



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 478/08 |
| 2. Advertiser | Toyota Motor Corp Aust Ltd |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2
FCAI - Other |
| 6. Date of determination | Wednesday, 10 December 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Toyota's RAV4 vehicle opens with a man vacuuming his lounge room. He picks up the nozzle to check a clog in the vacuum hose and it gets stuck on his eye. The words "Bad things happen indoors" flash on the screen before the advertisement cuts to a RAV4 being driven in various settings. The words "Get outdoors" flash on the screen during these scenes. The advertisement ends at a scene near a lake with a man jumping in celebration near his vehicle.

THE COMPLAINT

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

I believe this advertisement is ridiculous and may cause injury to children that are influenced by television. I cant watch this ad when its on. as all i think about is a little child watching it and copying it and causing dangerous injury to themselves. As a children tend to do as they see. This advertisement was not a good idea and there is many other ways to get the point across of the ad for Toyota without using stupid and dangerous elements.

Vacuums can be a very dangerous appliance which can be in an accessible place for children. They must never play with a vacuum that is on. I cannot believe the ad showed the very thing that they must not do. It was shocking. If it was real and to kids it looked real the way the guy was struggling to get it off his face he would lose an eye. I'm shaking I'm so upset with what I saw.

This is just bloody Irresponsible advertising. it exposes kids, mentally retarded and stupid teens to re enact what they see... why should we be exposed to such lunacy and always have to complain. the censorship bureau should all be sacked... channel nine and the people who approved this advert should by rights be sued when the real thing happens as a result.

THE ADVERTISER'S RESPONSE

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

Toyota Motor Corporation Australia Ltd (Toyota) takes its responsibility as an advertiser very seriously. We make extensive efforts to understand and respond appropriately to community concerns and issues. Over and above this, we have established our own stringent internal review and approval process which includes obtaining legal advice.

Additionally, we adhere to the Commercials Acceptance Division pre-approval process to ensure suitability before production begins, as well as final approval classification before the commercial is aired. This is a rigorous and robust process. We have carefully considered each of the complaints made and do not agree with the arguments put forward by the complainants. While we

respect the right of these individuals express their opinion, we believe that these complaints do not accurately or fairly represent the content, tone or intention of the advertisement. It is our firm belief that the RAV4 TVC does not breach the the AANA Code of Ethics (AANA Code) or the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code).

We set out our comments below in relation to the specific section of both the AANA Code and FCAI Code you have referenced in your letter.

Section 2.2 AANA Advertiser Code of Ethics

Section 2.2 Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The RAV4 is the Original SUV in Australia and pioneered the sports utility vehicle category. The RAV4 (recreational activity vehicle 4WD) was designed for specific outdoor usage, so the simple premise of the RAV4 TVC is to encourage appropriately licensed people get outdoors and use the RAV4 for its designated purpose. The creative way in which we have sought to do this is via a suite of 5 x 15 seconds TV commercials that demonstrate in a clearly comedic and 'tongue in cheek' fictional manner the 'perils' of being indoors.

The RAV4 TVC depicts a clear exaggeration of a potentially common problem/scenario experienced in households, that being a clogged vacuum cleaner. In the advertisement, a man faced with this problem when using a vacuum cleaner at home, looks down the hose to see if something is jammed. It is clear from the man's actions that his movements are exaggerated with a view to maximising the comedic effect of the advertisement.

In no way at all is the RAV4 TVC encouraging people to emulate the man's conduct. In fact, the tone of advertisement is clearly conveying that this is a 'bad' thing to do, hence the call to get outdoors. This is all done tongue in cheek, and is designed to fit within the humour of the broader RAV4 advertising campaign.

In response to the criticism about the timeslots in which some people have seen the advertisement, we note that the TVC was given a P rating by the Commercials Acceptance Division. In airing the RAV4 TVC, we have strictly adhered to broadcasting the advertisement within the permitted timeslots set out below.

Weekdays 8.30am - 4pm

Weekdays 7pm - 6am

Weekends 10am - 6am

In fact, given our target audience and the active lifestyle theme, the RAV4 TVC has typically been shown around adults programming - for example, Rove, the Late Night news, Sports Tonight and Movies. Our research indicates that it has resonated with our core target market.

Ultimately, Toyota is extremely sensitive about prevailing community standards and believes in showing the RAV4TVC, it has not breached section 2.2 of the Code.

Section 2.7 AANA Advertiser Code of Ethics

Section 2.7 of the FCAI Code emphasises the need for advertisers to ensure 'that advertisements do not depict, encourage or condone dangerous, illegal, aggressive or reckless driving. Moreover, advertisers need to be mindful 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'.

Toyota unequivocally agrees with the sentiments as written into the explanatory notes of the Code, but maintains that there is nothing dangerous, illegal, aggressive or reckless in the driving portrayed in the commercial.

The RAV4 was driven within the speed limit and followed the rules of the road without exception. Further, all permits were obtained and exercised in a legal manner, allowing for the limited driving sequences on the road as depicted in the advertisement. Finally, for added safety and professionalism, a qualified stunt driver was the sole driver of the car at all.

Accordingly, Toyota does not believe it has breached section 2.7 of the Code.

We trust that this response satisfactorily addresses the Advertising Standard Bureau's concerns about the RAV4 TVC.

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 (the "FCAI Code").

The Board noted that this was an advertisement for a motor vehicle and therefore the FCAI Code applies. The Board considered that the advertisement did not depict any unsafe driving or other driving practices or actions that would breach any section of the FCAI Code.

The Board then considered the application of the Code. The Board noted that Section 2.7 of the Code provides that Section 2.6, relating to health and safety, does not apply to advertisements to which the FCAI Code applies.

The Board considered whether the advertisement breached Section 2.2 of the Code, relating to violence. The Board considered the depiction of the vacuum held to the man's eye was in a slapstick style that was clearly unrealistic and exaggerated, with intended humour. The Board did not consider that this was a depiction of violence as understood by the ordinary community and therefore found no breach of Section 2.2.

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