

Case Report

1. Case Number :	0011-24
2. Advertiser :	Frankston Jeep
3. Product :	Vehicle
4. Type of Advertisement/Media :	App
5. Date of Decision:	30-Jan-2024
6. Decision:	Dismissed

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(e) Environmental damage

DESCRIPTION OF ADVERTISEMENT

This advertisement features footage of a Jeep Grand Cherokee 4x4 SUV on some rural flat, sandy, and mountainous terrain.



THE COMPLAINT

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

The majority of the advert shows a vehicle being driven off road, not on any identifiable track or road without any consideration to damage to the environment. It shows dirt being thrown up by the wheels and the car being driven up a lightly vegetated hillside which would damage that ecosystem.

THE ADVERTISER'S RESPONSE

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

Frankston Jeep acknowledges, respectfully, the complainant's environmental concerns.

Footage used in this video is consistent with that used by the Jeep brand (and, indeed, other automotive brands) throughout its time in the Australian market. The video footage was supplied to Frankston Jeep [the dealer] by Jeep Australia [the brand] with the only addition being some of the overlaid graphics/text to identify the dealer as the advertiser. It is entirely consistent with previous campaigns run by us, using the platform referred to in our

The campaign in question was live from 29 November to 31 December. The ad/video in question received a total of 210,139 viewable impressions in that time, with the entire campaign (featuring other vehicles) amassing 656,946 viewable impressions.

In relation to this video, the following statement is attributable to Mr. Tom Noble, Director, Marketing and Communications, Stellantis Australia:

'All the filming was undertaken on existing and well used, 4WD tracks in the Flinders Rangers area. The production team took all precautions to reduce any impact on the landscape and environment during the filming with all restrictions in the [FCAI Code] adhered to.'

THE DECISION

The Ad Standards Community Panel (Panel) was required to determine whether the material before it was in breach of the AANA Code of Ethics or the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel noted the complainants' concern that the advertisement depicts a vehicle driving in an inappropriate manner, and in a manner which could cause damage to the environment.

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

Is this advertisement for a motor vehicle?

The Panel considered whether the advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Panel determined that the Jeep Grand Cherokee vehicle is a Motor Vehicle as defined in the FCAI Code.

The Panel determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.

Clause 2(a): 'Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.'

The Panel noted the advertiser's response that the advertisement is promoting the vehicle's off-road driving abilities.

The Panel considered that at all points through the advertisement the vehicle is depicted moving at moderately slow speeds. The Panel noted the sand spray out the back of the vehicle and considered that this was the result of the vehicle turning at a speed that would be needed to prevent the vehicle from becoming stuck.

The Panel acknowledged that for inexperienced drivers, and drivers with non-off-road vehicles, driving on sand dunes can be dangerous and there is a high risk of vehicles rolling over. However, the Panel considered that in this advertisement the vehicle being used is appropriate to the circumstances, and the driver appears to be going at a safe speed for the location.

Overall, the Panel considered that the driver appears to be in control of the vehicle and is not driving in a manner which is unsafe or which would breach road rules.

Clause 2(a) conclusion

The Panel considered that the advertisement did not depict the vehicle engaging in unsafe driving or menacing driving which would be likely to breach relevant Commonwealth Law were it to occur on a road or road related area. The Panel considered that the advertisement did not breach Clause 2(a) of the FCAI Code.

Clause 2(e): Advertisers should ensure that advertisements for motor vehicles do not portray... Deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

The Panel noted the advertiser's response that the vehicle was driven only in locations with existing vehicle access and care was taken not to cause any deliberate or significant environmental damage.

The Panel noted that the vehicle was being driven in a manner consistent with recreational use of off-road vehicles, and that the advertisement depicted the vehicles' abilities in off-road conditions. The Panel noted that there was no indication of the presence of flora or fauna that may be harmed, and there was no environmental damage evident in this, or any other scene.

The Panel considered that the advertisement did not depict the vehicle driving in a manner which could be seen to cause deliberate or significant damage to the environment.

Clause 2(e) conclusion

The Panel considered that the advertisement did not depict the vehicle driving in a manner which could be seen to cause deliberate or significant damage to the environment and determined that the advertisement did not breach Clause 2(e) of the FCAI Code.

Clause 4: An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.

The Panel considered that the advertisement depicts the capabilities and performance of an off-road vehicle travelling over terrain not forming part of a road or road related area and did not portray unsafe driving which would contravene relevant laws if the driving were to occur on a road or road related area.

Clause 4 conclusion

The Panel found that the driving in the advertisement was consistent with Clause 4 of the Code.

Conclusion

Finding that the advertisement did not breach the FCAI Code, the Panel dismissed the complaint.