

CASE REPORT

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| 1. Complaint reference number | 270/07 |
| 2. Advertiser | BP Australia Pty Ltd (Ultimate) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 11 September 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

There are two internet banners featured on a newspaper website. One features two cars facing each other with their wheels turning and smoke coming from the tyres as they "face-off", and the message "Rollover to experience the Sumo challenge". The other image features two cars facing away from each other and joined by a piece of rope, on either side of a large hole, with their wheels turning and smoke coming from the tyres as they try to pull away from each other, and the message "Roll over to experience the Tug-of-War Challenge".

THE COMPLAINT

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

I find the behaviour depicted to be unsafe, irresponsible, and probably illegal. Appearing in the text of an article about an elderly couple killed by drag-racers, I find to be in incredible bad taste.

THE ADVERTISER'S RESPONSE

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

We do not believe that the advertisements breach, nor intend to breach the Code of Ethics and therefore believe that the complaint should be dismissed. The Advertisements do not portray or encourage any unsafe, irresponsible or illegal behaviour. You will note that the advertisements are a fictional, mildly humorous piece of communication, showing a controlled contest. The objective of these Advertisements is to convey the message that it is possible to gain more power by using BP Ultimate Unleaded. The advertisements do not present or portray careless or violent conduct.

We appreciate the concern of the complainant and will endeavor to continue to monitor and ensure appropriate placement of advertising within editorial articles.

THE DETERMINATION

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

The Board noted that the complainant's concern that the advertisements depicted inappropriate behaviour in cars and also expressed concern about placement of the advertisement.

In relation to placement the Board noted the unfortunate placement of the advertisement but also noted that the advertiser had stated that it will monitor the advertisement to ensure appropriate placement in

future.

In relation to the content of the advertisements the Board considered that the advertisements did not depict real or lifelike cars and that the cars hardly moved in the advertisements. The Board noted that this was not an advertisement for motor vehicles and that the FCAI Car Code does not apply. The Board considered that the images of the cars revving was appropriate for the product advertised and that the depictions were not violent and in the context of this particular advertisement did not depict material that was contrary to prevailing community standards on safety.

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