



CASE REPORT

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| 1. Complaint reference number | 257/06 |
| 2. Advertiser | Hyundai Motor Co Aust Pty Ltd (Grandeur 194 V6 - Drive the Dream) |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | FCAI - Other
Other - Environmental issues |
| 6. Date of determination | Tuesday, 11 July 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a man sleeping in bed and a close-up of his eyes show evidence that he is in REM sleep mode. As he seems to be dreaming of driving the Grandeur, we see his body react to the dream experience, with the hairs on his arms standing on end and a bead of sweat running down his face. The car in the dream sequence is shown driving along with agility and precision as a male voiceover explains the vehicle's "exemplary safety and collision avoidance systems". The dreaming man's eye opens and he is awake, as the voiceover concludes "The all new Hyundai Grandeur. Drive the dream".

THE COMPLAINT

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

There is nothing about driving that is a dream. There is only alertness and responsibility thrown in with noise, road congestion, and the polluting of the atmosphere.

It engenders an image where if you had this glossy product then you will be smug and beyond the safety and health requirements of one's community.

THE ADVERTISER'S RESPONSE

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

The Grandeur commercial portrays a man dreaming about his perfect car. At no time does the man drive the car whilst sleeping.

The message conveyed is the car of your dreams is now a reality.

Hyundai believes that any reasonable person would not interpret the advertisement as a man driving whilst sleeping.

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 Hyundai Grandeur satisfied

these criteria.

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

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 depictions within the advertisement of the car being driven did not depict any unsafe driving or any driving that would breach any law.

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

The Board also considered whether the advertisement breached clause 2(c) of the FCAI Code. In order to breach clause 2(c) 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 or the law of any State or Territory in ...dealing with road safety or traffic regulation.

The Board considered that the concept of a man dreaming about driving a car, in conjunction with no depiction of any person driving the car, did not depict action that would be illegal.

The Board also considered clause 2(d) of the Code. An advertisement would breach clause 2(d) of the Code if it depicted

‘People driving while being apparently fatigued or under the influence of drugs or alcohol to the extent that such driving practices breach any...law ...dealing directly with road safety or traffic regulation.’

The Board did not consider that the depiction of a person dreaming about driving a Hyundai amounted to a contravention of clause 2(d).

The Board considered that the advertisement did not breach the FCAI Code in any way.

The Board considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”). Again, as the advertisement clearly indicated that the sleeping person was dreaming about driving the car, not actually driving it while asleep, that the advertisement did not depict material that was contrary to prevailing community standards on health and safety.

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