



CASE REPORT

1. Complaint reference number	71/07
2. Advertiser	Honda Australia Pty Ltd (CRV - Dress For It)
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	FCAI - Driving practice that would breach the law
6. Date of determination	Tuesday, 13 March 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man leaving a building and walking down a street. As he walks he removes his tie and jacket revealing a long sleeved t-shirt, then rips off his trousers and is seen wearing jeans. Progressing further, he lifts the t-shirt over his head and removes the jeans, now continuing his walk wearing a tuxedo. As he crosses the road he rips off his bow tie and dress shirt to reveal a tank top, and removing his trousers, is shown to be wearing board shorts. He removes a remote control device from his rear pocket and unlocks the car he is approaching, and we now see that a woman in casual clothing is also approaching the vehicle, having left in her wake a similar array of various clothing along her path. The couple enters the vehicle and drive off along a city street.

THE COMPLAINT

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

1. Neither of the occupants have time to put their seat belts on from entering the vehicle before the car moves away from the kerb. 2. The female passenger is walking on the road with her back to traffic, more concerned about clothes removal than being hit by a vehicle approaching from behind. 3. In SA (at least) the law states that a vehicle must indicate for at least 5 seconds before leaving the kerb. The vehicle in question does not appear to indicate at all before pulling out into traffic. There are enough bad drivers in this country without encouraging dangerous road use in this way.

THE ADVERTISER'S RESPONSE

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

Honda Australia strongly refutes any allegation that the CRV TVC contravenes any of the provisions of the FCAI Code. In particular, it does not portray dangerous or otherwise unsafe driving. More specifically, we respond as follows to each of the complainants concerns:

(1) We do not agree with the complainant's contention that the occupants of the vehicle do not have time to put on their seatbelts. In particular, the creative intention of the commercial is to build anticipation and energy as the young couple get closer to their goal of escaping the city and heading off to the beach, and therefore the rhythm of the scene sequences, in conjunction with the music sound-track, is deliberately quite fast-paced and purposeful. However, it is also obvious that the footage has been manipulated and sped-up in some way as the male talent strips down through the various layers of clothing, i.e. the time it apparently takes him to remove one layer is not 'real-time'. In this respect, the footage of the couple getting into the CRV and driving away from the kerb is intended to follow this same momentum or rhythm, which is not necessarily representative of 'real time'. Moreover, it is our firm position that simply because the TVC does not include an

express shot of the vehicle interior showing the male and female talent fastening their seatbelts does not mean that they do not do so. In particular, if one looks very closely at the footage, it is evident from the side-to-side head movements of the female talent that she is getting her seatbelt on.

(2) Honda also rejects the argument that the CRV TVC breaches the FCAI Code on the basis that the female talent is walking on the road with her back to the traffic before she opens the door to the vehicle. In particular, it is clear in the scene where the female talent approaches the CRV that there is, in fact, no traffic in the street behind her. In the situation depicted, the passenger must walk onto the road in order to enter the vehicle, as the CRV is legally parked on the right-hand side of a one-way street.

(3) Finally, we do not agree with the complaint's third concern that the driver of the CRV does not appear to indicate before he pulls out into the traffic. In particular, we confirm that it is, in fact, evident from close inspection of the footage that the CRV's left-hand indicator flashes at least 3 times before the vehicle leaves the kerb.

In general, Honda is confident that reasonably minded viewers do not view this execution as in any way depicting or condoning unsafe driving practices, or otherwise breaching any road safety or traffic laws in Australia, and simply would not subject the individual scenes to this kind of extreme scrutiny. This position is supported by the isolated nature of the complaint in this instance.

Honda's position is therefore that the CRV TVC complies with the FCAI Code and the Code of Ethics. We therefore see no reason to withdraw or change the commercial in light of (the complainant's) isolated complaint.

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 various comments of the complainant in relation to the driving of the car in the advertisement - in particular, the wearing of seatbelts and the use of indicators as the car pulled out from the kerb.

The Board noted that the 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 accepted the advertiser's explanation that the advertisement was deliberately fast-paced and that just because the advertisement did not show the occupants fastening their seat belts, it did not mean they did not. The Board accepted the advertiser's statement that the woman did indeed fasten her seatbelt.

Board also agreed that it was difficult to determine from the footage (and from the reflection on the car's indicators) whether the car's indicators had been activated as the car pulled out from the kerb, and that this did not mean that the indicator with certainty had not been activated.

Having considered the above, the Board agreed that the advertisement did not depict unsafe, reckless or menacing driving and hence 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 the Code on other grounds, the Board dismissed the complaint.