



## **CASE REPORT**

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| 1. Complaint reference number | 70/07  |
| 2. Advertiser                 | Volkswagen Group Australia Pty Ltd (Touareg) |
| 3. Product                    | Vehicles                                     |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | FCAI - Other<br>Other - Social values        |
| 6. Date of determination      | Tuesday, 13 March 2007                       |
| 7. DETERMINATION              | Dismissed                                    |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features a man and his teenage son discussing the features of the Touareg as they travel home from the son's school. Comments passed refer to the vehicle's parking sensors, anti slip electronic stabilisation, ABS brake assist, permanent four wheel drive etc, as the father smiles, proud that his son is taking an interest in the car. As the son mentions the height of the vehicle the father replies it's so they can see trouble coming. Tentatively, the son asks "so basically...it's very hard to lose control?" As his Dad agrees the son smiles and says "Cool Dad...you don't need to pick me up from school tomorrow". The concerned Dad asks "You haven't got detention again have you?" to which the son replies "Of course not - I got expelled". As Dad's eyes widen in shock text on screen reads "Be prepared for anything. Volkswagen Touareg".

## **THE COMPLAINT**

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

*In the ad the father takes his eyes off the road and looks at his son, while talking, for what seemed to me like dangerously long periods of time. The context is not fanciful or patently fantastic but an ordinary suburban road situation.*

*The ad depicts a rich father showing off his new Touareg to his spoiled son and bragging about how easy it can be controlled under all adverse conditions. My complaint...is about depicting a son who is often in detention and this time is expelled. Is the ad telling kids you are alright as long as you can afford a Touareg, and the hell with education?*

## **THE ADVERTISER'S RESPONSE**

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

*In relation to the complaint we deny that the TVC depicts any unsafe driving practices and nor is it irresponsible in any respect.*

*A very small time proportion of the advertisement shows the father speaking to the son either looking directly ahead when speaking or at times glancing at the son whilst he is driving. There is no depiction whatsoever in the advertisement of speed, off-road driving, dangerous driving or otherwise.*

*The conversation within the vehicle is tongue-in-cheek and humorous... the aim of the advertisement is to draw the viewers' attention to the positive characteristics and specifications of the vehicle being driven.*

*Volkswagen has had no complaints whatsoever concerning this advertisement which has been shown on television since October 2006.*

*Accordingly we respectfully submit that the TVC depicts safe driving according to all relevant road safety regulations, that the vehicle is driven within speed limits at all times and that there is nothing at all remotely dangerous or unsafe depicted in the TVC.*

## **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 the complainant's comments that the driver took his eyes off the road for too long.

The Board noted that Section 2(a) of the FCAI Code states 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 agreed that the driver in the advertisement did not take his eyes off the road for a dangerously long period of time and hence unsafe driving was not depicted in the advertisement.

The Board agreed that the advertisement did not breach Section 2(a) of the FCAI Code, nor any other part of 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 not breach either Code on any grounds, the Board dismissed the complaint.