



CASE REPORT

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| 1. Complaint reference number | 66/07 |
| 2. Advertiser | Barloworld Sydney (Volkswagen Jetta FSI Turbo) |
| 3. Product | Vehicles |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | FCAI - Other |
| 6. Date of determination | Tuesday, 13 March 2007 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features images of three Volkswagen models - the Jetta FSI Turbo is described as being capable of "0 - 100 in just 7.2 seconds".

THE COMPLAINT

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

The (FCAI) code clearly states that "advertisers should avoid reference to the speed or acceleration capabilities of a motor vehicle".

THE ADVERTISER'S RESPONSE

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

We cancelled the advertisement immediately we received your email via Volkswagen Group Australia.

THE DETERMINATION

The Advertising Standards Board ("Board") was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries' Advertising for Motor Vehicles Voluntary Code of Practice (the "FCAI Code"). The Board determined that the material before it was an "advertisement for a motor vehicle" and therefore that the FCAI Code applied.

The Board viewed the advertisement and noted that it clearly stated that the car in question was capable of "0 - 100 in just 7.2 seconds".

The Board noted that the Code stated that advertisements for motor vehicles should not depict "unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory". The Board noted that the advertisement did not explicitly depict such driving, but advertised an acceleration rate which on a public road would be likely to be considered reckless and/or dangerous. The Board also noted that the explanatory notes of the FCAI Code says, "Advertisers should avoid references to the speed or acceleration capabilities of a motor vehicle (for example, "0-100 km/h in 6.5 seconds").

The Board agreed that the reference to the car's acceleration rate in the advertisement was in direct contravention of the explanatory notes of the FCAI code and against the spirit of the Code. Hence the Board held that the advertisement breached the FCAI Code.

The Board then considered whether the advertisement breached the AANA Advertiser Code of Ethics. The Board could find no evidence that the advertisement breached the AANA Code of Ethics.

Finding that the advertisement did breach the FCAI Code, the Board upheld the complaint.