

<b>COMPLAINT NUMBER</b>	21/158
<b>ADVERTISER</b>	Pit Stop
<b>ADVERTISEMENT</b>	Pit Stop Radio
<b>DATE OF MEETING</b>	7 April 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The radio advertisement for Pit Stop begins with the sound of car tyres screeching. The voiceover then says "Listen to your car...when your brakes make a funny noise ... it's time to visit Pit Stop... Make a booking today..."

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

**Complaint:** The ad is about brake failure. The ad starts off with screeching brake failure and car sounds. These sounds can scare you when driving in traffic because you hear this car heading your way causing the driver to get spooked and swerve out. I now when I heard it, I got such a fright, my heart was pounding and I thought I missed something.

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(e);**

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

**Rule 1(e) Safety:** Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

**The Chair** noted the Complainant was concerned the sound of a car's brakes screeching in the advertisement could cause fright to listeners and be dangerous for drivers.

In considering the complaint, the Chair referred to precedent Decision 19/148, which considered the use of siren in an advertisement and was not upheld by the Complaints Board.

That decision said in part:

*" Does the siren portray a situation which encourages a disregard for safety?*

The Complaints Board said the siren played for a very short duration with a voice speaking over it, which meant it was quickly apparent it is an advertisement. The Complaints Board said even if drivers hearing the siren were to glance in their mirrors, this was unlikely to cause any safety issues.

*Does the siren in a radio advertisement cause distress without justification?*

The Complaints Board said the use of a siren in the advertisement was fleeting and was not a sound which should cause fear or distress for drivers who should be alert to a range of stimuli. The Complaints Board noted that not everyone listening to the advertisement would be driving. The Complaints Board said while the siren could cause a reaction for some listeners, it did not reach the threshold to breach Rule 1(e) or Rule 1(g) of the Advertising Standards Code. "

Turning to the complaint before her, the Chair said the precedent decision addressed a similar issue to the Complainant's concern. She said the sound of the car braking was intended to illustrate the need for the car's brakes to be serviced and was directly relevant to the service being advertised. The sound was of a short duration and it was clear it was part of an advertisement.

While the Chair acknowledged the Complainant's genuine concerns about distractions while driving, she said the advertisement did not reach the threshold to portray a situation which encouraged or condoned a disregard for safety and had been prepared with a due sense of social responsibility.

The Chair said the advertisement did not breach Principle 1 or Rule 1(e) of the Advertising Standards Code.

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

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

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.