving. It is a parody style branding commercial for an auto electrician who sells car stereos.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered the issue raised by the Complainant and noted the advertiser's advice that the passengers are wearing seatbelts. The Board carefully considered the advertisement and agreed that the passengers were wearing seatbelts although the cutting of the advertisement and quick scene

changes made it difficult to see. The Board also considered the advertisement's depiction of an excessively loud and powerful stereo system. The Board agreed that the advertisement was an attempt at a humorous over exaggeration of the effects from the quality of the stereo system.

The Board determined that the advertisement did not depict material that is contrary to prevailing community standards on health and safety. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.