

COMPLAINT NUMBER	18/153
COMPLAINANT	D Rope
ADVERTISER	Holden New Zealand Limited
ADVERTISEMENT	Holden New Zealand Limited, Television
DATE OF MEETING	26 June 2018
OUTCOME	Not Upheld

SUMMARY

The television advertisement for Holden showed three dogs sitting on the back of a parked ute waiting for their owner to return. The dogs see the new Holden vehicle range parked across the road and the dogs begin to daydream about driving in the backseat of the vehicles which are shown travelling in convoy. The advertisement said, in part: "Don't just dream it, see your Holden dealer today."

The Complainant was concerned the vehicles shown driving in convoy were too close together and did not observe the New Zealand Transport Guidelines on following distances.

The Advertiser said the advertisement did not show any illegal or unsafe practices and it observed legal and safety requirements while filming the advertisement. The Advertiser also raised the overall context of the advertisement, explaining the scene in question was part of a dog's dream sequence. The Advertiser said: "representing a dog's whimsical view on a charmed life in a new Holden, contrasted to the working dog's life on the farm."

The Complaints Board said the short distance between the vehicles was of concern, but was mitigated by the hyperbolic nature of the advertisement from the perspective of a dog's dream. The Complaints Board also noted the information from the Advertiser that while making the advertisement it observed legal and safety requirements. The Complaints Board said the advertisement was not in breach of Principle 1, Principle 2 or Guideline 1(a) of the Code for Advertising Vehicles and it did not depict unsafe driving practices or any realistic actions which could be constitute a traffic offence.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Principle 1 Principle 2 and Guideline 1(a) and 2(b) of the Code for Advertising Vehicles.

As a preliminary matter, the Complaints Board noted that its role was not to consider legislative breaches but to focus on the likely consumer takeout of the advertisement.

Guideline 2(b) did not apply to the advertisement before it as it did not depict off road driving activities.

The Complaints Board noted that Principle 1 requires all advertisements comply with the laws of New Zealand and Guideline 1(a) requires it should not demonstrate any action any road use on a public road which would constitute a traffic offence, unless discouraging unlawful practices.

Principle 2 required the Complaints Board to consider whether the advertisement encouraged unsafe practices.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the vehicles shown driving in convoy were too close together and did not observe the New Zealand Transport Guidelines on following distances.

The Advertiser's Response

The Advertiser responded to the Complainant's concerns stating that they "don't believe that there is anything illegal or unsafe depicted in the advertisement" and "in filming the advertisement we took great care to ensure we complied with Code for Advertising Vehicles – in particular Principle 1 (advertisements should comply with the laws of New Zealand) and Principle 2 (advertisements should not encourage unsafe practices)."

The Advertiser said "seatbelts were worn at all times, including the dogs being harnessed securely in the back of each vehicle. All vehicles shown were driven by experienced drivers, at permissible speeds, all the while observing the recommended two-second rule to keep a safe following distance to the car ahead, as outlined in the Official New Zealand Road Code and NZTA safe driving guidelines. It could be that the camera angle used in the referenced driving scene is creating a perception around the distance between the three vehicles, but we certainly don't agree that the advertisement promotes or encourages unsafe driving practices."

The Advertiser also raised the overall context of the advertisement, explaining the scene in question was part of a dog's dream sequence. The Advertiser said: "representing a dog's whimsical view on a charmed life in a new Holden, contrasted to the working dog's life on the farm."

Response from Commercial Approvals Bureau

The Commercial Approvals Bureau noted the advertisement shows a dream sequence shared by three dogs and "New Zealand viewers are a pragmatic audience, who recognise visual cues and know the limits of real-life road behaviour. The advertiser has prepared their commercial in recognition of this general viewing audience, meeting a due sense of responsibility along the way."

Complaints Board Discussion

The Complaints Board considered the likely consumer takeout of the advertisement and whether it depicted unsafe driving practices or demonstrated any actions which could constitute a traffic offence.

The Complaints Board noted a similar Decision (15/486) regarding an advertisement Nissan Navara which showed two men driving the new vehicle on a rural highway. The advertisement showed a truck carrying a large pipe when the pipe dislodged and rolled into the path of another vehicle. The driver proceeded to drive directly through the large pipe and

was then shown towing it with chains behind the Nissan. The driver of the Nissan pulled up alongside the truck and the passenger said "reckon you might have dropped something?"

The Decision said, in part:

"The Complainant said the advertisement displayed and encouraged dangerous and illegal driving acts including showing the vehicle travelling too close to a truck with an unsecure load and towing a pipe behind a vehicle which contradicted the laws of physics.

The Complaints Board said the advertisement was fantastical in nature, clearly employed comedic hyperbole and obviously fell outside the realms of reality, which included defying the laws of physics. It said the advertisement did not encourage a disregard for safety or show unsafe driving practices and ruled the complaint was Not Upheld."

The Complaints Board noted the advertisement before it centred on a working dog's daydream about travelling in the cab of a new Holden in juxtaposition to their current situation on the tray of the old ute. The Complaints Board said the advertisement clearly identified the dream sequence and consumers would understand that the actions of the dogs had no basis in reality particularly where the dogs are shown frolicking in a field and one is seen chasing a *Lassie*-like dog by a waterfall. The Complaints Board also noted that it was clear the advertisement was presented from the dogs' perspective, noting humans did not feature strongly.

The Complaints Board, noting the dream sequence employed and the precedent Decision, said the scene subject to complaint was unlikely to encourage unsafe driving practices. The Complaints Board said the space depicted between the vehicles while travelling in convoy was of concern, however, this was mitigated by the hyperbolic nature of the advertisement and that the advertisement did not reflect normal driving. The Complaints Board also noted the information from the Advertiser that while making the advertisement it observed legal and safety requirements.

The Complaints Board said the advertisement was not in breach of Principle 1, Principle 2 or Guideline 1(a) of the Code for Advertising Vehicles and it did not depict unsafe driving practices or any realistic actions which could be constitute a traffic offence.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The television advertisement for Holden showed three dogs sitting on the back of a parked ute waiting for their owner to return. The dogs see the new Holden vehicle range parked across the road and the dogs begin to daydream about driving in the backseat of the vehicles which are shown travelling in convoy. The advertisement said, in part: "Don't just dream it, see your Holden dealer today."

COMPLAINT FROM D ROPE

The advert shows three vehicles (with dogs onboard) which appear to be travelling on a public road, and far too close to each other, ie the following distances appear to be well inside NZTA guidelines

CODES OF PRACTICE

CODE FOR ADVERTISING VEHICLES

Principle 1: Advertisements should comply with the laws of New Zealand.

Principle 2: Advertisements should not encourage unsafe practices.

Guideline 1(a): Advertisements should not demonstrate any action by any road user or vehicle on a public road which would constitute a traffic offence, unless the advertising has the aim of discouraging unlawful practices.

Guideline 2(b): Advertisements for all off-road activities should not portray unsafe practices such as cyclists, motorcyclists and ATV drivers not wearing approved safety helmets, nor persons not wearing seatbelts where they are normally worn

RESPONSE FROM ADVERTISER, HOLDEN

Further to the correspondence received in relation to the above complaint, we advise that we take our responsibilities as a representative of the automotive industry very seriously. Road safety is at the heart of everything we do, from ensuring that our cars meet the most stringent of safety standards, to putting a significant investment behind a road safety programme – Holden Street Smart – designed to educate young drivers about road safety.

We have viewed the commercial in question, and we don't believe that there is anything illegal or unsafe depicted in the advertisement.

In filming the advertisement we took great care to ensure we complied with Code for Advertising Vehicles – in particular Principle 1 (advertisements should comply with the laws of New Zealand) and Principle 2 (advertisements should not encourage unsafe practices).

In this regard, seatbelts were worn at all times, including the dogs being harnessed securely in the back of each vehicle. All vehicles shown were driven by experienced drivers, at permissible speeds, all the while observing the recommended two-second rule to keep a safe following distance to the car ahead, as outlined in the Official New Zealand Road Code and NZTA safe driving guidelines. It could be that the camera angle used in the referenced driving scene is creating a perception around the distance between the three vehicles, but we certainly don't agree that the advertisement promotes or encourages unsafe driving practices.

It is also worth noting that the scene in question is a dream sequence, representing a dog's whimsical view on a charmed life in a new Holden, contrasted to the working dog's life on the farm. It's not reflective of real life but nevertheless, we believe that in creating the advertisement, we've complied with the NZTA Guidelines for safe driving practices and the Code for Advertising Vehicles.

Please let me know if you require further clarification.

RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

HOLDEN TELEVISION ADVERTISEMENT

COMPLAINT: 18/153 KEY: HOL030131 RATING: G

We have been asked to respond to this complaint under the following codes:

Code for Advertising Vehicles – Principle 1, Principle 2, Guideline 1(a), Guideline 2(b);

CAB approved this Holden commercial on 02/05/18 with a 'G' general classification. Under CAB internal policies, this commercial is classified as Motor Vehicle advertisement.

The commercial shows a dream sequence shared by three dogs.

A complainant writes that the driving conditions shown are unsafe or otherwise unrealistic.

The scenario is a dream sequence, shared by three dogs.

CAB understands that New Zealand viewers are a pragmatic audience, who recognise visual cues and know the limits of real-life road behaviour. The advertiser has prepared their commercial in recognition of this general viewing audience, meeting a due sense of responsibility along the way.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.