



CASE REPORT

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| 1. Complaint reference number | 371/08 |
| 2. Advertiser | Ateco Automotive Pty Ltd |
| 3. Product | Vehicle |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | FCAI - Driving practice that would breach the law |
| 6. Date of determination | Thursday, 30 October 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Ateco Automotive Pty Ltd opens with close-ups of a Fiat Scudo vehicle. It then shows a Fiat Scudo van being driven on open roads in rural, mountainous and city scenes. The voice over describes the features of the vehicle, that it received an international van of the year 2008 award and ends with the words "The possibilities are endless".

THE COMPLAINT

The second vehicle is seen clearly being driven, crossing and straddling an unbroken line. This is a very serious and dangerous offence in all Australian jurisdictions. It is therefore in breach of clauses 2 (a) and 2 (c) of the code. In fact the RTA is currently using their Variable Message Signs (VMS) to warn motorists that it is an offence to cross an unbroken line.

THE ADVERTISER'S RESPONSE

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

We confirm that great care was taken to ensure that the vehicle was shown to be driving in a safe and controlled manner and in compliance with relevant laws at all times.

We confirm that the vehicle was in fact driving at all times within the lane markings on the road. We have again closely considered the commercial and sought legal advice on this issue. We note that at no time was the vehicle shown to cross over broken or unbroken road markings.

For the above reasons we submit that the advertisement is not in breach of the Code, nor of the FCAI Code or Australian Road Rules.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising ("FCAI Code").

The Board considered the complainants' concerns that the vehicle was depicted crossing an unbroken line. The Board viewed the advertisement carefully but could not identify any instances where the vehicle crossed an unbroken line or straddled it. The Board therefore found no breach of Section 2 (a) of the FCAI Code.

The Board also considered that there was no breach of Section 2(c) or any other provisions of the FCAI Code .

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

complaint.