



CASE REPORT

1. Complaint reference number	276/06
2. Advertiser	Toyota Motor Corp Aust Ltd (Kluger)
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	FCAI - Other
6. Date of determination	Tuesday, 8 August 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young boy staring out of a bus window as a cyclist, a train and man appear to be moving backwards. As a pedestrian light turns green, a woman's dog inexplicably sits and moves along the street, and a man serving ice cream from a truck drops it on the ground as his customer moves out of view. It's as though the ground beneath them is moving then along.

A man in a high rise office block looks out of his window to see a Kluger driving down the street with the buildings either side being drawn along as if by magnetism, and the road surface behind the vehicle is uplifting and breaking up. A male voiceover announces. "Toyota Kluger. All the power to all the wheels - all the time"

THE COMPLAINT

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

This is a supercharged revving vehicle that is simply tearing the road surface to pieces in a city location.

So the Kruger has "All the power" of another so-called "off-road vehicle" to destroy road surfaces and disrupt normal community pedestrian and other traffic. This sad advertisement is destructive, anti-social, facilely-focussed on the worse (sic) aspects of human nature, and again another example of conspicuous consumer products that are unnecessary and degrading to a civilised society's aims to control global warming.

THE ADVERTISER'S RESPONSE

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

Toyota ...maintains that the portrayal of driving activity is intended to be received as fictitious, and quite obviously falls in the realm of advertising puffery.

This commercial focuses on the traction aspect of AWD. The commercial fictionally demonstrates traction (via AWD) and how, when combined with engine performance, it is so great that the road surface slides beneath it. This of course, is not literally possible. It is a fictional exaggeration designed to get the message across that Kluger has superior traction on the road.

Toyota acknowledges the complainant's observation that there is indeed "road damage" that has occurred in this commercial. However, we argue that this is a far more literal interpretation of the commercial than was ever intended, and that the idea that the Kluger is responsible for "road degradation", "disruption of pedestrian traffic" and "global warming" is unfortunate and misguided.

The vehicle featured is a Kluger Grande model...its specifications are not enhanced in any way and nor do we believe it is audibly “revving” excessively as the complainant has observed.

This complaint appears to be from an individual who is concerned with the increasing numbers of 4WDs in metropolitan areas for a variety of reasons. While Toyota respects this point of view, currently there is no law prohibiting members of the public from purchasing a 4WD, nor are there any restrictions regarding the roads they can be driven on.

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 Kluger satisfied these criteria.

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

The Board noted that the advertisement depicted an off road vehicle driving, at a not inappropriate speed, through the city. The advertiser describes the traction of the vehicle as being so significant that the ‘road surface slides beneath it’. The advertiser describes this imagery as ‘fictional exaggeration designed to get the message across that Kluger has superior traction on the road. The Board noted these concerns and the comment from the complainant about excessive ‘revving’ of the car engine.

The Board considered that the images shown in the advertisement, specifically those of the road surface being lifted, were an impossible occurrence and exaggeration that did not amount to any behaviour that would breach the FCAI Code. In particular these images did not amount to a depiction of ‘deliberate and significant environmental damage’ and therefore did not breach clause 2(e) of the FCAI Code.

The Board noted the complainant’s concern about engine revving but the Board was of the view that there was little or no engine revving in the advertisement. In addition the Board considered that there were no depictions of unsafe driving in the advertisement (clause 2(a) of the FCAI Code). The Board also considered that the depictions within the advertisement of the car being driven did not depict any driving that would breach any law. The Board also noted that the depictions within the advertisement did not depict a person driving at excessive speeds (clause 2(b) of the FCAI Code) nor did it depict driving practices that would breach a law (clause 2(c)).

The Board also considered whether the advertisement depicted any material that would contravene clause 4 of the FCAI Code but decided that as the vehicle was depicted driving on a road that clause 4 did not apply.

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

The Board then considered whether the advertisement breach the AANA Advertiser Code of Ethics (the Code). The Board noted that under section 2.7 of the Code advertisements for motor vehicles must comply with the FCAI Code and section 2.6 of the Code does not apply. The Board considered that the advertisement did not breach any of the other provisions of the Code.