



CASE REPORT

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| 1. Complaint reference number | 541/08 |
| 2. Advertiser | Toyota Motor Corp Aust Ltd |
| 3. Product | Vehicles |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Violence Other – section 2.2
Health and safety – section 2.6
FCAI - Other |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement for Toyota's RAV4 vehicle shows a chainsaw in a shed which becomes out of control and cuts up the image of the shed. The words "Bad things happen indoors" appear before the advertisement cuts to a RAV4 being driven in various settings. The words "Get outdoors" appear. 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:

My thought when I saw this advert and the second time was it was a reference to what happened to the young man in Britain this week who committed suicide by using a chainsaw. The reference to bad things happen indoors in the advert was an indirect reference to the chainsaw and the suicide being indoors.

THE ADVERTISER'S RESPONSE

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

Firstly, it should be known that 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 including legal advice. Toyota is extremely sensitive to prevailing community standards and has a very strict code of conduct that surpassing the industry standard.

We have carefully considered the complaint received by us and strongly disagree with the concern put forward by the complainant. While we respect the right of such individuals to hold their view, it is our firm belief that the RAV4 'Chainsaw' online commercial does not breach the AANA Advertiser Code of Ethics, nor the FCAI Code of Practice for Motor Vehicle Advertising. My understanding is that there is one clear aspect to the complaint which we need to respond to and that is our perceived breach of the AANA Advertiser Code of Ethics (specifically Section 2.2).

Response: The Toyota RAV4 featured in this commercial conforms to the Australian Design Rules (MC category) definition of an off-road vehicle; the Toyota RAV4 V6 has off-road capabilities and features including a 3.5 litre Dual VVT-I V6 engine, Active All-Wheel-Drive to enhance control on all surfaces, Down-hill Assist Control (DAC) and Hill-start Assist Control (HAC) to assist with

steep inclines, Active Braking with intelligence (AB-i) including Anti-skid Braking System (ABS) to encourage traction and Vehicle Stability Control (VSC)/Traction Control (TRC) for tough terrain.

2) What is the maximum number of seating positions in the vehicle/s? Response: The Toyota RAV4 has a maximum seating capacity of 5 including the driver.

3) Does the vehicle/s have four-wheel drive/all-wheel drive? Response: Yes, the Toyota RAV4 has both four-wheel drive and all-wheel drive.

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 firstly considered the application of the FCAI Code. The Board noted that the advertisement featured an off-road vehicle and considered whether it complied with Section 4 of the FCAI Code relating to the depiction of off-road vehicles. The Board considered the advertisement did not depict any unsafe driving or excessive use of speed and therefore found no breach of Section 4 of the FCAI Code. The Board also found no breach of any other section of the FCAI Code.

The Board then considered the application of Sections 2.2 and 2.6 of the Code, relating to violence and health and safety.

The Board noted the scenes with the chainsaw did not include any people and only an animated mouse pointer hand was depicted as being cut where the scene moves to the outdoors. The Board considered there was no depiction of violence as understood by the community and therefore found no breach of Section 2.2 of the Code.

Again noting the absence of any people in the advertisement, either using the chainsaw or nearby, the Board determined the advertisement did not depict any unsafe usage of a chainsaw or encourage unsafe practices. The Board therefore found no breach of Section 2.6 of the Code.

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