

## Decision of the ADVERTISING REGULATORY BOARD

Complainant	Haco Nicolson
Advertiser	Jaguar Landrover South Africa (Pty) Ltd
Consumer/Competitor	Consumer
File reference	Jaguar – Haco Nicolson
Outcome	Undertaking
Date	24 July 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Haco Nicolson against a radio commercial for Jaguar.

### Description of the advertising

The commercial includes repeated hooting, in illustration of the character's search for a perfectly pitched hooter – which they find in a Jaguar.

### Complaint

The Complainant submitted a general complaint that hooting should not be allowed in radio commercials for safety reasons. The Complainant drew particular attention to the commercial at hand.

## Response

The Advertiser responded and submitted that it is not a member of the ARB or bound by its rulings, but it has elected to respond as it appreciates the role that the ARB play. It addressed the merits in some detail, but ultimately undertook not to use the commercial again.

## Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Legality - Clause 3.3 of Section II

Safety - Clause 13 of Section II

## Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The Directorate notes that it cannot make a decision on a general issue of advertising practice, and must consider each advertisement on its own merits in light of the Code. The general issue of hooting in radio advertising will therefore not be considered, but the Complainant's input in this regard will be put before the Code Review committee of the ARB for consideration for clarification in the Code.

Turning to the commercial at hand, the Directorate notes that the main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the Advertiser has withdrawn the advertising and undertaken not to use it again. This addresses the complaint in so far as it relates to this commercial.

The ARB Directorate is satisfied that the withdrawal by the Advertiser is unequivocal and addresses the complaint before it, and therefore accepts this undertaking in resolution of the matter.