



CASE REPORT

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| 1. Complaint reference number | 538/09 |
| 2. Advertiser | Toyota Motor Corp |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6
Other - Social values |
| 6. Date of determination | Wednesday, 9 December 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man in a spa bath and he is seen dunking himself under the water, as he emerges, he has a used band-aid stuck to his lip, and he pulls it away, the band-aid has blood on it. The caption, bad things happen inside. The advertisement cuts to the scene of a Toyota Rav IV driving through water, rough terrain and on the road.

THE COMPLAINT

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

I find this ad in really bad taste and what does it have to do with driving a car???????
My friends and family think it's disgusting and we would like it to be removed from TV immediately. Everytime I see this particular ad I feel like throwing up. Let alone buy a Toyota RAV4.

There is another ad re a vacuum cleaner with the same wording about "BAD THINGS HAPPEN INDOORS" but it's nowhere near as disgusting.

*It is simply disgusting to have to see this revolting scene over and over again. My entire family squirms when it is on and we have to look away. It is repulsive.
Please get them to change it. Thank you.*

THE ADVERTISER'S RESPONSE

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

I refer to your email dated 25 November 2009 attaching a letter of complaint regarding the Toyota RAV4 'Bed' television commercial (TVC). An electronic file and script of the TVC is attached to the electronic copy of this letter.

Toyota Motor Corporation Australia Limited (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 including 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 exhaustive process.

We have carefully considered the complaint received by us and strongly disagree with the

complaint and argument put forward. While we respect the right of this individual to hold their view, we believe that this complaint does not accurately or fairly represent the content or tone or intention of the advertisement. Accordingly, it is our firm belief that the TVC does not breach the AANA Advertiser Code of Ethics (AANA Code) or the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code).

Further to your email, please find below our specific response to the issues raised.

Section 2.6 AANA Code

Section 2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

We believe the RAV4 is the Original SUV in Australia and pioneered the sports utility vehicle category. The RAV4 (recreational activity vehicle 4WD) was designed for outdoor use and in association with other recreational activities. The simple premise of the TVC is to encourage people with a driver's licence to get outdoors in order to use the RAV4 for the purpose it was originally designed for. The creative way Toyota has sought to do this is to create the suite of 5 x 15 second television commercials (including the TVC) that demonstrate in a clearly comedic and tongue in cheek fictional manner, the 'perils' of staying indoors. We therefore don't believe that this complaint accurately or fairly represents the content, tone or intention of the advertisement.

The TVC plays on this idea with a man in a hot tub submerging himself under water. Upon resurfacing, it is apparent a stray band-aid from the hot tub has stuck to his face. Upon realising what has occurred, he quickly removes it and throws it away. This scenario in the hot tub is Toyota's creative way of showing that 'bad things happening indoors'. Toyota's humour in this TVC is intended to resonate with our target audience of active 3D-something adults, a sample of who in research testing, appreciated the intended humour. The clear message of the TVC is to get outdoors. The TVC, therefore, promotes an active lifestyle.

It is highly unfortunate that the complainants failed to see the humour in the TVC. Given the TVC has been on air since October 2008 at high rotation without a single previous complaint that we are aware of, it is our strong view that the general public understands and accepts the intended purpose and humour. The tongue in cheek nature of the suite of television commercials is clear when you look at the campaign in its entirety, with this theme resonating strongly.

Finally, the TVC was given a W rating by the Commercials Acceptance Division. Accordingly, Toyota has strictly adhered to the guidelines of advertising with this rating - ie by broadcasting the TVC 'at any time except during P and C programs or adjacent to P or C periods' and by exercising 'care when placing in cartoon and other programs promoted to children or likely to attract a substantial child audience'.

Based on the above explanations, we strongly submit that the complaint should be dismissed. We look forward to hearing from you.

THE DETERMINATION

The Advertising Standards Board ("Board") noted that the advertisement is for a motor vehicle and considered whether the advertisement complied with the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code). The Board noted that section 2.6 of the Code does not apply to advertisements to which the FCAI Code applies. The Board considered that there were no depictions of driving in the advertisement that would contravene the FCAI Code.

The Board considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement in depicting the used band-aid on the man's lip was unnecessary and revolting and not relevant to the product.

The Board noted the advertiser's response and viewed the advertisement.

The Board noted that section 2.6 of the Code does not apply as the FCAI Code applies to this motor vehicle accident. Section 2.6 of the Code states:

"Advertising or Marketing Communications shall not depict material contrary to Prevailing

Community Standards on health and safety."

The Board noted that the advertisement was depicting a scene that was intended to be humorous and that although the stray band-aid appeared on the man's face, he pulled it away very quickly. The Board agreed that people in the community may find this image distasteful however the Board considered that had section 2.6 of the Code applied, the humorous intention of this advertisement would be likely to result in a finding 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.