



CASE REPORT

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| 1. Complaint reference number | 306/07 |
| 2. Advertiser | Pro Group Pty Ltd (Kawasaki) |
| 3. Product | Vehicles |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | FCAI - Speeding |
| 6. Date of determination | Tuesday, 11 September 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a male voice asking "Used to own a Kawasaki GTR one thousand? Well, it's back! Hi, this is Paul Peterson from Pro Kawasaki. The legend has been reborn as a GTR fourteen hundred! So test ride this brand new weapon, right now at Pro Kawasaki. We've got demos in store, but because it's a brand new release, you'll have to 'order to own'. In black or silver, the new GTR fourteen hundred is a grand touring missile. Test ride one today at Pro Kawasaki. Slacks Creek. Or Ipswich."

THE COMPLAINT

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

This ad describes the motorcycle as a "missile" and a "weapon" and variously describes its power and capacity to travel at high speed. This is disgraceful language to use in a pitch clearly aimed at a young male audience, given the potential of this demographic to be involved in motor vehicle accidents where speed is the primary cause.

As the parent of two young children, including an 8 year old boy, I don't believe this language is appropriate to describe a vehicle of any description (unless used in genuine warfare!).

THE ADVERTISER'S RESPONSE

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

I in no way intended to offend 4BC / 4BH listeners with the content of this commercial or indeed breach any AANA, FCAI, or any Australian Advertising Codes. I have been writing radio commercials in metropolitan radio throughout Australia since 1992 and this is my first complaint in 15 years.

Obviously, this script has offended some 4BC / 4BH listeners, for which I apologise. As previously mentioned, this was not my intention. My intention was to use the target market's vernacular to describe the impressive qualities of Kawasaki's GTR 1400.

I understand my responsibility to 4BC / 4BH, our listeners, clients and all Australian advertising codes. In retrospect, the use of the words 'weapon' and 'missile' were inappropriate.

Once I received a complaint, I altered the script accordingly, removing the words 'weapon' and 'missile'. The altered script has been on air since I received the complaint.

In closing, I would like to state that I have learnt a valuable lesson. Rest assured, from this point

on, I will be more diligent with my choice of words in every script I write, especially in reference to advertising motor vehicles.

I am more than happy to cooperate with, and accommodate any requests from the Advertising Standards Board to ensure a prompt resolution.

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 noted that the advertisement is a radio advertisement and there are no depictions on driving in the advertisement. There are however references to taking the motor bike for a test drive. The Board noted that the complainant's concern related to the use of the terms 'So test ride this brand new weapon...' and '...the new GTR fourteen hundred is a grand touring missile.'

The Board considered the explanatory provisions of the Car Code which state that '...excessive speed is a major cause of death and injury in road crashes and accordingly should avoid explicitly or implicitly drawing attention to the acceleration or speed capabilities of a vehicle.'

The Board considered that the references to 'weapon' and 'missile' did not suggest unsafe driving and that clause 2(a) was not relevant in the circumstances. The Board also considered that the advertisement did not promote or suggest unsafe driving.

The Board then considered whether the advertisement portrayed people driving in excess of speed limits under clause 2(b) of the Code. The Board noted that the words 'weapon' and 'missile' are suggestive of speed but not necessarily to riding a bike in excess of speed limits. The Board considered that these words were not a focus of the advertisement and were almost buried in the context of the advertisement. The Board considered the advertisement did not portray or suggest that the vehicle would or should be driven at speeds in excess of speed limits.

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

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”). The Board noted that section 2.6 of the Code does not apply to advertisements to which the Car Code applies. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.