



CASE REPORT

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| 1. Complaint reference number | 97/05 |
| 2. Advertiser | Yamaha Motor Australia Pty Ltd |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 10 May 2005 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This advertisement features a family (father, mother, young son and daughter) on a small powerboat. No member of the family on the powerboat is shown to be wearing a lifejacket. The boat is shown to be sitting in relatively calm waters on a lake.

THE COMPLAINT

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

“The ad for Yamaha boat engines shows various pleasure craft with no one wearing any life jackets. Really very disappointing to see, a bit like advertising a car with nobody wearing any seatbelts.”

THE ADVERTISER’S RESPONSE

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

“On the matter of the non-wearing of lifejackets, this was undoubtedly a most unfortunate oversight on our part in what was intended to be a family-orientated commercial. We did not in any way set out to deliberately breach or flout any law, nor did we knowingly do so, because in Queensland, where we shot the commercial, and in all mainland Australian States, the wearing of lifejackets is not mandatory. The only State in which the wearing of lifejackets is mandatory is Tasmania and, whilst the commercial did play in that State, we will ensure that it will not air there again in its current guise.”

“In Victoria, the State from which you received your complaint, current legislation (Regulation 232 in the Marine Regulations 1999) requires that only persons under the age of 10 years must wear a PFD whilst aboard a boat – the children with whom we shot the commercial were aged 13 and 11 years respectively.”

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 the advertiser’s comments that the only State in which the wearing of life jackets is mandatory is Tasmania and that whilst the commercial did play in this State, the advertiser has advised that it will not air the television advertisement in that State again in its current guise.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

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