



CASE REPORT

1. Complaint reference number	66/06
2. Advertiser	Bank of Western Australia (Bankwest Lite Mastercard)
3. Product	Finance/Investment
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 14 March 2006
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on 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

Comments which the complainant/s made regarding this advertisement included the following:

“... person is driving a van while holding a microphone and talking, which is illegal and shows a complete disregard for the law and safety. It is condoning dangerous driving.”

THE ADVERTISER’S RESPONSE

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

“The tone of the ad is humorous and is based on a comical “suspension of belief” in what is being portrayed.”

“We believe that ad does not portray people or depict material encouraging or condoning dangerous driving.”

“... does not depict material contrary to community standards on health and 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 noted that the advertisement depicted driving practices that it considered to be unsafe. Specifically, the Board noted that the driver was depicted using a loudspeaker whilst driving, throwing items from the car window, not watching the road in front of him and leaning out of the car.

The Board noted the advertiser’s comment that the advertisement is meant to be a fantasy situation, encouraging the viewer to suspend belief in what is depicted.

The Board did not consider that the advertisement created a 'fantasy situation' nor that it created such a mood that it could be considered to be clearly removed from reality.

The Board considered that the advertisement did depict material that was unsafe and, in the context of the advertisement, considered that such depictions did amount to material contrary to prevailing community standards on health and safety.

Accordingly, the Board upheld the complaint.

Advertiser's response to notification of upheld complaint

The advertiser provided the following comments in response to the Board's determination that the complaint about the advertisement should be withheld:

"We are disappointed that the complaint has been upheld, particularly in view of the fact the Bank closely monitors customer feedback and complaints in the normal course of its business and this is the only complaint of this nature that has been lodged during six weeks of airtime in five metro markets.

We have carefully considered what course of action we will take and have agreed on the following modification: the addition of supertext containing the words 'filmed under controlled conditions'.

As our television campaign for this product ended on Saturday March 18th 2006, the modified version will appear if and when the television commercial is next aired.