



CASE REPORT

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| 1. Complaint reference number | 513/08 |
| 2. Advertiser | Yum Restaurants International |
| 3. Product | Restaurants |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6
Food and Beverage Code – other |
| 6. Date of determination | Wednesday, 10 December 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Yum Restaurant's for its Pizza Hut lunch meals opens with three young men driving in a car along a suburban road. They are listening to loud music, singing along and rocking in their seats. During this the person in the back seat puts his hand on the driver's shoulder and moves it in time to the music. A billboard showing Pizza Hut meals is shown and a voice over then describes the introduction of new lunch options. Viewers see the meals being described. The three young men are then seen sitting in the car eating their lunch. The advertisement ends showing the Pizza Hut logo.

THE COMPLAINT

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

Having recently been involved with my 17yr old son learning to drive I am acutely aware of the need to promote the serious responsibility of driving to this age group. Teenage boys are prone to distraction anyway without deliberately encouraging this behaviour. The impression this ad gives is one of being safe and cosy inside the car as if in a mini lounge room. Nothing could be more misleading to our teenage sons as the road toll statistics for this age group plainly show. This is irresponsible advertising and should be withdrawn.

I am concerned about the underlying message about driving attitudes portrayed in the advertisement. The driver taking a casual attitude to driving, the loud music and the passengers jostling / pushing the driver while driving. Considering the information /stats showing young male drivers are more likely to be involved in a motor vehicle accident, and inattention, loud music and distraction of passengers being nominated causes for some of these accidents, I believe this advertisement negates the safe driving messages government, emergency services and accident commissions are trying to promote, particularly to the younger less experienced drivers.

I totally object to this advertisement as it sends a message to young drivers that it is cool to distract your mates when they are driving and to fool around in a moving car.

THE ADVERTISER'S RESPONSE

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

The applicable provision of the Code is section 2.6, which relates to adhering to prevailing community standards on health and safety.

Has the Code been breached?

The behaviour depicted in the Advertisement does not illustrate a breach of any laws or road rules. What follows is an application of the Code in respect of each aspect of the Advertisement listed above.

Jostling/distracting of the driver

The act complained of involves the rear seated passenger using his right hand to touch the driver's left shoulder for a period of two to three seconds. This act is not carried out in a manner that is distracting or alarming to the driver. The driver remains focused on the task of driving and stays in control of the car. This act is not illegal or inconsistent with prevailing community standards or attitudes to driving.

Incorrect driving posture

The first part of the Advertisement is a side view of the driver, showing his right hand on the steering wheel of the car. His left hand is by the gear stick. This is a common sitting position when driving a manual vehicle in built up areas which may require the frequent changing of gears.

The second shot of the driver is from front on. This shows him with both hands on the steering wheel: his right hand on the upper part, and his left hand on the lower. The driving style of the actor is not illegal or inconsistent with prevailing community standards or attitudes to driving.

General horseplay

At all times during the Advertisement the driver remains alert and in control of the car. He is not distracted from the task of driving. He does not speed or drive dangerously. In fact, another vehicle is even shown to overtake the car which suggests that the driver is not speeding or driving dangerously. The driver is shown to be observing the other traffic on the road and at one point is shown to be checking his right side mirror.

All men in the car are wearing seat belts and none of them actually move significantly from their designated seats.

The music that is being played is not at an excessive level. It has been studio-enhanced for the purposes of sound clarity.

For the reasons outlined in this response, we do not believe that the Advertisement breaches section 2.6 of the Code.

Yum! Restaurants International is committed to complying with the Code and all applicable laws related to advertising. Yum! will continue to ensure that its advertisements do not offend prevailing community standards.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communications Code (the "F&B Code").

The Board considered the application of Section 2.6 of the Code, relating to health and safety.

The Board noted that, while interacting with the passengers and the music, the driver was seen to be still in control of the vehicle at all times. The Board therefore considered this was not a depiction of unsafe driving and therefore was not contrary to prevailing standards of road safety. The Board therefore found no breach of Section 2.6 of the Code.

The Board also found no breach of the F&B Code.

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