

Case Report

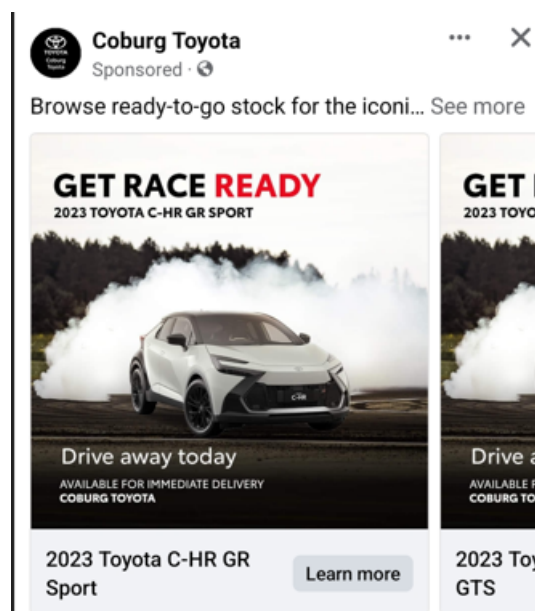
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| 1. Case Number : | 0120-24 |
| 2. Advertiser : | Coburg Toyota |
| 3. Product : | Vehicle |
| 4. Type of Advertisement/Media : | Internet - Social - Facebook |
| 5. Date of Decision: | 15-May-2024 |
| 6. Decision: | Upheld – Modified or Discontinued |

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(a) Unsafe driving
FCAI Motor Vehicle Advertising Code\3 Motor Sport

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features an image of a Toyota C-HR GR Sport doing a burnout on the road with the text "Get Race Ready" above the image.



THE COMPLAINT

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

Cars burnouts

THE ADVERTISER'S RESPONSE

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

The advertisement for Coburg Toyota featuring the GR Series—including models like the GR Corolla, GR86, GR Supra GT and GR HiLux. These capture the essence of Toyota's rich, six-decade legacy in motorsports. The setting of the ad is a racetrack, a controlled environment where the full capabilities of these performance vehicles can be safely demonstrated. The dynamic imagery includes cars speeding along the track with trails of smoke behind them, emphasising speed, power and the racing pedigree of the GR Series.

While the depiction of fast cars and smoke might evoke notions of hoon driving, the context here is crucial. The use of a racetrack underlines that these activities are taking place in a safe, regulated environment, intended for such high-performance demonstrations, rather than public roads. This distinction is important for addressing concerns around promoting unsafe driving behaviours. Instead, the ad aims to showcase the advanced engineering and thrilling performance of Toyota's sports cars, highlighting their motorsports heritage and the excitement of driving such high-calibre vehicles in the appropriate settings.

Inspiration was taken from Toyota Australia's <https://www.toyota.com.au/gr-corolla> images of the vehicles shown with smoke behind.

THE DECISION

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

The Panel noted the complainant's concerns that the advertisement promoted unsafe driving.

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

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

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 Toyota C-HR GR Sport vehicle depicted was 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.

The Panel then analysed specific sections of the FCAI Code and their application to the advertisement.

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 complainants' concerns that the advertisement showed a vehicle doing a burnout.

The Panel noted the advertiser's response that the vehicle was depicted on a racetrack to highlight the speed, power and the racing pedigree of the vehicles as well as their motorsports heritage.

The Panel noted that the image appeared to be computer generated, however considered that the overall impression of the advertisement is of a vehicle on a road with a large amount of smoke behind it, similar to that of a car drifting or doing a burnout. The Panel further considered that the phrase, "Get race ready" was encouraging such driving behaviour and suggesting that it could be undertaken by any person who purchased the vehicle.

The Panel considered that such driving behaviour, if done on a road or road-related area, would be considered honing and would breach Commonwealth law or the law of any State or Territory.

Clause 2(a) conclusion

The Panel found that the advertisement did breach Clause 2(a) of the FCAI Code.

Clause 3: USE OF MOTOR SPORT IN ADVERTISING

Without limiting the general application of clause 2, advertisers may make use of scenes of motor sport; simulated motor sport; and vehicle-testing or proving in

advertising, subject to the following:

(a) Such scenes should be clearly identifiable as part of an organised motor sport activity, testing or proving activity, or vehicles being driven in a highperformance sports nature, provided that this activity is within an closed circuit environment (off public roads) of a type for which a permit would normally be available in Australia.

(b) Any racing or competing vehicles depicted in motor sport scenes should be in clearly identifiable racing livery.

The Panel noted the advertiser's response that the setting is a racetrack, however noted that this is not clear in the context of the still image. The Panel considered that even if the background was recognisable as a racetrack, the implication would then be that the vehicle is racing and as such it should be in clearly identifiable racing livery.

Clause 3 conclusion

The Panel concluded that the advertisement was in breach of Clause 3 of the FCAI Code.

Conclusion

Finding that the advertisement did breach Cause 2(a) and Clause 3 of the FCAI Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

The advertisement in question was taken down (discontinued) on the same day we received the original letter on 8th May 2024.

It is not in circulation and won't be in future either.