



CASE REPORT

1. Complaint reference number	208/06
2. Advertiser	Toyota Motor Corp Aust Ltd (Prado)
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	FCAI - Other
6. Date of determination	Tuesday, 13 June 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set at an intersection on a deserted street on a dark rainy night. A life-sized ice sculpture of a Prado slides with speed along the wet road with little control over its movement. A similar ice sculpture is also seen sliding down a freeway off-ramp, lacking control. Similar scenes are enacted with Prados made of ice sliding out of a residential driveway, down a river bank and on a country road. As a voiceover announces “Not all 4WDs are created equal”, we see headlights as a real Prado pulls out from behind the ice sculpture and overtakes it. The voiceover continues “For better grip. Better control, better safety. Toyota Prado. With ingenious Driver Assist Technology. The real Prado is seen gliding along the road leaving the ice sculpture behind. We see through a sheet of ice, a man doing the Toyota jump and the voiceover concluding “Nothing senses the road like a Prado.”

THE COMPLAINT

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

An inferior vehicle was presented in the ad as a careening out of control similar vehicle made of ice...to the wholly reliable wonderful Prado. (sic)

I note that your listed profile of complaint categories which Do NOT include ‘irresponsible portrayal of fantasy, glamour or impulsiveness., ‘vehicle power over responsible driving and the speed limits’, ‘advertisements which do not acknowledge the social realities of accident trauma and road congestion’ and ‘damage to the environment and the consequences of global warming by fossil fuel emissions.’

THE ADVERTISER’S RESPONSE

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

Toyota maintains that there is nothing dangerous, illegal, aggressive or reckless in the driving portrayed in the commercial.

While the ice sculptures are seen to be out of control, we believe that the idea that they promote reckless driving “careening out of control” does not fit the tone of this commercial.

The scenes in which the ice sculpture vehicles feature are clear and self evident exaggeration of what it may feel like to be without control of one’s vehicle.

The fact that competitor vehicles are made of ice and are indistinguishable negates the need to show a scenario under which vehicles can be directly compared.

We believe that the imagery portrayed is well within acceptable creative boundaries.

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 Prado 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 Prado was an ‘off road vehicle’ as defined in the FCAI Code. The Board then analysed specific sections of the FCAI Code and their application to the advertisement. The Board identified that clauses 2(a), 2(c) 2(e) and 4 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 advertisement depicted a number of vehicles made of ice driving in various urban situations - along a street, turning a corner, exiting a service station etc. In each situation the ice car slips on the road and the driver does not have control of the car. These images represent the danger of driving a car which does not have good traction. In the advertisement these driving scenes are not glorified – rather the loss of control of the cars is portrayed as a negative, with the message of the advertisement being the need for a car with good traction in routine driving situations. The Prado itself was not depicted undertaking any unsafe driving.

The Board concluded that the advertisement did not portray any unsafe driving in breach of clause 2 (a) of the FCAI Code. The Board considered that the advertisement did not breach the FCAI Code in any way.

The Board then considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board was of the view that the advertisement did not depict material that was contrary to prevailing community standards on health and safety. The Board considered that the depictions of cars were a portrayal of the importance of good traction and careful driving.

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