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| COMPLAINT NUMBER | 17/267 |
| COMPLAINANT | J Rich |
| ADVERTISER | BMW NZ |
| ADVERTISEMENT | BMW NZ, Out of Home |
| DATE OF MEETING | 14 August 2017 |
| OUTCOME | No Grounds to Proceed |

Advertisement: The BMW Billboard displayed in Onehunga says "Too Loud – Where too much is just right."

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, J Rich, said: This billboard with the message "TOO LOUD, WHERE TOO MUCH IS JUST RIGHT" encourages the anti-social behaviour of a driving style that maximises excessive vehicle noise emissions.

There is an immediate and long term impact.

The immediate impact is having this billboard so near my home and neighbours (around Onehunga and Hillsborough near to SH20) impacts on the liveability and amenity of our homes. As when some people in vehicles go past the billboard, the billboard directly impacts their choice in vehicle handling in real time to maximise noise creation at all hours of the day and night due to their changed behaviour in vehicle handling.

The long term impact is it is encouraging anti-social long term driving behaviours and styles in drivers to encourage increased noise creation from their vehicles. This is in direct contravention of the intent of NZTA to lower the volume emitted by the current NZ vehicle fleet (re Land Transport Rule: Vehicle Equipment Amendment 2007 (Objective noise testing)).

The relevant provisions were Code of Ethics - Basic Principle 4; Code for Advertising Vehicles - Guideline 2 (a), Guideline 2 (d), Principle 2.

The Chair noted the Complainant's concern that the billboard encouraged anti-social driving behaviour that resulted in increased vehicle noise.

The Chair noted the wording on the billboard "Too Loud - Where too much is just right" could be of interest to consumers making purchasing decisions based on engine sound. The Chair said the wording promoted the engine sound of BMW and while it was unlikely to encourage drivers to rev their engines, that possibility, in itself did not reach the threshold to glorify speed or encourage unsafe driving practices.

As such, the Chair ruled it did not reach the threshold to breach the Code for Advertising Vehicles or the Code of Ethics.

Accordingly, the Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**