



CASE REPORT

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| 1. Complaint reference number | 495/06 |
| 2. Advertiser | Eagle Boys Pizza |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 12 December 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a blue pick-up truck with a young female driver stopped on the side of the road as we hear her finishing a mobile phone conversation. A motorcycle police officer approaches her and as he takes out his book to write a ticket, she pleads “C’mon, I was only ordering a pizza”. The Eagle Boys mascot appears next to the officer and asks “Did someone say Pizza!” A male voiceover announces “EagleXpress is ready when you are. No phone calls. No ordering ahead. And a two minute pick-up guaranteed. Only at Eagle Boys”.

THE COMPLAINT

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

I believe it sends a wrong message to drivers that they can talk on a mobile phone while driving as long as they're ordering a pizza.

THE ADVERTISER’S RESPONSE

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

Eagle Boys does not condone the use of a mobile phone whils driving a motor vehicle.

There was no actual "unsafe driving practice" demonstrated in the course of the commercial (the girl's car is stationary at all times).

It is implied in the course of the scene in question that the driver is being punished as a result of the practice of using a mobile phone while driving. We believe that this actually reinforces a prevailing community standard on safety.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered whether the advertisement breached Section 2.6 of the Code, concerned with community standards of health and safety. The Board considered the comments of the complainant that the advertisement promotes lack of safety among drivers by suggesting that it is okay to drive while talking on a mobile phone.

The Board noted that the women in the advertisement has actually been pulled over by a policeman for talking on a mobile phone while driving. The Board agreed that, if anything, rather than

encouraging the practice, the advertisement reaffirmed that driving while talking on a mobile was unsafe and illegal. The Board concluded that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.