



CASE REPORT

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| 1. Complaint reference number | 328/08 |
| 2. Advertiser | Holden Ltd |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | FCAI - Other |
| 6. Date of determination | Wednesday, 10 September 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the Holden epica in various situations with which you would not normally associate a diesel motor. At one stage three golfers with buggies are pictures on a golf course with the voice over "It's big enough to fit 3 adults in the back" then cuts to a young child peeping out of a half-closed suitcase "and small enough to fit where others can't..."

THE COMPLAINT

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

The advertisement my wife and I are putting to you is the new Holden Epica ad. It shows a child in a suitcase and the ad goes something like "some things can't go in small spaces" and there's a little boy in a suitcase. If this isn't cause for concern amongst parents then there's a problem with the world, as in the case of the little boy on the south coast drowned by his mother and found in a suitcase.

One shot is of a small boy in a half closed suitcase, voice over describing the places other people wouldn't normally fit, or words to that effect. I find this part of the ad offensive due the recent tragic death of Dean Shilling(aged 2) found stuffed in a suitcase and thrown in the river. Also I think it could encourage small children to climb into small spaces, eg washing machines, dryers etc.

A small boy is hiding in a suitcase with a small opening for his head. I feel this is a concern for children's safety as other children may see this and try to play/hide in one which is very dangerous.

There is an image that very clearly shows a young boy in an upright, slightly opened suitcase. Considering the shocking case recently of a little boy being killed by his mother and dumped, in a suitcase into a lake, I found this image to be very disturbing. I would also be concerned that my children might see that image, and feel that being put into or getting into a suitcase might be a cool thing to do. Children can't decide for themselves what is going to be safe fun, and what might get out of hand.

Creepy image of small child peering out of wet suitcase in bushland. Only in the past year some school boys found a suitcase in a Sydney pond containing dead bodies. Appalling taste.

Toward the end of the advertisement (to highlight the smallest person), the ad shows a small child inside a suitcase with his head popping out of a corner partially zipped up. I am a mother, midwife and registered nurse and it distresses me to think a small child might see that image and try to put a younger sibling into a suitcase with dire results if completely closed. I have seen this ad 3 times and each time I worry. It also brings back memories of the small child murdered and thrown into the pond in a suitcase in Sydney earlier this year.

I was shocked when I saw a Holden ad with a child in a suitcase. This is bad advertising. A child watching this may try this themselves.

There was a shot of a child hiding in a suitcase, with a voice-over saying something about 'being able to fit things in to small spaces'- and I thought that particular visual bore disturbing and vulgar similarities to the incident a few months ago when a small child's body was found in a floating suitcase. The shot was in a park, near a pond, and I think that it was in poor taste.

THE ADVERTISER'S RESPONSE

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

The TVC promotes the new Epica diesel powertrain and its features. The imagery of a child hiding in an old suitcase then peeking out with a cheeky grin serves to highlight that, like the child, the Epica is 'small enough to fit where others can't', thus highlighting that the vehicle is a compact mid-sized car. The child actor was not endangered or harmed during filming, the TVC does not portray or present violence and it in no way encourages, or is intended to encourage, children to place themselves at risk.

As a result, it is our view that the TVC does not depict material contrary to prevailing community standards on health and safety and that it consequently does not infringe section 2.6 of the AANA Advertiser Code of Ethics (or any other section of that Code). In fact, section 2.6 of the Code of Ethics may be inapplicable to the TVC as section 2.8 provides that section 2.6 will not apply to advertisements governed by the FCAI Code of Practice for Motor Vehicle Advertising.

In respect of the FCAI Code of Practice, there are no provisions in such Code which would apply to the image of the child peeking out of the old suitcase as it does not depict any driving, let alone any reckless, dangerous or illegal driving. Furthermore, the AANA Code for Advertising to Children does not apply to this TVC as it is not an advertisement that is primarily directed to children nor does it advertise products that have a principal appeal to children or the FCAI Code of Practice for Motor Vehicle Advertising.

Nevertheless, while Holden strongly believes that the image does not breach or contravene any of the above Codes, we have decided to remove the image from the TVC in light of a tragic death in NSW referred to by the complainants. Please note that Holden takes the safety and protection of all passengers, in particular children, very seriously. We have worked long and hard to maximise the protection for children in vehicles, as evidenced by some of our work on child restraint initiatives including the "Kids in Cars" campaign which offers free mobile checks and education on car restraints.

Please note there are three variations of the TVC with minor differences including a vehicle comparison and the addition of a price point.

THE DETERMINATION

The advertisement is an "advertisement for a motor vehicle" and therefore the Advertising Standards Board ("Board") was required to consider the application of the Federal Chamber of Automotive Industries' Advertising for Motor Vehicles Voluntary Code of Practice (the "FCAI Code").

The Board carefully viewed the advertisement and noted that the advertised vehicle was at no time seen to be driven in a manner that contravened any clause of the FCAI Code. The Board determined that the advertisement did not breach any of the clauses of the FCAI code.

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

The Board noted that the depiction of the young child hiding in a suitcase was a realistic portrayal of an activity young children sometimes engage in, that is hiding in small spaces. The Board also noted that this depiction could be disturbing for some people and noted the advertiser's response indicating that this image would be removed from the advertisement. However, the Board determined that the depiction was not contrary to prevailing community standards on health and safety and therefore not in breach of Section 2.6 of the Code.

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