



CASE REPORT

1. Complaint reference number	436/06
2. Advertiser	Saab Automobile Aust Pty Ltd (9-3 Manual Sports Sedan)
3. Product	Vehicles
4. Type of advertisement	Internet
5. Nature of complaint	FCAI - Speeding
6. Date of determination	Tuesday, 12 December 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This silent internet advertisement depicts the tiny image of an object spiralling in the air with the text "Pilots wanted". As the image flies towards the viewer it becomes an aircraft which morphs into a Saab 9-3 Linear Sport Sedan and details the offer "Plus take off with bonus leather trim and alloy wheels.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertisement clearly encourages high speed and dangerous driving against the provisions of the Federal Chamber of Automotive Industries Code.

THE ADVERTISER'S RESPONSE

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

The vehicle that is depicted is not travelling at excessive speed and the vapour trails which follow the vehicle are merely a symbolic reference to Saab's aircraft heritage. Indeed, this imagery is consistent with the main objective of the advertisement which is to emphasise the link between today's vehicles and Saab's aeronautical history.

There is no emphasis placed on speed, or even the performance of the vehicle. No sound is used in the advertisement to give the feeling of speed.

The advertisement is attempting only to create a link between Saab and our aeronautical heritage, and the headline 'Pilots Wanted' is used as a call to action for prospective customers.

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 analysed specific sections of the FCAI Code and their application to the advertisement. The Board identified that clause 2(a) was the only section of the Code that might be relevant in the circumstances.

In order for clause 2(a) to be breached, the driving practices described in the advertisement must be:

"Obviously unsafe...including reckless and menacing driving to the extent that such practices would

breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published...”

The Board then proceeded to consider the content of the advertisement and came to the conclusion that nothing in the advertisement represented obviously unsafe driving practices. The Board accepted the advertiser’s assertion that the advertisement made reference to the company’s aircraft heritage.

On the above basis, the Board held that the material before it did not constitute an advertisement for a motor vehicle in breach of clause 2(a) of the FCAI Code. The Board dismissed the complaint.