

COMPLAINT NUMBER	20/471
ADVERTISER	Toyota New Zealand Limited
ADVERTISEMENT	Toyota Hilux Television
DATE OF MEETING	19 January 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Toyota Hilux. The Board said the advertisement did not depict or encourage environmental damage or degradation.

Advertisement

The television advertisement for Toyota New Zealand Limited opens with two Toyota Hilux vehicles meeting up, each having come from the opposite direction of a dirt road, which is situated in tussock-covered, open countryside. Other Toyota Hilux vehicles join the first two, and the drivers greet each other and have a casual chat. The vehicles are shown being used for different purposes such as towing a boat or carrying fence posts or mountain bikes. In the final scene approximately 38 vehicles are shown leaving the meeting point, spreading out across the hillside, and dispersing in different directions. The text says: “THE POWERFUL NEW 2021 HILUX – AN UNBREAKABLE BOND”.

Summary of the Complaint

The Complainant was concerned the advertisement encouraged detrimental behaviour by showing four-wheel drive vehicles driving on public conservation land.

Issues Raised:

- Social responsibility
- Protecting the environment

Summary of the Advertiser’s Response

The Advertiser defended the advertisement and said it was filmed entirely on a private farm on Queenstown Hill and every vehicle movement across the farm was monitored. The Advertiser said “The end scene with multiple vehicles was achieved with plate shots and video effects in post-production. Regardless of this, we were working in areas where vehicles are allowed full access and the area is not viewed as sensitive and used, as noted, for regular grazing.”

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (i) Protecting the environment: Advertisements must not depict or encourage environmental damage or degradation.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 16/346, which was Not Upheld and 19/084, which was No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 16/346 concerned a television advertisement for Hyundai Motors NZ. The Complainant was concerned that although driving vehicles on many beaches in New Zealand was not illegal it was an undesirable use of coastal environments and a hazard for other beach users. The Complaints Board said the Advertiser's approach to creating the advertisement had been respectful with regard to regulations and the environment, and the advertisement was not in breach of the Code for Advertising Vehicles (This Code was superseded by the Advertising Standards Code in 2018).

Decision 19/084 concerned a television advertisement for Ford Motors NZL. The Complainant was concerned the advertisement normalised the denigration of beaches by showing a four-wheel drive vehicle driving on what appears to be a West Coast black sand beach.

The Chair of the Complaints Board said the advertisement did not depict or encourage environmental damage or degradation. The Chair noted confirmation from the Advertiser that the advertisement was filmed on Muriwai Beach in West Auckland, which is accessible to road vehicles (tide allowing). The Chair said the Advertiser had demonstrated that it had obtained the necessary permit to drive and film in this location and had stayed within the boundaries of this permit at all times during filming.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised.

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was different people enjoy driving Toyota Hilux four-wheel drive vehicles. They are suitable for a range of activities and can be driven off-road.

Does the advertisement depict or encourage environmental damage or degradation?

The Complaints Board said the advertisement did not depict or encourage environmental damage or degradation.

The Complaints Board noted that according to information provided by the Advertiser, the advertisement was filmed on private land, not public conservation land. The Board noted that the location of the filming was not stated in the advertisement and it would have been clearer if it had been.

The Complaints Board said the advertisement used an element of hyperbole to convey the idea that this is a popular vehicle which can be used for a wide range of purposes. The Board said the average consumer was likely to assume that the image of such a large number of vehicles congregating in one location was created for effect, for the purposes of the advertisement. The Board noted that the final shot was achieved using video effects in post-production.

Is the advertisement socially responsible?

The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rule 1(i) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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 calendar days of receipt of this decision.

APPENDICES

1. Complaint
2. Response from Advertiser
3. Response from Media

Appendix 1

COMPLAINT

2020-12-02 5:30pm Complaint Details:

The ad in question depicts many drivers meeting in an area of tussock grassland before all driving in different directions across this area. I believe this encourages detrimental behaviour for four wheel drivers on public conservation land. Already this is a problem were some drivers are causing damage to conservation land and in some cases endangering already very threatened wildlife as seen in this very recent news story

[https://www.stuff.co.nz/environment/123520455/skink-on-brink-of-extinctionhas-its-only-](https://www.stuff.co.nz/environment/123520455/skink-on-brink-of-extinctionhas-its-only-habitat-damaged-by-fourwheel-drive-vandals)

habitat-damaged-by-fourwheel-drive-vandals. As the ad depicts many different people meeting up randomly one would assume they are in a public area like public conservation land, and the ad makes no attempt to suggest otherwise. Because of this lack of clarification by the ad and the demonstration by the drivers in the ad of behaviour that is irresponsible and detrimental to conservation land I believe the ad should be removed or contain a disclaimer suggesting that the behaviour shown is inappropriate and detrimental to public conservation land and should never occur. Encouraging this behaviour is irresponsible for the sake of New Zealand's rare wildlife and landscapes and is unfair to those 4wd enthusiasts who do treat these environments with respect. As further abuse by 4wders could mean their access to public conservation land may become increasingly restricted.

Appendix 2

RESPONSE FROM ADVERTISER, TOYOTA NEW ZEALAND LIMITED

A basic, neutral description of the advertisement	Toyota Hilux vehicles congregating on a hillside for a casual chat. Then dispersing in different directions.
Date advertisement began	22 November 2020 was first air date
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	NZ television channels.
Is the advertisement still accessible – where and until when?	Yes. On television until at least 31 March 2021. It is also searchable on YouTube and available on Facebook.

A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	Link to 90second advertisement contained in covering email.
Who is the product / brand target audience? Please provide a copy of the media schedule.	Product: new 2021 Toyota Hilux vehicles Target Audience: males, aged 25-49 Media Schedule attached (A).
Pre-vetting Approval number if applicable	Not applicable.
Clear substantiation on claims that are challenged by the complainant. Please see the Guidance Note.	Not applicable.
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	Response on following page and attached documentation.
For Broadcast advertisements:	
A copy of the script	As attached (B)
CAB key number and rating	G rating from CAB

Further Information:

1. The advertisement was filmed entirely on a private farm on Queenstown Hill (called Queenstown Hill). Queenstown Hill is a working farm and is a frequently used location for film work. The main income from this farm is 'user pays' from filming fees, 4WD enthusiasts and clay bird shooting trips. The maps (as attached C) show where the filming took place on the farm itself.
2. The risk assessment and safety report (attached as D) indicates that all filming is on roads. There are areas of the farm that are no access, these were controlled by the Location Manager. This was communicated directly to and cast and crew who were chaperoned at all times.
3. Every vehicle movement was monitored across the private farm. One specific area was avoided due to nesting birds and sensitive wetland areas were avoided. A man-made specific wet area was created on a farm track for the purposes of this advertisement.

4. It was specified via email to all cast and crew that no one was to leave tracks or drive through tussock at any time. This was reiterated in the risk assessment which was sent out to the full crew ahead of Day 1 Shoot from the Production Manager, Narelle Wilson (attached as E).
5. Toyota, and the vast majority of enthusiast and owners of 4WD vehicles care for the environment and it is our view that as there is no abusive use of the vehicles (either overtly or implied) in this advertisement. While we note the concerns of the complainant, our view is that it is a stretch to associate our commercial to inappropriate and significant misuse of a vehicle in a rural environment.

End sequence

1. The end scene with multiple vehicles was achieved with plate shots and video effects in post-production. Regardless of this, we were working in areas where vehicles are allowed full access and the area is not viewed as sensitive and used, as noted, for regular grazing.
2. The end frame was compiled by Stu Bedford from The Machine Room and made from 11 vehicles in total, as a 4-part compilation of vehicles moving in different directions. Most vehicles are replicated more than once, except for the boat. The way the vehicles are portrayed are representative of vehicles operating in this environment (without harmful or irresponsible care).
3. Before and after digital compilation images shown: [photos removed].

Generally Prevailing Community Standards

1. The advertisement has been running since 22 November 2020 and has been played over 800 times. The estimated audience exposure is over 2.5 million New Zealanders (across the 90, 60 and 30 second advertisements).
2. To date, we have received two complaints: the one this response is directed at which was received through the Authority and a very similar complaint via Facebook (copy and our reply attached as F).
3. On the basis that there have been two complaints we submit that the advertisement is unlikely to cause serious or widespread offence considering generally prevailing community standards.

Previous Decisions

We submit that the decision on this matter should be made in alignment with the finding of the Authority in Complaint 19/084 Ford Motors NZ. In the Ford matter, a complaint was made about the impact of 4WD vehicles on the natural environment (attached as G).

The Ford complain is recent (2019) and the advertisement in question depicted a Ford 4WD vehicle driving on Muriwai beach in West Auckland. The Authority held there were no grounds to proceed. We submit that complaint is similar to the current one against Toyota on the following basis:

1. The vehicles comparable (Ford Ranger and Toyota Hilux).
2. The vehicles are being used 'off-road': Ford being used on a beach Toyota used in a rural environment.
3. In both cases the necessary permits and permission of the landowner was obtained.
4. In both cases a risk assessment, including environmental impact, was completed.
5. In both cases the vehicles stayed within the specified physical parameters.

We submit the outcome of the complaint against Toyota should be made in line with the recent analogous complaint against Ford. That is, there are no grounds to proceed.

Consumer Takeout from Advertisement

The consumer takeout from the advertisement is that the 2021 Toyota Hilux is a durable utility vehicle which can be used off-road.

Context, Medium and Intended Audience

The intended or target audience for this advertisement is male, aged 25-49. Television is the medium.

Product or Service Being Advertised

The product being advertised is new 2021 Toyota Hilux utility vehicles.

Appendix 3

RESPONSE FROM COMMERCIAL APPROVALS BUREAU

Complaint 20/471 Key: TOY60647403 Classification: G

We have been asked to comment on a complaint around environmental protection

CAB approved this Toyota Hilux commercial on 18/11/20 with a 'G' general classification.

The commercial features a number of Hilux vehicles parked on a non-descript terrain.

The area on which the vehicles are parked seems to have no distinct features. The complainant imagines that the area is public conservation land, but has no additional information to establish this.

Advertisers are able to take responsibility for the environments in which they film, but they can't mitigate a viewer's imagination or feelings - that is a feat beyond the physical.

For fuller details of the filming environment, CAB will defer to the advertiser