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# Auto Advertising: A New Model

## New Interpretation Guidelines for Motor Vehicle Advertising

Advertising Standards Canada  
Canadian Automobile Manufacturers and Distributors  
Canadian Council of Motor Transport Administrators  
Société de l'assurance automobile du Québec

October 1, 2009



# *Presentation overview*

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- Welcome
- ASC's role in setting and maintaining standards (ASC)
- Issue background & development of Automobile Advertising Working Group (SAAQ)
- Auto industry position and development of supplemental guidelines (AIAMC, CVMA)
- Remarks on behalf of the advertising industry (ACA)
- Future Steps/Conclusion (SAAQ)
- Using the new interpretation guidelines to develop advertising (ASC)
- Questions/Discussion



# *Current advertising framework*

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## About ASC

- National, not-for-profit, industry body committed to ensuring the integrity and viability of advertising in Canada
- Created by the advertising industry in 1957



# *Current advertising framework*

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## *Canadian Code of Advertising Standards*

- Principal instrument of advertising self-regulation
- Complements existing laws and regulations
- Code clauses supplemented by Interpretation Guidelines to enhance interpretation and application of the *Code*
- Provides a responsible and effective mechanism for ASC to accept and adjudicate consumer complaints
- Consumer complaints adjudicated by independent volunteer national and regional Consumer Response Councils (CRC)
- Upheld complaints reported in ASC's Ad Complaints Reports



# *Canadian Code of Advertising Standards*

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## The *Code's* 14 clauses

1. Accuracy and Clarity
2. Disguised Advertising Techniques
3. Price Claims
4. Bait & Switch
5. Guarantees
6. Comparative Advertising
7. Testimonials
8. Professional or Scientific Claims
9. Imitation
10. **Safety**
11. Superstition & Fears
12. Advertising to Children
13. Advertising to Minors
14. **Unacceptable Depictions & Portrayals**



# *Canadian Code of Advertising Standards*

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## Clause 10 Safety

## Clause 14 Unacceptable Depictions and Portrayals

10. Advertisements must not...display a disregard for safety by depicting situations that might reasonably be interpreted as encouraging unsafe or dangerous practices, or acts.

Advertisements shall not:

14 (b) appear in a realistic manner to exploit, condone or incite violence; ...nor directly encourage, or exhibit obvious indifference to, unlawful behaviour

14 (c) demean, denigrate or disparage any identifiable person, group of persons, ... product or service or attempt to bring it or them into public contempt or ridicule



## *ASC Advisory on Automobile Advertising - 2007*

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When evaluating complaints about advertising involving depictions of motorized vehicles that allegedly contravene Clause 10 (Safety), Council will take into account the following questions:

- Does the depiction of the performance, power or acceleration of the vehicle convey the impression that it is acceptable to exceed speed limits?
- Does the depiction of a vehicle's handling ability involve potentially unsafe actions such as cutting in and out of traffic, excessively aggressive driving, or car chases in a residential setting?
- Would it be reasonable to interpret the depicted situation as condoning or encouraging unsafe driving practices?
- Does the depiction appear realistic or does it appear to be unreal, as in a fantasy-like scenario that is unlikely to be copied or emulated in real life?



## *Background*

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### Québec Road Safety Record

- Starting in 2001, increase in number of deaths and total number of victims
- In 2005, creation of the Québec road safety task force
- In 2006, 50,484 victims, including 721 deaths



## *Background*

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### Québec Road Safety Record

In 2007:

- Road Safety Year in Québec
- Task force recommends oversight of automobile advertising
- Québec government adopts legislative provisions concerning this issue



# Background

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## Québec's obligations:

- *In collaboration with automobile manufacturers, advertising agencies and highway safety stakeholders, the SAAQ shall establish guidelines aimed at prohibiting any advertisement that portrays a road vehicle and conveys a careless attitude with respect to road safety by presenting situations that encourage reckless, dangerous or prohibited practices or behaviour (Highway Safety Code, s. 5.3)*



# *Background*

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Two possible options:

- Consensus and cooperation with all stakeholders;

OR, failing that -

- More binding measures.



# *Background*

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Québec's other obligations:

- Promote observance of the guidelines
- Assess the impact within 2 years
- Report to the Minister of Transport
- Report to the National Assembly



## *Background on Auto Advertising Issue*

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### Interest from the Canadian Council of Deputy Ministers responsible for Transportation and Highway Safety

- Working group on auto advertising is set up (CCMTA meeting on May 8, 2008)
- Representatives from various provinces, territories and Transport Canada
- Representatives from the Canadian automobile industry
- Representatives from the advertising industry
- Chaired by Québec



# *Working group*

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## Members

- David Adams (AIAMC)
- Neil Arason (Ministry of Public Safety and Solicitor General, BC)
- Elisabeth Beecroft (Dept. of Highways, and Public Work, Yukon)
- Paul Boase (Transport Canada)
- Norman Chiasson (Palm-Arnold)
- L. Pierre Comtois (GM Canada)
- Clif Eden (Manitoba Public Insurance)
- Shanon Eil (Saskatchewan Government Insurance)
- Jeanette Espie (Transportation Safety Services Division, Alberta)
- Janet Feasby (ASC)
- Donya Gulak (SAAQ)
- Paul Hétu (ACA)
- Brian Jonah (Transport Canada)
- Raymonde Lavoie (AAPQ)
- John Lefebvre (MTO)
- Patrice Letendre (SAAQ)
- Amanda Lieverse (Manitoba Infrastructure and Transportation)
- Linda Nagel (ASC)
- Bruce Rosen (Volkswagen Canada)
- Johanne St-Cyr (SAAQ)
- Valerie Todd (CCMTA)
- Mathew B. Wilson (CVMA)



## *Working group*

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### Mandate

- To come to a consensus on the importance of distributing or publicizing automobile advertisements that are ethically appropriate with respect to road safety issues
- To review current standards and practices for self regulation in auto advertising in Canada and other countries
- To develop, publish and endorse guidelines for auto advertising that comply with the letter and spirit of provincial highway safety legislation while recognizing the right of motor vehicle advertisers to distribute and publicize their product



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## *Working group*

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### Mandate (cont.)

- To propose a method of implementing the guidelines based on a self regulatory process
- To develop a strategy and a plan to encourage motor vehicle manufacturers and distributors, and if possible, other motorized vehicle advertisers, to participate in a self regulatory process and to make a public commitment to comply with the guidelines



# *Working group*

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## Meetings

From June 18, 2008 to present

- 6 meetings
- Many telephone conversations for consultation purposes
- Joint presentation to CCMTA annual meeting on May 11, 2009
- Participants very cooperative and available for consultation



# *Working group*

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## Results

- Supplemental guidelines
- Memorandum of Understanding
  - Details a commitment by all auto manufacturers to national voluntary advertising guidelines that build on existing and accepted structures
  - *Canadian Code of Advertising Standards*
  - Advisory Re Automobile Advertising
  - Both administered by ASC
- Letter of commitment from auto industry
- Letter of support from Council of DMs



## *Additional elements*

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- Recent survey conducted by SAAQ
- Canadian survey (phone)
- April 1 to April 5, 2009
- 1500 respondents (2.53% margin of error)
- 13 questions

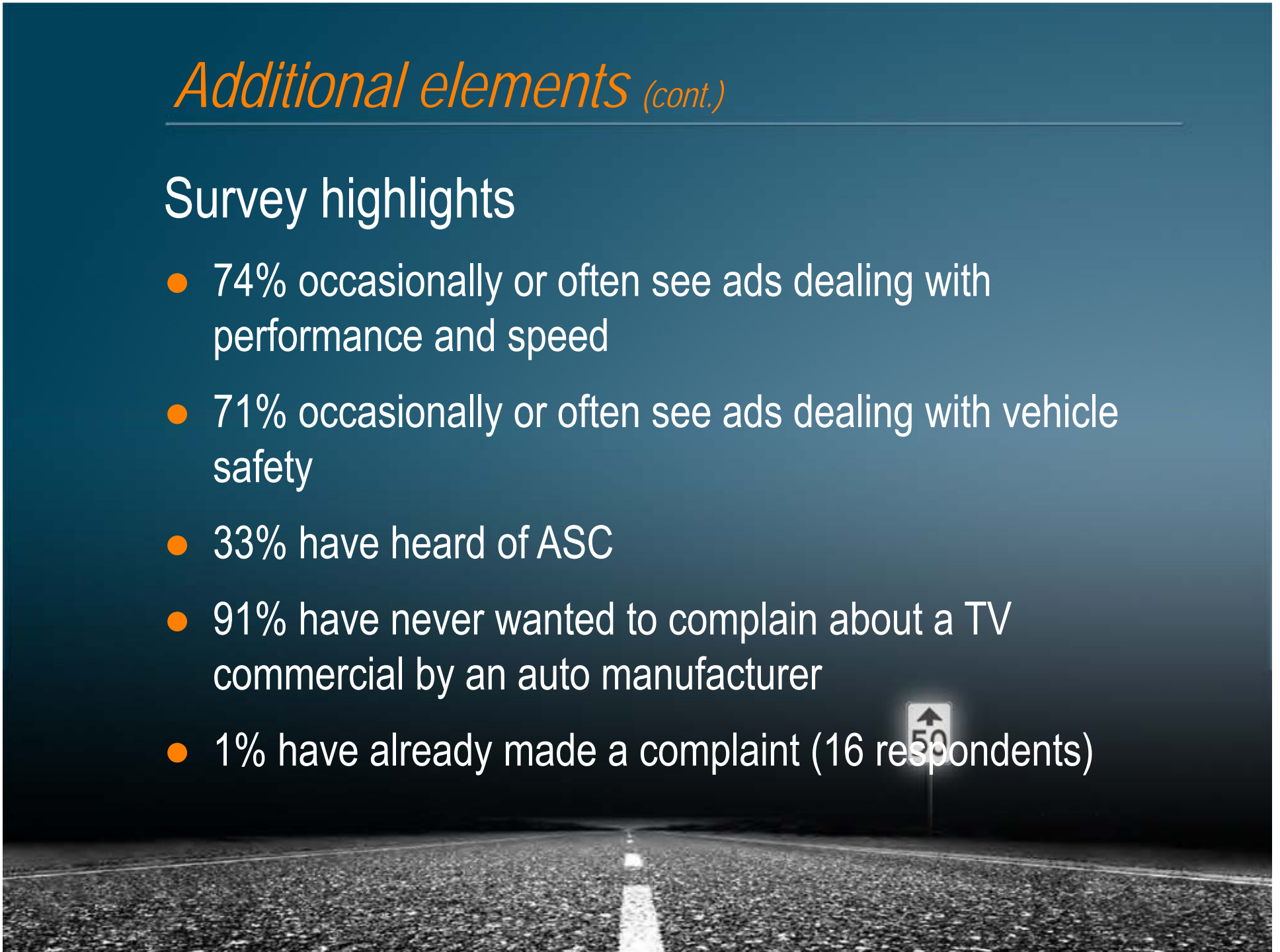


## *Additional elements* (cont.)

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### Survey highlights

- 74% occasionally or often see ads dealing with performance and speed
- 71% occasionally or often see ads dealing with vehicle safety
- 33% have heard of ASC
- 91% have never wanted to complain about a TV commercial by an auto manufacturer
- 1% have already made a complaint (16 respondents)



## *Automobile industry's position*

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- Recognition that road safety is a shared responsibility
- Large number of advertisements and strong competition
- Need creative flexibility to help promote and distinguish brands and vehicles
- Advertisements often produced outside of Canada for an international market



## *Automobile industry's position*

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- Lack of studies showing a cause and effect link
- Despite tens of thousands of auto advertisements, very few complaints
- Manufacturers only one piece of the puzzle – speed and performance are prevalent elsewhere (video games, movies, other advertisers, etc.)
- Prefers a single voluntary national mechanism



## *Voluntary MoU*

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Supplemental advertising guidelines plus guidance from ASC's 2007 Advisory combined to develop new Interpretation Guidelines to the *Canadian Code of Advertising Standards*



## *Voluntary MoU*

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# Supplemental Advertising Guidelines

## Why?

- Provide more clarity and details on proven, accepted, and known standards
- Build on existing processes

## Most importantly:

- Help automakers and advertising agencies create advertisements that respect the letter and the spirit of Canadian highway safety legislation and the *Canadian Code of Advertising Standards*



# *Voluntary MoU*

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## Supplemental Advertising Guidelines

- Is the automobile operated in violation of applicable laws or beyond reasonable speed under the circumstances taking into account the portrayed road, weather, traffic and surrounding conditions (e.g. children in the area) or over usual speed limits in Canada?
- Does the depiction of the performance, power or acceleration and braking of the automobile, taking into consideration the advertisement as a whole including visual (both images and text) and audio messages, convey the impression that it is acceptable to exceed speed limits or to otherwise operate an automobile unsafely or illegally?



## *Voluntary MoU*

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### Supplemental Advertising Guidelines

- Does the depiction of racing and rallies, and of other competition environments, taking into consideration the advertisement as a whole including visual (both images and text) and audio messages, convey the impression that production automobiles could be driven like racing or competition automobiles on a public roadway?
- Is the advertisement encouraging or endorsing automobile use that is aggressive, violent or injurious toward other road users, or that denigrates or disparages cautious behaviour when using an automobile?



# *Voluntary MoU*

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## Implementation

- Formal support from Council of Deputy Ministers (April 2009)
- Memorandum of Understanding signed (May 2009)
  - CCMTA – AIAMC – CVMA
  - Letters of commitment from individual members of the auto industry
  - Letters of support from Deputy Ministers of Transport
- ASC agreed to administer voluntary commitments in MoU based on existing framework of *Code Interpretation Guidelines*





DRIVING MARKETING SUCCESS



## *Future steps*

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Working Group to determine path forward on:

- MoU communications strategy and process
  - Industry and its advertisers / advertising agencies
  - Government
  - General public
- Mechanism to assess the results of its application in one year
  - More qualitative than quantitative



# Conclusion

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- Excellent openness and cooperation from the auto industry
- Excellent cooperation from working group members
- New guidelines bridge gaps in interpreting the *Canadian Code of Advertising Standards*
  - Ads also have to respect the spirit of highway safety legislation
  - Improved tool for advertisers, manufacturers and distributors

