



CASE REPORT

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| 1. Complaint reference number | 89/06 |
| 2. Advertiser | Ateco Automotive Pty Ltd (Fiat) |
| 3. Product | Vehicles |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 14 March 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a man named Bruno, relating that his cousin Theo asked him if he chose a Fiat Ducato for “the tough turbo-diesel engine?.....the 3 year/180,000km warranty with 24 hour roadside assist?”. Bruno admits he replied “I liked the horn” followed by the sound “beep beep.”

THE COMPLAINT

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

...it appears to be careless use of a car horn.

THE ADVERTISER’S RESPONSE

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

Fiat Commercial Vehicles is happy to comply with the decision of the Board in reference to the radio commercial in question.

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 Rule 224 of the Australia Road Rules provides that:

A driver must not use, or allow to be used, a horn, or similar warning device, fitted to or in the driver’s vehicle unless:

(a) it is necessary to use the horn or warning device, to warn other road users or animals of the approach or position of the vehicle; or

(b) the horn, or warning device, is being used as part of an anti-theft device fitted to the vehicle.

The Board noted that it is not illegal for a horn to be used in an advertisement.

The Board noted that the use of the horn in the advertisement is very discrete and short, and would be unlikely to be noticed or considered intrusive by most listeners.

The Board considered whether use of the horn in the advertisement would be considered to be depicting behaviour that is contrary to prevailing community standards on health and safety. Although

the Australian Road Rules make use of the horn an offence (other than in certain circumstances), the Board considered that most members of the community would not consider a short sounding of the horn as inappropriate.

Considering the use of the horn in this advertisement, the Board did not consider that the advertisement depicted material that is contrary to prevailing community standards on health and safety, specifically use of car horns.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.