

Case Report

1. Case Number :	0197-24
2. Advertiser :	Supercheap Auto
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Pay
5. Date of Decision:	7-Aug-2024
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This pay TV advertisement features vehicles with different oil brand sponsorship lined up waiting to enter a holiday park. When the barrier is opened, the cars take off into the holiday park, drifting around corners. One car jumps over two of the others, and another one is shown airborne crashing through a billboard.



THE COMPLAINT

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

The ad clearly shows cars doing burnouts on a bitumen road that is not obviously off road or in a public area. It shows burnouts with trailers, caravans in tow, off country roads and among people, around people in tents and caravans.

The ad appears to be in breach of standards - again - for this company.

THE ADVERTISER'S RESPONSE

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

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 companies represented in the advertisement also have longstanding affiliations 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 vehicles used in the advertisement are clearly professional race cars with race-car liveries, no number plates, and highly controlled safety measures, such as roll cages. This is reinforced by Supercheap Auto and the oil companies' long-standing sponsorship of on-track racing cars. They are not road-legal vehicles and are clearly intended for racetracks, not public roads.

The fact that these race cars appear to be driving in a privately-owned car-racing-themed holiday park helps establish that the holiday park – and the whole concept - is a highly fictionalised environment created purely for this television commercial and is not reflective of the real world.

This is further reinforced by the fact that the vehicles are towing boats and caravans, and have roof racks with holiday equipment. This is obviously a nonsensical, comedic thing for high-performance race vehicles to do. Adding further to the fictionalised nature of the commercial is the fact that the people appearing to drive the vehicles (Chaz Mostert, Matt Mingay, Molly Taylor, James Moffat and Garth Tander) are well-known professional motor racing drivers who have been comically dressed and propped to play fictionalised 'holiday' versions of themselves. While they only pretend to do the driving in the commercial, they are still wearing helmets and motor racing harnesses to reinforce the importance of safety and to once again ensure the holiday park scenario is clearly fictionalised.

The vehicles in the advertisement were actually driven by some of Australia's most experienced professional stunt drivers. To ensure this is clear to the audience, the television commercial carries the text: Filmed under controlled conditions with professional drivers.

We have also 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 in a fictionalised environment to showcase the performance of the oil brands.

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 (the Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement encourages dangerous driving.

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 for this section of the Code includes:

"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.

Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour."

The Panel noted the advertiser's response that the advertisement was highly "fictionalised" and did not reflect real-world events.

The Panel noted that the vehicles in all six versions of the advertisement were in livery which clearly identified them as stunt vehicles, of a kind which would be seen at automotive events.

However, the Panel considered that the vehicles were not performing stunts in a closed-off venue or automotive show, and instead were driving through a realistic location - a holiday park. The Panel considered that this was a realistic setting for the advertisement and was not fantastical or fictionalised.

The Panel noted that many of the stunts in the advertisement were performed near pedestrians with no safety gear or protection. The Panel considered that the driving behaviour depicted in the advertisement was very dangerous and if it were to take place in a real holiday park could well result in injury or death.

The Panel considered that the advertisement condoned and encouraged such driving behaviour and could lead to people attempting to copy the behaviour. The Panel considered that a disclaimer was not enough to mitigate this effect.

The Panel considered that depicting, condoning, and encouraging unsafe driving was against prevailing community standards on health and safety, and that the advertisement did so.

Section 2.6 conclusion

The Panel considered that the advertisement 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 be looking to update the creative moving forward (by Thursday Sept 5th).