



CASE REPORT

1. Complaint reference number	529/06
2. Advertiser	Bank of WA (Bankwest - Lite Mastercard) (modified version)
3. Product	Finance/Investment
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 16 January 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is a modified version of a previously considered case - with the words "Filmed under controlled conditions" superimposed on the screen. The scene opens with workers in high-rise office blocks, leaning out to see who is shouting: "You're paying way too much for your credit cards" as credit cards fall like confetti past their windows. Below, in the street, a man is seen driving a yellow van with "8.99%" painted on the side panel and encouraging everyone to throw out their current credit cards for low interest rates on a Bankwest Lite Mastercard. As he is driving, he has his upper body (head, shoulder and arm) leaning out of the car window and is shown holding a microphone in his right hand, with his voice blaring through a PA system on top of the van. He looks up at the buildings and shouts to passers-by whilst holding the steering wheel with one hand and not watching the road ahead. Many people are shown to start throwing their old credit cards out of the windows of tall buildings, like a ticker-tape parade.

THE COMPLAINT

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

The ad...does not seem any different from the original. I still consider that the advertisement depicts driving practices that are unsafe.

THE ADVERTISER'S RESPONSE

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

Following the complaint being upheld earlier this year, we included the addition of supertext which reads "filmed under controlled conditions".

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 breaches Section 2.6 of the Code dealing with community standards on health and safety. The Board noted that it had previously determined that complaints against this advertisement be upheld.

The Board noted that the advertiser had added a disclaimer to the advertisement but it agreed that the disclaimer was a totally insufficient in content, size and clarity to have changed the the advertisement in any material way.

Regardless of the new disclaimer, the Board reconsidered the content of the advertisement generally and noted the nature of the driving in question. The Board agreed that there was a level of fantasy and humour in the commercial such that it detracted from the likelihood that drivers in the community would drive dangerously having seen the advertisement. The Board also noted that the focus of the advertisement was on the credit cards, not the driving. The Board agreed that the advertisement did not breach Section 2.6 of the Code.

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