



CASE REPORT

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| 1. Complaint reference number | 292/06 |
| 2. Advertiser | Honda Australia Pty Ltd (Formula 1) |
| 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 features a close-up view of a driver, in racing livery, through the front windscreen of a Honda Formula One race car during a practice session on a race track. A male voiceover announces "Here's news from Honda. Our latest 2.4 litre, V8 Formula One engine revs to a massive 19,000 revs per minute." The advertisement concludes with the Honda logo and a speeding racing car driving across the screen.

THE COMPLAINT

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

The add (sic) clearly links Honda with racing cars. The association with street cars and racing cars is the sole objective of the add (sic). The association is clearly one of driving your street car like a racing car is a very good thing. This add (sic) clearly undermines key road safety messages, particularly driving within the speed limit.

This add (sic) does not only promote speeding to and driving like a racing car to those who might buy a Honda, but to the general population.

There is no doubt in my mind that this add (sic) will contribute to the death toll on our roads.

THE ADVERTISER'S RESPONSE

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

It is clear to viewers that the driving depicted in the Vignette advertisement is part of a lawfully organised and controlled vehicle testing, racing or time-trial activity involving a Formula 1 race car being driven on an official race or testing track.

The vehicle is clearly a Formula 1 race car, the driver is obviously a professional race-driver who is wearing the required racing safety helmet and gloves, and it is abundantly clear that the Honda F1 vehicle is being driven around a closed race track, in so far as there are safety barriers, spectator grandstands and sponsorship signage all clearly visible in the footage.

We strongly refute the complainant's central contention that the advertisement seeks to associate high-speed F1 race driving with the driving of everyday Honda on-road vehicles...In particular there are no visual or verbal references whatsoever in the advertisement to Honda's on-road vehicles...There is simply no suggestion (whether express or implied) of any association between the driving depicted and driving Honda's everyday on-road vehicles because the context of the advertisement is strictly confined at all times to Formula 1 racing.

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 Honda vehicles 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 does not depict any everyday Honda vehicles but rather depicts only a man in a racing car. On this basis the Board considered clause 3 of the FCAI Code. Clause 3 states that:

Without limiting the general application of clause 2, advertisers may make use of scenes of motor sport, simulated motor sport, and vehicle testing or proving in advertising subject to the following:

(a) such scenes should be clearly identifiable as part of an organised motor sport activity, or testing or proving activity, or a type for which a permit would normally be available in Australia

(b) any racing or competing vehicles depicted in motor sports scenes should be in clearly identifiable racing livery.

The Board considered that the advertisement complies with clause 3 of the FCAI Code as there is clearly identifiable racing theme and livery in the advertisement and the depiction is that the car is part of an organised motor sport activity. The Board also noted that there is no suggestion in the advertisement that the engine revving capacity of the formula 1 car is applicable to domestic Honda vehicles. The Board considered that there was no breach of clause 3 of the FCAI Code.

The Board noted that clause 3 does not limit the application of clause 2 and that it must therefore also consider the advertisement against clause 2 of the FCAI Code.

The Board noted that there were no depictions of unsafe driving in the advertisement (clause 2(a) of the FCAI Code) and that the depictions within the advertisement of the car being driven did not include any unsafe driving or 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 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.