

Full title of law or regulation	Case law as shown in the text below; Case 1309-158; 2013-11-13 and Case 1406-147; 2014-10-02
Title of relevant section	NA
Comment	<p>Be aware that an infringement of road traffic laws could be interpreted as an infringement of the ICC Code, in particular Articles 4 (Social Responsibility) and 17 (Safety and Health) – as referenced in the G-Regs text.</p> <p>It would seem the key issue lies in the interpretation of the ICC Code (page 5) – in which it is stated that communications should be judged by their likely impact on the reasonable consumer, having regard to the characteristics of the targeted group and the medium used.</p> <p>The Swedish Advertising Ombudsman (Reklamombudsmannen - RO) and the RO Jury (Reklamombudsmannens opinionsnämnd - RON) assess whether advertising follows the ICC Code.</p> <p>Here are 2 cases from RO on this issue:</p> <p>Case 1309-158; 2013-11-13 concerned a TV Commercial for engineering services from Autoexpertern and alleged breaches of Art. 4 (para 3) and Art. 17 (para 1). The Jury held that there was no infringement: http://reklamombudsmannen.org/eng/uttalande/autoexpertern</p> <p>The commercial https://youtu.be/Tvm_2KCTsg0 shows a scenario that could be deemed illegal (contrary to traffic laws) and could lead to a serious traffic accident. The Jury in reaching their decision relied on the ICC guidance on interpretation of the Code; namely, that advertising be judged by its likely impact on the average consumer with regard to the means used. It believed that the whole situation set out in the advert would be considered to be highly exaggerated and designed as a fantasy (the fact that the race car turns out to be a regular car highlights this point). It held it unlikely that an average consumer would perceive the film as a realistic depiction or as an encouragement to drive in such a way as is done in the film.</p> <p>Case 1406-147; 2014-10-02 http://reklamombudsmannen.org/eng/uttalande/volkswagen-passat-alltrack</p> <p>involved a TV commercial for Volkswagen Passat in which it was held that the relevant safety standards had not been breached and the advert did not run contrary to Art. 17 of the ICC Code. In this advert a young girl is seen pulling the gear lever to an automatic transmission with her father smiling encouragingly – actions that prompted the complaint. The advertiser argued that in order to engage the gear, the brake pedal would have to be depressed. Only the driver could do that; the girl was sat in the passenger seat. The Jury also concluded that the scene in question was very short and the car was stationary at the time.</p>