



CASE REPORT

1. Complaint reference number	293/08
2. Advertiser	Toyota Motor Corp Pty Ltd
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	Other - Social values
6. Date of determination	Wednesday, 13 August 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young family on a drive home from a pet store. On the way home, the father smiles at the mother and says "A budgie's not exactly a goldfish...does this mean we can get rid of the guinea pigs?" Stopped at traffic lights, a yellow Italian sports car pulls up alongside, the driver a middle-aged man appearing to think himself very sporty and independent with his stereophonic music and bluetooth mobile phone attached to his ear. The latter looks derisively at the family in the larger car and laughs as he speeds off. Arriving at the elaborate gates of his luxurious house, he witnesses a meteor fall from the sky and demolish his house. As he rushes to the scene and weeps in despair, a toilet from the house flies through the air and smashes his sports car. The family driving past this scenario are shocked, as a male voice-over states "Real wealth isn't about dollars. It's about living richly. The new generation Toyota Kluger. Enrich your family life."

THE COMPLAINT

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

It starts with a family bringing home a new pet and discussing where to put the old pet. The add then proceeds to fire a bomb a mans house because he drives a sports car finishing with a toilet falling on the mans car. The add treats pets or animals as if they are disposable thus promoting cruelty to animals. When the mans house is fire balled it focuses in on firstly his misery and then the other families indifference to his pain.This add promotes and endorses the wost (sic) side of society.

I work for the RSPCA and we try everyday to promote responsible pet ownership. Unfortunately there are people out there who don't hold much value on animals and they become part of our throw away society. Thousands of animals end up at animal shelters like ours every year due to people just not wanting them anymore, a common reason being "The kids don't play with it anymore". So this Toyota advertisement is totally unacceptable as it promotes irresponsible pet ownership. The car has nothing to do with animals so they need not even be mentioning one. How is this going to encourage someone to buy a car, it only encourages people to get rid of their pets!!!

THE ADVERTISER'S RESPONSE

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

Kluger television commercial ("TVC"). Toyota Motor Corporation Australia ltd ("Toyota Australia") takes its responsibility as an advertiser very seriously. It makes extensive efforts to understand and respond appropriately to community concerns and issues. Over and above this, Toyota Australia has established its own stringent internal review and approval processes

(including internal legal advice) to ensure its communications conform to both its own strict standards but also to industry established standards.

In addition, Toyota Australia always adheres to the Commercials Acceptance Division ("CAD") pre-approval process to ensure suitability before production begins as well as final approval classification before the commercial is aired. The Kluger TVC, like all of our advertising has passed through this rigorous and exhaustive process.

Toyota Australia has carefully considered the complaint received and strongly disagrees with the complainant's argument. While we respect the right of individuals to hold a particular view, Toyota Australia believes that the complaint does not accurately or fairly represent the content or tone or intention of the advertisement and it is its firm belief that the TVC does not breach the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (Code) and Australian Association of National Advertisers Code of Ethics ("Code of Ethics").

This letter sets out Toyota Australia's response to the complaint in two parts. Part 1 considers the application of the Code of Ethics and clause 2 of the Code. Part 2 addresses the specific issues raised by the complainant.

1. APPLICATION OF THE CODE OF ETHICS AND CLAUSE 2 OF THE CODE

The Kluger TVC was created by Toyota Australia taking into consideration the Code of Ethics and prepared in particular with a sense of obligation to the consumer and society. Toyota Australia has considered the Code of Ethics and in accordance with clause 2.7 and has considered its obligations under the Code as detailed below.

The only clauses which could possibly be relevant to the TVC are clauses 2(a) and 2(c) of the Code.

The TVC complies with clause 2(a) of the Code. It does not portray unsafe driving as described in clause 2(a) of the Code. The Kluger was driven within the speed limit, followed the rules of the road, all permits were legally obtained and exercised to allow for the limited driving sequences on the road as depicted in the commercial.

Toyota maintains that there is nothing dangerous, illegal, aggressive or reckless in the driving portrayed in the TVC.

Although the complainant does not raise clause 2(c) in the complaint, for the sake of completeness Toyota Australia wishes to confirm that the TV complies with clause 2(c) of the Code. The TV advertisement does not portray any driving practices or other actions which would breach any law in the relevant jurisdictions dealing directly with road safety or traffic regulation.

2. ISSUES RAISED BY THE COMPLAINANT

The first complainant specifically makes the following assertion:

"So this Toyota advertisement is totally unacceptable as it promotes irresponsible pet ownership. The car has nothing to do with animals so they need not even be mentioning one. How is this going to encourage someone to buy a car, it only encourages people to get rid of their pets!!!"

The second complainant specifically makes the following assertion:

"The ad treats pets or animals as ,{they are disposable thus promoting cruelty to animals. When the mans house is fire balled it focuses in on firstly his misery and then the other families indifference to his pain. This ad promotes and endorses the worst side of society."

The Kluger TVC depicts a typical 'slice of life' scenario whereby Mum and Dad have gone out on a weekend with their children and bought a Budgie when the original intention was to get a goldfish, a humorous situation and one people, especially mum and dads, readily identify with. When our hero father 'tongue-in-cheek' in a typical Dad-like joke manner, quips about the guinea pigs they already own, it is to aid the storytelling and to help set up that the family already have a number of pets and are simply adding to the family size where the pets are regarded as part of the family.

The TVC speaks to a core consumer insight of families and their pets, and the lengths parents go to, to please their children and provide them with the experience of responsible and enjoyable animal ownership. Clearly they are a family who already love animals and are looking to welcoming even more into their home and family thereby demonstrating responsible pet

ownership.

This campaign 'Enrich Your Family Life' has been running on Free To Air and Pay TV, cinema, magazines and print since August of 2007 so has been well established in the marketplace and one we know through our tracking research resonates strongly with our target audience.

Furthermore, although crucial, the animal scene objected to by the complainants is only part of the TVC. The TVC develops into other scenarios in a fantasy and surreal world promoting the vehicle as an overall desirable "member of the family" well within acceptable creative boundaries. The TVC was never intended to "promote and endorse the worst side of society. To the contrary, its focus was on family life and the pleasures associated with it.

Toyota Australia is fully supportive of the Code and the AANA Code of Ethics and accordingly based on the above reasons we do not think that the Kluger TV advertisement breaches the codes and therefore request that the Advertising Standards Board reject the complaint.

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 went on to consider the substantive provisions of the FCAI Code. The Board determined that the advertisement did not breach any of the clauses of the FCAI Code and accordingly dismissed the complaints.

The Board then considered whether the advertisement breached any of the provisions of the AANA Advertiser Code of Ethics (the "Code"). In particular the Board considered whether the advertisement presented or portrayed violence justifiable in the context of the product of service advertised.

The Board considered the complainants' suggestion that the advertisement was promoting cruelty to animals. However the Board considered that the interaction between the father and children was harmless family banter and was clearly not suggestive of violence to amount to a breach of Section 2.2.

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