



## **CASE REPORT**

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| 1. Complaint reference number | 203/06   |
| 2. Advertiser                 | Toyota Motor Corp Aust Ltd (Landcruiser)   |
| 3. Product                    | Vehicles   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Violence Cruelty to animals – section 2.2<br>FCAI - Environmental damage<br>FCAI - Other<br>Other - Environmental issues |
| 6. Date of determination      | Tuesday, 13 June 2006  |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement is set in an outback bush scenario where a fly gets caught in a spider's web, as a spider approaches. The spider is then seen on a tree trunk where a lizard comes towards him. The lizard crawls through red earth and is confronted by a snake which rears up and bares its fangs and lunges. A dingo then threatens the snake which is coiled on a rock, after which the dingo is seen drinking at a waterhole. A crocodile surfaces from the water and lunges at the dingo. The crocodile, then seen sunning on the riverbank, suddenly reacts and retreats as a Landcruiser powers through rough terrain, then ploughs through the water towards it. As the Landcruiser leaves the water dripping wet, the driver's door opens and the focus centres on his crocodile-skin boots. Text on screen reads "Be top of the food chain" as the crocodile re-submerges. As the driver performs the Toyota jump, text reads "Toyota Landcruiser. King of the off-road."

## **THE COMPLAINT**

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

*This advertisement glorifies the assertion of one species' power over another.....It is damaging to portray humankind's relationship to and with our environment as being one of winner and loser, victim and victor.*

*There is the suggestion that the 4WD crushes the crocodile by driving over it*

*...lack of care or concern by the driver of the vehicle "ploughing" through the water – and implying that it's okay to run your 4WD over animals and be "at the top of the food chain"*

*4WD belts through a creek at high speed...this type of advertising does nothing to promote responsible use of 4WD vehicles.*

*...a piece of machinery lording it over the animal kingdom*

*Such imagery only serves to increase reckless driving behaviour of Landcruiser owners. The ad is dangerous and will appeal to dangerous drivers who take the 'eat or get eaten' message to the road.*

## **THE ADVERTISER'S RESPONSE**

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

*The vehicle only appears "driving" for 4 seconds in a 60 second advertisement, and in which time*

*it simply crosses a causeway.....The Landcruiser was driven at speeds no greater than 30kph.*

*The track on which the Landcruiser drives down is a registered track.*

*At no point in the commercial is the Landcruiser shown speeding, driving recklessly, or breaking road/National Park rules.*

*This commercial represents a basic demonstration of a competitive environment that is shown through nature, with each animal competing for survival in its environment.....While the communication does parody nature, in no way is the communication intended to devalue Australian wildlife.*

*Toyota took care to ensure no animals were injured during the making of the TVC, and all animals were filmed separately in their own environment. At no point in the edit does the Landcruiser actually make contact with any wildlife.....a shot of the crocodile is featured at the end, slinking back into the water after "making way" for the Landcruiser.*

*It is our view that this advertisement is not a display of recklessness or man's disregard for animal species, or the environment as the complainants allege.*

## **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 Toyota Landcruiser satisfied these criteria.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement.

The Board considered that the Toyota Landcruiser was an 'off road vehicle' as defined in the FCAI Code. The Board identified that clauses 2(e) and 4 were relevant in the circumstances.

The Board first considered whether clause 2(e) of the Code had been breached.

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

*'Deliberate and significant environmental damage, particularly in advertising for off-road vehicles...'*

The Board noted that, in terms of driving, the advertisement depicted the Toyota Landcruiser crossing a stream and stopping on the bank of the stream. The advertisement then shows the Toyota parked in a desert-like terrain. The Board did not consider that the advertisement's depiction of the Toyota crossing a stream was a depiction of deliberate or significant environmental damage.

The Board also considered clause 4 of the FCAI Code which provides that:

*'An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.'*

The Board considered that the advertisement complied with clause 4 and did not portray any unsafe driving.

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 driving through a stream 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.

The Board did not consider that the advertisement depicted any material that was harmful to or suggestive of harm to animals other than the actual risks that animals face from predators.

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