

Case Report

Case number: 0254-25
Advertiser: Toyota Motor Corporation Limited
Medium: TV - Free to Air
Decision date: 22-Oct-2025
Decision: Breach
Action: Ad removed

ISSUES CONSIDERED BY THE COMMUNITY PANEL

- FCAI Motor Vehicle Advertising Code - 2(a) Unsafe driving - breach

AD DESCRIPTION

This television ad features a Toyota Yaris GR racing into a large, empty shed with boom gates. The vehicle is shown skidding through the boom gates sideways, and continues to do laps through the shed, skidding and sliding. The final scene shows the car skidding sideways to park near two other models in an outdoor landscape environment, and the words "GR YARIS NICE TO KNOW IT COULD" appear on-screen.



SUMMARY

Complaint

A complaint was received on the grounds that the advertisement depicts unsafe driving practices.

Advertiser response

The advertiser responded that the GR line of vehicles are consumer models that share technical similarities to the specialised Gazoo Racing motorsport vehicles that participate in various international motorsport rally events. In this context, the ad depicts scenes of a stunt driver (in full safety gear) manoeuvring the GR Yaris through a series of fantastical and unrealistic activities to tie in with the GR Yaris' close association with motor sport. The scenes do not

depict reckless or unsafe behaviour, but rather a trained driver, in safety gear, demonstrating the vehicles abilities on a closed circuit.

(a full copy of the advertiser's response is included in Appendix A).

Decision

The Panel found that the ad was in breach of section 2a of the FCAI Code as the ad depicted driving which would breach any Commonwealth law if any State or Territory if the driving shown were to occur on a road or road-related area.

ASSESSMENT AND DECISION

Section 2a (FCAI Code): Clause 2: Advertisers should ensure that advertisements for motor vehicles do not portray any of the following:

- a) 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 Guidance Note states:

Advertisers should ensure that advertisements do not depict, encourage or condone dangerous, illegal, aggressive or reckless driving.

... 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.

Advertisers should not use references to the speed or acceleration capabilities of a motor vehicle ... on a public road where the driving depicted and the reference to such capabilities would contravene clause 2(a). Depictions of such capabilities in a closed-circuit environment must comply with clause 3.

Panel assessment

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

The Panel noted that the Guidance Note for clause 2 of the FCAI Code permitted depictions of vehicle capabilities in a closed-circuit environment, provided that this was done in a manner that complied with clause 3 of the FCAI Code.

The Panel considered that clause 3 of the FCAI Code permits advertising depicting '... simulated motor sport; and vehicle-testing or proving ...' provided that such scenes were clearly

identifiable as part of organised motor sport, or identifiable as part of organised vehicle testing or proving.

The Panel noted that the ad featured a driver in safety gear, and featured a disclaimer noting that this was a ‘... professional stunt driver ...’ and that the ad was ‘... filmed using a modified vehicle in a closed and controlled environment ...’ The Panel considered that this disclaimer was hardly noticeable.

The Panel considered that the scenes depicted in the ad are followed by the vehicle sliding across a section of dirt where two other GR models are parked. The Panel noted that this scene includes the statement ‘GR YARIS NICE TO KNOW IT COULD’. The Panel considered that this, coupled with the scenes of the vehicle jumping through the air and skidding through boom gates created an aspirational link to the driving shown, and removes any suggestion that the scenes were part of racing, vehicle testing or proving. The Panel also noted that the vehicle was not depicted in racing livery or anything that limited the context to motor sport or vehicle testing or proving.

The Panel considered that the vehicle is driven in a manner that would likely breach Commonwealth law or the law of any State or Territory, if it were done on a road or road related area.

Panel decision

The Panel found that the ad did breach clause 2(a) of the FCAI Code.

OTHER CONSIDERATIONS

The Panel found that the ad did not breach any other section of the advertising codes.

ACTION

The Advertiser has directed its Media Agency to discontinue the advertisement in response to the determination by the Ad Standards Community Panel of breach of section 2a of the FCAI standards.

APPENDIX A: ADVERTISER RESPONSE IN FULL

We refer to your letter of 10 October 2025, notifying Toyota Motor Corporation Australia Limited (Toyota) of a complaint raised about a television advertisement broadcast on channel 9, for the GR Yaris motor vehicle (Advertisement).

Toyota takes any complaints relating to its advertisements and its commitments to comply with the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) and AANA Code of Ethics (AANA Code) seriously. Accordingly, all advertising, including the Advertisement, is carefully reviewed to ensure legal compliance and that community standards are respected.

THE ADVERTISEMENT

The Advertisement promotes the GR (GAZOO Racing) badged model of the Toyota Yaris. The GR line of vehicles are consumer models that share technical similarities to the specialised Gazoo Racing motorsport vehicles that participate in various international motorsport rally events.

With this context in mind, the Advertisement depicts unconnected scenes of a stunt/ rally driver in full safety gear (helmet, gloves, and racing suit) driving the GR Yaris through a series of fantastical and unrealistic activities; such as:

- a. driving on a unsealed country road/ driveway and becoming airborne to collect a fast food order from a server in a tower;
- b. manoeuvring around multiple boom gates in wet driving conditions through a shed; and,
- c. using a 'conveniently located' (labelled) ramp to drive on two wheels between closely aligned upended ice cream trucks;

to establish a cognitive connection of the shared technical capabilities between the GAZOO Racing vehicles and the GR badged commercially available consumer vehicle.

In the scene of the Advertisement that is the subject of the Complaint, the driver enters an empty warehouse/ shed style building with multiple boom gates opening and closing throughout the length of the building. There is a shallow amount of water across the ground, and the vehicle is shown weaving in and around the boom gates, causing a low spray of water with each turn. The scene cuts to a paddock where the GR Yaris pulls into line with two other already parked GR badged vehicles showcasing the 'GR Family' (Scene)

The voice over says "GR Yaris. Nice to know it could." The tone is good natured and cheeky, and the implication is aspirational: the consumer gets the technical benefits of a vehicle designed for rally motorsports for their everyday use, whilst acknowledging that the scenarios depicted are unrealistic and exaggerated.

THE COMPLAINT

You have advised that you have assessed the Complaint, and identified that the Scene depicted in the Advertisement may be considered a breach of clause 2(a) of the FCAI Code, 'Unsafe driving\unsafe driving that would breach road rules'.

We provide TMCA's response below.

1. FCAI Code Section 2 (a) - GENERAL PROVISIONS

"Advertisers should ensure that Advertisements for motor vehicles do not portray any of the following:

- (a) Unsafe driving, including reckless and 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 Complaint raises a concern that the Advertisement depicts ‘reckless driving’ and ‘unsafe driving’. Toyota believes that the Advertisement does not show ‘reckless’ or ‘unsafe’ driving behaviour, but demonstrates the capabilities of the vehicle to manoeuvre through, although contextually unrealistic, comparable conditions that could be experienced by drivers.

The model Australian Road Rules state that ‘a driver must not drive a vehicle unless the driver has proper control of the vehicle’ (section 297(a)). The Scene demonstrates that the driver maintains proper control of the vehicle despite wet conditions similar to those experienced after a heavy rainfall, or a storm where there may be obstacles on the road.

Despite the exciting atmosphere created by the tempo of the background music, Toyota confirms that at all times during the Advertisement the driver maintained a driving speed within the legal speed limit allowing them to safely manoeuvre around the place holders used during filming.

2. FCAI Code Sections 3 and 4 – USE OF MOTOR SPORT IN ADVERTISING and DEPICTION OF OFF ROAD VEHICLES

You note in your letter that “Clause 3 of the FCAI Code provides that advertisers may make use of scenes of motor sport, simulated motor sport, or vehicle testing or proving, provided that such scenes are clearly identifiable as part of an organised activity of a type which would normally be permitted in Australia and that they also conform to general safety requirements associated with such activities.”

As described above, a key marketing ‘point of difference’ for the GR badged vehicles is their connection to the motorsport vehicles designed by Toyota specially for rally car activities.

Although the driving depicted is not expressly within a ‘motorsport context’, the visual connection to the vehicle’s design origin is enhanced by the driver wearing motorsport safety gear, in compliance with Fédération Internationale de l’Automobile (FIA) standard 8856-2018 which mandates that standard racing apparel includes racing suit, helmet and gloves (Racing Apparel); and demonstrating various driving skills akin to those seen in rally motorsports, in order to ‘prove’ the rally origins of the commercially available vehicle.

Each scene of the Advertisement, including the subject of the Complaint, are filmed in areas that are either open (i.e. farmland/ paddock), or industrial/ private (i.e. shed, shipping port) that would not be open to the public generally. All locations shown are deserted and/ or clear of humans, animals, and common road obstacles; except where deliberately placed as part of the scene and in a manner that would never be experienced by the average road user such as, multiple closely placed boom gates and upended ice-cream vans.

In practice, all scenes were filmed in closed environments and subject to review and supervision of a dedicated safety and stunt team. Toyota believes that the representations of each location as isolated or deserted demonstrates that the filming took place in closed environments, and confirms that all driving sequences depicted in the Advertisement were

subject to permission and location permits to undertake filming, evidence of which can be supplied upon request.

To underscore this point, Toyota has ensured that all versions of the marketing assets associated with the Advertisement are accompanied by disclaimers appropriate to the medium to reinforce to consumers that:

- a. driving performed by a professional stunt driver;
 - b. filmed using a modified AWD vehicle in a closed and controlled environment;
 - c. do not attempt to replicate driving and stunts depicted as it may result in serious injury or death;
 - d. modification, misuse or improper operation of your vehicle may affect applicable warranties; and
 - e. a direction to the product website to seek further information on vehicle capabilities and warranty limitations.
3. Section 2 of the AANA Code of Ethics

Toyota is of the view that the following sections in Section 2 of the AANA Code are not relevant to the Advertisement, as the concepts covered by these sections do not arise in the Complaints or in the Advertisement:

- 2.1 - Discrimination or vilification;
- 2.2 - Exploitative or degrading;
- 2.3 – Violence;
- 2.4 - Sex, sexuality and nudity;
- 2.5 – Language; or
- 2.7 - Identifiable Advertising.

Section 2.6 may be relevant to the Advertisement and/ or Scene, and states that “Advertising shall not depict material contrary to Prevailing Community Standards on health and safety”. For the reasons set out above, Toyota is of the view that the Advertisement does not contravene community attitudes to health and safety, but instead clearly communicates that driving behaviours shown are within the scope of ‘just because you can, doesn’t mean you should’; underscored by the concluding tagline ‘Nice to know it could’.

As discussed above, the Advertisement purposefully establishes a narrative connection between the vehicle and its ‘motor sport’ origins by dressing the driver in Racing Apparel to deliberately identify them as a professional rally car driver.

The driver proceeds to operate the vehicle with the control and skill of a professional rally car driver within fantastical contexts to demonstrate and prove the vehicle’s technical capabilities in connection to its motorsport based design, but does not suggest or promote consumers can, or should, drive in a similar way.

Furthermore Toyota considers that impression of the overall Advertisement is consistent with the theme of its broader and established marketing campaign, ‘Oh what a feeling’ which often uses emotional connection to promote the benefit of the product, i.e. ‘that new car feeling’ to promote ongoing servicing. Or in this case, a ‘rally car feeling’ for a motorsport inspired consumer vehicle.

CONCLUSION

Given the above, we do not consider that the Advertisement contravenes the FCAI Code or AANA Code of Ethics, having regard to the specific sections of either Code or otherwise. Consequently, Toyota respectfully requests that the Complaint be dismissed.