



## **CASE REPORT**

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|-------------------------------|-----------------------------------|
| 1. Complaint reference number | 428/07                            |
| 2. Advertiser                 | Goodyear Tyres (Dunlop)           |
| 3. Product                    | Housegoods/services               |
| 4. Type of advertisement      | TV                                |
| 5. Nature of complaint        | Health and safety – section 2.6   |
| 6. Date of determination      | Wednesday, 16 January 2008        |
| 7. DETERMINATION              | Upheld – discontinued or modified |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement consists of film from V8 Supercars - racetrack footage and pit crew changing tyres, cheering crowds, burnouts and various manoeuvres, including racing cars zig-zagging in formation. A voiceover announces "What we learn on the track - we take to the street." A family sedan is then seen zig-zagging down the road of a suburban street as the voiceover concludes "Dunlop. The official tyre of V8 Supercars."

## **THE COMPLAINT**

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

*The way that following car was weaving back and forth across the road depicted unsafe driving that would breach Commonwealth law or State/Territory law which would be likely to cause a crash. You could lose control or weave far enough across the the right to collide with an oncoming vehicle, or across to the left enough to hit a parked vehicle. I am a former competition race car licence holder and competitor, and Dunlop should not be encouraging drivers to do something as dangerous as this on the roads.*

## **THE ADVERTISER'S RESPONSE**

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

*This advertisement was televised on Channel 7 during the broadcast of the Dunlop Grand Finale at Phillip Island – the final race of the V8 Super car Championship Series calendar for 2007. The target audience for this advert was motor sport fans and the product that was being promoted were the Dunlop tyres that are fitted to V8 Super Cars in the Championship but are also used on everyday vehicles such as the Ford Falcon passenger vehicle that features in the advertisement.*

*With the voiceover saying "what we learn on the track we take to the street", the objective was to communicate that the Dunlop tyres fitted to the V8 Super Cars use the same technology as those fitted to everyday vehicles. As well as showing the V8 Super Cars in action on the track, the advert also shows the Super Cars warming up the tyres followed by the Ford Falcon mimicking this manoeuvre.*

*The weaving manoeuvre undertaken by the Ford Falcon on a private closed road was being driven at about 20 kilometres per hour and we believe that driving at this slow speed is a major differing factor that is obvious between the two types of driving being shown. This was in no way intended to promote or encourage fast or unsafe driving on public roads. Our intent was use the most renowned tyre segment in the race (the warming up of the tyres) to communicate the strong message that Dunlop tyres are fitted to both the V8 Super Cars and the Ford Falcon.*

*The Ford Falcon segment of the advert was filmed in a strictly controlled safety environment with V8 Super Car driver, Steven Richards, behind the wheel of the Ford during filming. Every action was taken to consider the safety of the crew, the actors and anybody within the vicinity during the filming as well as complying with all legal requirements, such as council approvals.*

*1. the intent of the advert is to convey to the target audience, V8 Super Car racing fans, that things we learn from being involved in V8 racing such as technological advances for racing tyres are used to improve standards of general Dunlop tyres for general road users;*

*2. the target audience is V8 Super Car racing fans who are intimately familiar with the warm up round in racing which is undertaken at high speeds and was used to grab their attention;*

*3. there is a clear and identifiable difference in the speed and safety conditions between the two opposing driving conditions depicted in this advert that would be recognisable to a "reasonable person" within the target audience; and*

*4. we believe that a "reasonable member" of the target audience would recognise that the advertisement was intended to make a play on words and visuals by stating that "what we learn on the track we take to the street" by showing the well known racing warm up manoeuvre at high speeds on a race track in conditions that are customarily associated with organised motorsports taking place at a racetrack and then depicting a similar manoeuvre by a passenger car driven on a public street in very slow and controlled conditions – the exact opposite of what happens on the race track.*

*Please be assured that the intent at all times was to inform the target audience through images that would be recognised and understood by V8 Super Car fans. The advert was not intended to suggest that anyone should drive in the same manner depicted on the clearly evidenced V8 race track. We respectfully submit that the images depicted and the context of the advert could not be capable of conveying any representation that Goodyear or Dunlop would encourage or condone unsafe or unlawful driving. Goodyear and Dunlop take their duties to their customers and the general public seriously and regret that a member of the public found this advertisement concerning.*

*We appreciate the opportunity to respond to this complaint and sincerely hope you review the advertisement positively bearing in mind the points raised above.*

## **THE DETERMINATION**

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

The Board noted the complainant's concern that the advertisement depicted unsafe driving by the Ford Falcon in the closing stages of the advertisement. The Board noted that the advertisement does depict a series of racing scenes. The Board considered that the images of the V8 racing were clearly identifiable as part of a sport and were not of themselves suggestive of a manner in which a family car should be driven in the streets.

The Board then considered the image of the Ford Falcon being driven in a domestic street doing the typical race car warm up manoeuvre ie: steering from side to side. While the particular advertisement would have been filmed under controlled conditions, the Board is required to consider whether the advertisement itself depicts material that contravenes prevailing community standards on health and safety. In the case of this particular advertisement the Board considered whether the vehicle's movements contravened community standards on road safety or safe driving.

The Board considered that the advertisement depicted the Falcon being driven in a manner that would be considered unsafe in a street. Combined with the images of the V8 racing cars performing a similar manoeuvre and the voice over of 'what we learn on the track we take to the street' the Board considered that the advertisement did depict a vehicle being driven in a manner that is not consistent with prevailing community standards on safety. The Board therefore determined that the advertisement breached section 2.6 of the Code and upheld the complaints.

## **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement

included the following:

*We respect the Board's determination that the advertisement breached section 2.6 of the Advertisers Code of Ethics and request the modification of the advertisement.*

*Based on the Board's determination, we propose to film alternative footage for the closing stages of the advert that will be consistent with prevailing community standards as reflected by the Board's determination.*

*Should the Board so require, we are prepared to seek your approval of the amended advertisement and await your confirmation that this is an acceptable course of action in the circumstances.*