

Case Report

1. Case Number :	0141-25
2. Advertiser :	Mazda Australia
3. Product :	Vehicle
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	2-Jul-2025
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a group of people talking about a man called Robbo. They describe him as brickie, a mountain climber, President of the fishing club, the real iron man, a lifesaver, and that he can shed his skin and read minds. With each description related footage of the Mazda BT-50 is shown.





THE COMPLAINT

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

The advertisement encourages destructive and dangerous driving behaviour. The ad shows people discussing Robbo, who is apparently "a good bloke" but he drives dangerously fast on rough roads and along a beach at speed and in the water. No regard for shorebirds, other beach users, safety etc etc. It promotes extremely dangerous and careless driving behaviour.

THE ADVERTISER'S RESPONSE

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

We refer to the complaint made regarding the Advertisement. We thank you for the opportunity to provide a response to the complaint.

Background – Mazda 'Give it Heaps'

The Advertisement is part of the campaign for the Mazda BT-50 Ute. The slogan for the campaign is "Give it heaps" referring to the car's ability to handle some of the toughest conditions imposed by a driver. The Advertisement promotes the ability of the BT-50 to handle tough and adventurous conditions, terrain and activities and is targeted particularly at males aged between 18 and 49 years of age who may find themselves driving on the beach, through water or on rough roads, for example. The group's admiration of Robbo and his driving reflects the positioning of the BT-50 as a tough and capable Ute known for its durability and reliability both on and off road.

The depiction of Robbo driving the BT-50 on rough roads, along a beach and in the water is intended to showcase the capabilities and durability of the car to drive on these terrains and in these conditions if it is required. The Advertisement is not intended to encourage the audience to do the same in circumstances where it may be dangerous or illegal to do so.

Response to issues raised in the complaint

Mazda Australia is committed to conducting all advertising and promotions to the highest standards and takes any complaints in relation to our advertising and promotions very seriously.

As requested, we have addressed the complaint with reference to the relevant advertising codes including the AANA Code of Ethics and the FCAI Motor Vehicle Advertising Code.

Having considered the Advertisement and the complaint, as well as the requirements of the AANA Code of Ethics and the FCAI Motor Vehicle Advertising Code we respectfully submit that the Advertisement does not in any way contravene the AANA Code of Ethics or the FCAI Motor Vehicle Advertising Code.

Please note that we have not assessed the complaint by reference to the:

- AANA Wagering Advertisement and Marketing Communications Code as Mazda is not a licensed wagering operator;*
- AANA Food and Beverage Marketing and Communications Code as the advertisement does not contain any food or beverage marketing;*
- AANA Children's Advertising Code (please see our explanation below);*
- AANA Environmental Claims Code as there are no Environmental Claims contained in the advertisement;*

Application of the AANA Childrens Advertising Code

We submit that the ANAA Code of Advertising and Marketing Communications to Children does not apply to the Advertisement for the following reasons:

- 'Child' is set out within the code as to mean a person under the age of 15;*
- The target audience for the advertisement is persons who are capable of buying and driving a car;*
- The Advertisement is not designed to and will not appeal to children*
- Given that no one under the age of 16 could purchase and legally drive a car such as the car depicted in the Advertisement, it cannot be construed that the advertisement would target children.*

Application of the FCAI Voluntary Code of Practice for Motor Vehicle Advertising

We submit, having regard to Code 2, that the Advertisement does not contravene the FCAI Voluntary Code.

Clause 2(a) prohibits advertisements for motor vehicles from portraying unsafe driving. We submit that the Advertisement does not portray unsafe driving for the following reasons:

- The vehicle depicted is demonstrating specific off-road capabilities, which is what the vehicle is designed to do.*
- The Advertisement contains the following disclaimers:*
 - a. "Review Owner's Manual before towing and off-road driving. Filmed under controlled conditions." and*
 - b. "Check weights are within rated towing capacity and comply with local regulations. Wash vehicle undercarriage to avoid saltwater corrosion."*
- Mazda obtained approvals and signed location agreements for each of the locations where the Advertisement was filmed:*

- o The beach driving scene & off-road driving scene at night were both shot on a private property on which Mazda had exclusive and private access during the dedicated shooting times.*
- o The off-road hill climbing scene was shot at Marysville State Forest, with the relevant permit obtained through Forest Fire Management Victoria (Permit reference: HUMU483)*
 - We also note that driving on beaches and off-road tracks is permitted in all states in Australia, with some requiring permits and/or approvals in certain circumstances. Mazda acquired all relevant approvals and permits for the beach and off-road driving depicted in the Advertisement which have been attached/uploaded as supporting documentation with this response.*
 - The vehicle was not driven at more than 20 to 40 km/h and we note that in Victoria default speed limits apply where there are no specific speed limit signs. These limits are 50km/h in built up areas and 100 km/h on country roads. It is clear that the vehicle did not surpass either speed limit during the Advertisement. Furthermore, the film drones used to create the dynamic perspectives in each shot were operated at the same speed as the vehicle.*
 - A safety officer was present on set to ensure all safety protocols were followed and conducted safety pre-briefings before filming. A full safety production report was produced for the purposes of the Advertisement (included in supporting attached documentation to this response)*
 - The BT-50 is therefore not at any point in the Advertisement driven in a manner that could be construed as unsafe. The Advertisement simply portrays the capabilities of the vehicle especially in light of its off-road, four-wheel drive, and towing capabilities.*

Clause 2(e) prohibits advertisements depicting deliberate and significant environmental damage, particularly in advertising for off road vehicles. We submit that the Advertisement does not portray any such damage because:

- There are no images or clips that show significant damage to the environment;*
- It could not possibly be construed that the actor within the Advertisement intended to deliberately damage the environment nor that the advertiser, crew or anyone associated with the Advertisement would attempt to do so.*
- Each of the permits and location agreements required the Advertiser not to cause damage to the location/land which they did not do at any time, nor did they receive any notification of damage to the environment or have been requested to rectify any damage or make a payment regarding the same.*

We therefore submit that no environmental damage outside what could be reasonably expected by the activities depicted has been demonstrated by the activities portrayed in the advertisement.

Clause 3 of the Code provides that advertisers may make use of scenes of vehicle testing or proving in advertising, which is what we submit that the advertiser is doing within this Advertisement.

It is reasonable to assume that the activities depicted within this Advertisement including taking the vehicle on beach, off road and water environments as well as the demonstrating of its towing capacity, are clearly intended to prove and test the durability and reliability of the car in the extreme environments into which it may be taken.

The activities depicted in the Advertisement were filmed in a closed-circuit environment which is evident from the agreements and permits obtained by the advertiser to do so.

Although we do not accept that the advertisement contravenes the prohibited activity in Clauses 2(a) and (e), we submit that Clause 3 is relevant to the assessment of the environment which the advertisement was filmed in.

For completeness, we submit that Clauses (b) to (d) do not apply to this Advertisement because:

- in relation to 2(b), the Advertisement does not depict driving at an excess of a speed limit;*
- in relation to 2(c), the Advertisement does not depict illegal or prohibited driving practices; and*
- in relation to 2(d), the Advertisement does not depict a driver who is fatigued, under the influence of drugs or alcohol or exhibiting any prohibited driving practices.*

Application of the AANA Code of Ethics

We submit, having regard to section 2 of the AANA Code of Ethics, that the Advertisement does not contravene the Code of Ethics.

The Advertisement does not contravene section 2.1 because it does not portray people or depict material in a way which discriminates against or vilifies a person or a section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Advertisement does not contravene section 2.2 because it does not employ sexual appeal through the use of images of minors, people who appear to be minors, or in a manner which is exploitative or degrading of an individual or group of people.

The Advertisement does not contravene section 2.3 because it does not present or portray violence that is unjustifiable in the context of the product or service advertised.

The Advertisement does not contravene section 2.4 because it does not treat sex, sexuality, and nudity without sensitivity to the relevant audience.

The Advertisement does not contravene section 2.5 because it does not use language that is not appropriate in the circumstances (including appropriate references for the relevant audience and medium). It does not use strong or obscene language.

The Advertisement does not depict material contrary to the following Prevailing Community Standards on health and safety set out by this section including unsafe driving or bike riding, farming or behaviour children may imitate. It neither depicts, bullying, unrealistic body image, body size or alteration of images.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

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

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

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 Mazda BT-50 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.

Clause 2(a) - Advertisers should ensure that 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 Guidance Note for the FCAI Code states:

"Advertisers should ensure that advertisements do not depict, encourage or condone dangerous, illegal, aggressive or reckless driving. Advertisers need to be mindful that excessive speed is a major cause of death and injury in road crashes and accordingly should avoid explicitly or implicitly drawing attention to the acceleration or speed capabilities of a vehicle.

In particular, it is noted that use of disclaimers indicating that a particular scene or advertisement was produced under controlled conditions; using expert drivers; that viewers should not attempt to emulate the driving depicted; or

expressed in other similar terms, should be avoided. Such disclaimers cannot in any way be used to justify the inclusion of material which otherwise does not comply with the provisions of the FCAI Code.”

The Panel considered the scene showing the vehicle reversing on a worksite and considered that such an area would typically be classified as a road or road related area, not an off-road setting. The Panel noted the vehicle is seen reversing at speed, around a corner, and considered the driver would have limited visibility. The Panel considered that if this driving behaviour were to occur on a worksite it would pose a safety risk to anyone nearby. The Panel considered that this scene depicted reckless and unsafe driving.

The Panel noted that Clause 4 of the FCAI Code provided additional information for advertising off-road vehicles:

Clause 4 – Depiction of off-road vehicles

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 noted the Guidance Note for the FCAI Code states:

“This clause provides some limited flexibility allowing advertisers to legitimately demonstrate the capabilities and performance of such vehicles in an off-road context. Care should be taken to ensure that all other provisions and the underlying objectives of the FCAI Code are still adhered to. In particular, advertisers should ensure that advertisements for such vehicles do not involve the depiction of ‘excessive’ or ‘unsafe’ speed. Equally, advertisers should avoid portrayal of images of off-road driving which could otherwise be construed as being unsafe.”

The Panel considered the scenes showing the vehicle being driven along the beach and other off-road area appeared to be at appropriate speeds and were demonstrating the capabilities of the vehicle. The Panel considered that the driver appeared to be in control of the vehicle, and these scenes did not appear unsafe.

Clause 2(a) conclusion

The Panel concluded that the advertisement did 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 that there are some beaches and protected scrubland where driving would cause significant environmental damage. However, the Panel considered that there is no indication that the areas shown in the advertisement are ones where a vehicle should not drive. The Panel considered that the vehicle is being driven in a responsible manner which would be unlikely to cause deliberate or significant environmental damage.

Clause 2(e) conclusion

The Panel concluded that the advertisement did not breach Clause 2(d) of the FCAI Code.

Conclusion

Finding that the advertisement breached Section 2a of the FCAI Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

We have modified the advertisement as follows:

- remove the reversing shot of the BT-50 coming around a corner
- replaced this with a side on shot of the BT-50 going at a low speed

The revised 30" advertisement will be finalised and despatched next week and on-air from week commencing 21 July 2025.

Further, we inform that the edit of the advertisement that had the complaint upheld is not currently running. It has been replaced this with an alternative BT-50 price pointed edit.