

## Case Report

1. Case Number :	0209-23
2. Advertiser :	Supercheap Auto
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	27-Sep-2023
6. Decision:	Upheld – Modified or discontinued

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement contains a scene of a vehicle doing a burnout around a man standing in the street.



### THE COMPLAINT

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

*A man is standing while a car is doing high speed circles around him, appearing to narrowly miss him. I was under the impression such depictions of dangerous driving were illegal?*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*This BVOD advertisement takes place at a fictionalised retirement village where a professional race car driver (Dave Reynolds) has been comically 'aged-up' to play his older, retired self. We follow him as he drives a race car around the village and drives around another professional driver (Matthew Payne) who has also been comically aged up to play his older, retired self.*

*As an automotive parts retailer, long-time supporter of responsible motorsport and ongoing Charity Partner of the Australian Road Safety Foundation, Supercheap Auto takes auto safety very seriously. The oil company represented in the advertisement also has a longstanding affiliation with on-track motorsport.*

*Before any advertisement goes to air in Australia it must receive a suitable classification. Prior to making this advertisement, we sought and received classification and pre-approval, for both Australia and New Zealand, from CAD (Clear Ads) via the pre-approval process. CAD is an independent body responsible for classifying advertisements and ensuring they adhere to the rules and regulations governing all advertisements.*

*The vehicle used in the advertisement is clearly a professional race car with race-car livery, no number plates, and the inclusion of a roll cage. It is not a passenger or road-legal vehicle. This is reinforced by Supercheap Auto and the oil company's long-standing sponsorship of on-track racing cars. The person appearing to drive the vehicle (Dave Reynolds) is a well-known professional motor racing driver. He is wearing a helmet and motor racing harness. The fact that he has been comically aged with make-up, prosthetics and clothing to appear as an 'old man' driving a high performance vehicle out of context (ie not on a track) creates a clearly fictional setting that does not suggest or reflect reality.*

*The vehicle in the advertisement was actually driven by one of Australia's most experienced professional stunt drivers. We have produced a suite of supporting 'behind the scenes' content intended for online, which contains interviews with the stunt drivers, stunt coordinators and the on-set safety supervisor where they explain the significant practice undertaken to be able to perform the precision moves. The behind-the-scenes footage also makes reference to the preparation and practice that goes into safely choreographing the precision driving routine.*

*When filming the advertisement, all the driving took place in a highly controlled environment that was privately-owned and closed-off to the public. Additionally, we had security to ensure visibility to the public was minimal.*

*The action in the advertisement has been highly overdramatised to further ensure that the commercial reflects a fictitious scenario. We have also used music and humour to*

*reinforce that this is a highly stylised 'made-for-tv' environment not an everyday scenario that can be replicated in the real world.*

*With our motor sport affiliation comes a responsibility to communicate the message that racing belongs on the track, not on our roads. This is a message we take very seriously at Supercheap Auto. We in no way wish to condone dangerous driving and have invested significantly in promoting road safety through our "Check it" campaign as well as our continuous support of the Australian Road Safety Foundation.*

*For the reasons outlined in this response we do not believe that The Advertisement depicts material which contravenes 2.6 of The Code but rather depicts professional drivers carrying out a highly detailed choreographed precision driving sequence to showcase the performance of the oil brand.*

*Supercheap Auto is committed to complying with the Code, all applicable laws related to advertising as well as community standards around Road Safety.*

## **THE DECISION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts illegal driving behaviour.

The Panel viewed the advertisement and noted the advertiser's response.

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note to Section 2.6 which states:

*"Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product."*

The Panel noted that it would be illegal for a vehicle to perform stunts like those depicted in the advertisement on a residential street.

The Panel noted the advertiser's response that the vehicle was clearly a stunt vehicle, being driven by a professional driver and was filmed under safe conditions.

The Panel considered that the advertisement appeared to have been filmed on a residential street. The Panel considered that dangerous driving on a residential street places pedestrians and the people in the surrounding houses at serious risk of injury.

The Panel considered that the driver may have been shown in safety gear, but the pedestrian on the road was not. The Panel noted the advertiser's response that the pedestrian was in makeup to make them appear older which added to the unrealistic nature of the advertisement, however considered that this was not apparent in the short advertisement.

The Panel considered that there is high community concern about the risks associated with non-professional drivers attempting such stunts and considered that if anyone attempts to replicate such driving it could result in serious injury or death. The Panel considered that the demonstration of this stunt on a residential street was glamorising such driving, and the message in the ad of 'make it super' could be interpreted as a suggestion that using the promoted oil products will enable any vehicle to perform similar stunts.

The Panel noted the advertisement included a disclaimer that the advertisement was filmed under controlled conditions with professional drivers, however considered that the disclaimer does not counteract the overall impression of the advertisement.

Overall, the Panel considered that the demonstration of illegal driving behaviour on a residential street would be against prevailing community standards on road safety.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement breached Section 2.6 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DECISION**

We will modify the creative.