



CASE REPORT

1. Complaint reference number	27/07
2. Advertiser	Extreme Boys Toyz
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	FCAI - Driving practice that would breach the law
6. Date of determination	Tuesday, 13 February 2007
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on the rider of a motorcycle, rider and bike displaying racing decals in footage which appears to be taking place at a sporting event. The rider is seen to cross over double unbroken lines on the roadway. Various shots are shown to promote a Husqvarna motorcycle. Later footage appears to be set on a country road where the rider again crosses double unbroken lines. A voiceover details the location of the dealer.

THE COMPLAINT

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

...depicting a motorbike being ridden at speed crossing double yellow (white) lines and crossing the lines on corners. It is offensive because it is illegal and dangerous riding practices and it allows younger riders to think that this is a standard riding procedure.

THE ADVERTISER'S RESPONSE

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

No response had been received from the advertiser at the time of determination.

THE DETERMINATION

The Advertising Standards Board (“Board”) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries’ Advertising for Motor Vehicles Voluntary Code of Practice (the “FCAI Code”). The Board determined that the material before it was an “advertisement for a motor vehicle” and therefore that the FCAI Code applied.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement. The Board identified that clause 2(a), was relevant in the circumstances. The Board had to consider whether those clauses of the Code had been breached.

The Board viewed the advertisement and noted the images of the motorcycle driving fast on a winding public road, crossing white double-lines. The Board agreed that in showing a motorcycle driving fast and crossing white double-lines in the situation in the advertisement, the advertisement was depicting a driving practice that was in breach of the law and hence the advertisement breached Section 2 (a) of the FCAI Code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

I confirm that we will not be running the advert unless we can make changes that are approved withing the guidelines of the FCAI.