



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0015-21</b>
<b>2. Advertiser :</b>	<b>Hyundai Motor Company Australia Pty Ltd</b>
<b>3. Product :</b>	<b>Vehicle</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Pay</b>
<b>5. Date of Determination</b>	<b>10-Feb-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence  
AANA Code of Ethics\2.0 Other

### DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement features a family getting into a vehicle. The children are fighting until they start to drive, and then they begin to sing.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*My objection is the violence of the kids fighting - screaming at each other. Too violent - if this were adults yelling at each other that loudly/violently, it would probably be an ad describing verbal abuse.*

*Don't really need to listen to that several times a night.*

*For people, adults and children alike who live or have lived in this situation, this is an absolute trigger of fear, anxiety, stress and increased heart rate. With the abuse of children raising, and domestic violence seemingly getting worse everyday, I am astounded that this advertisement is on television, there is no value whatsoever with the screaming, this is not what a "normal" person would classify as "normal behaviour" yet we are subjected to it several times in an evening. The ad has just come*



*I again while writing this message, and the screaming has been “limited” to one sentence, however not knowing if the advertisement is going to be the full or edited version still starts the feeling of fear initially and then the anxiety. I sit with the remote right near my hand now, so I can mute as soon as the advertisement comes on. I’m quite sure I am of the only person who gets these feelings when this advertisement ones on, why is it on and how does it help Hyundai sell their vehicle? Thank you for your consideration. Best regards*

*Unfortunate mother who have a child who acts out like this would hate see this when she gets a moment to rest. It is emotionally tolling for parents who have a child who acts out. Me not having this problem is doing my head in hearing it every 7 minutes. I am sure air conditioner to calm a brat is not a sales point. Get it off our screens at least for the poor mother who have to deal with this behaviour day in day out. They do not need to see it on TV*

*I find the screaming and fighting of children at the start of this advertisement extremely distressing - it starts out VERY loud and promotes that this sibling VIOLENCE is NORMAL - the screaming “get off me” is VIOLENT and the volume is definitely a lot louder - It’s a disgrace this behaviour is promoted as normal when in fact it is sheer sibling violence to portray the car ride turns them into singers with warped perceptions of normal - shame on the idiots who thinks this type of advertising is worthy - PROMOTING SIBLING VIOLENCE*

*The way they depict the boy is he is very aggressive and shows serious aggressive tendencies. It implies this kid has serious physiological problems that is calmed by a car. This is so wrong.*

## **THE ADVERTISER’S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We refer to your letter of 28 January 2021, concerning complaints under the AANA Code of Ethics (Code) received by Ad Standards in respect of Hyundai Motor Company Australia Pty Ltd’s (Hyundai) television advertisement showcasing the new Santa Fe large SUV model (the Advertisement).*

### **1.0 Introduction**

*Hyundai acknowledges the opinions and views expressed in the complaints regarding the scene involving the young siblings and appreciates the opportunity to put forward its response. The complaints expressly raise the issue of violence under Section 2.3 of the Code. Hyundai addresses the complaints in the context of Section 2.3 of the Code below. Although no complaints expressly refer to Section 2.6 of the Code relating to health and safety (bullying), for completeness, Hyundai also addresses the complaints in the context of Section 2.6 of the Code below. Hyundai also notes that it is currently running two edits of the Advertisement – a 30 second edit and a 60 second edit. As it*



*appears both edits of the Advertisement are referred to in the complaints, the response covers both.*

*Hyundai endorses and recognises the importance of the objectives of the Code. Hyundai's intention is to ensure that its advertisements strictly comply with the Code and are consistent with prevailing community standards. In particular, Hyundai is cognisant of the level of community concern about the portrayal of violence and bullying in advertising. It is not Hyundai's intention in this or any advertisement to present or portray content that is inconsistent with the requirements, intent or spirit of the Code.*

*Further, while no complaints expressly refer to it, for the avoidance of doubt Hyundai makes some brief comments below explaining why the Advertisement is not caught by and subject to the Code for Advertising & Marketing Communications to Children (Children's Advertising Code). Hyundai also outlines the steps it took to ensure the comfort, safety and protection of the horse that features in the Advertisement.*

#### *2.0 Executive summary*

*The Advertisement does not contravene any Section of the Code including sections 2.3 and 2.6 for the following five reasons.*

- 1. The Advertisement does not present or portray violence.*
- 2. The interaction is mere sibling rivalry and childish bickering.*
- 3. The tone is light-hearted, playful and humorous.*
- 4. The Advertisement does not condone or encourage unacceptable behaviour from children.*
- 5. The Advertisement does not present or portray bullying.*

*Hyundai explains each of these five reasons in further detail in section four of its response below. In addition, Hyundai provides background and contextual details for the Advertisement itself in section three, and the specific details regarding the Advertisement requested by Ad Standards in section five.*

#### *3.0 The Advertisement*

##### *3.1 Description of the Advertisement*

*The advertisement depicts a typical busy Saturday morning scene for a family at a suburban sportsground. A brother and sister start squabbling with each other in the backseat over a pair of headphones. Mum's patience is being tested as the disagreement continues to escalate and their volume increases. Mum instructs the kids to cut it out, clearly looking for some peace.*

*The Santa Fe's engine starts and begins to pull out of the car park and we continue to hear the bickering between the siblings. The air conditioning vents veer magically towards them emitting a mysterious, transformative sense of peace and tranquillity to contrast with their disagreement just seconds before. The siblings immediately shift in mood to exchange endearing smiles as they begin to sing in unison.*



*The Santa Fe travels through suburban streets as various onlookers begin to join in and sing along. A motorbike courier is transformed into a horse rider and a flying window wiper momentarily hovers above the vehicle. The fantastical and almost dreamlike theme of the Advertisement continues as the siblings play instruments that magically appear as they start to levitate off their seats. Mum and Dad relish the newfound sense of peace and calmness as the Santa Fe drives off across a bridge through the misty clouds.*

### *3.2 Context and creative intent behind the Advertisement*

*The Santa Fe is positioned as an innovative and luxurious family SUV that is perfect for busy Australian families. The Advertisement's strategy is to develop this positioning further – the Santa Fe is the perfect antidote to stressful family situations. In these tense situations, parents want their own personal moments of peace and harmony. The Santa Fe is designed to deliver this by creating an environment that helps resolve family tension by making everyone comfortable and happier when on the road.*

*To achieve this, Hyundai dramatized one such familiar and relatable stressful family situation – busy Saturday mornings at the sportsground. The all too familiar trivial sibling squabble is used to set the scene and creates the platform for the stark creative contrast of the peace and serenity that is to come. As the scene continues, the tension does not last for long as the bickering siblings instantly transform into peaceful singing angels, helped by the calming effect of the Santa Fe. The world outside the Santa Fe is similarly transformed into blissful tranquillity.*

### *3.3 The Advertisement's target audience*

*The target audience for the Advertisement is active and busy families, and specifically, the adult parents in those families.*

*The Advertisement has been broadcast in all States and Territories of Australia and online since 17 January 2021.*

## *4.0 Hyundai's response to the complaints*

### *4.1 Relevant extracts from the Code, Practice Note and extrinsic material*

*Section 2.3 of the Code states:*

*“Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”*

*The explanatory statement on the Ad Standards' website (<https://adstandards.com.au/issues/violence>) includes the following:*

*“In some circumstances, the portrayal of violence may be deemed justified, such as in community awareness advertising or if the product being advertised contains*



*violence e.g. computer games or films. The Community Panel has generally considered violence to be justified where it is mild in impact for the viewer, generally does not depict any person injured or in pain, and the action does not include aggression (emphasis added).*

Section 2.6 of the Code states:

*“Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.”*

The AANA Code of Ethics: Practice Note (Code Practice Note) states the following in relation to “Bullying” in the context of Section 2.6 of the Code:

*“The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker.”*

#### 4.2 Reasons why the Advertisement does not contravene the Code

*Reason 1: The Advertisement does not present or portray violence*

*“Violence” is not defined in the Code or the Code Practice Note. In accordance with the explanatory statement on the Ad Standards’ website referred to above, this means that the ordinary English language meaning applies. At the time of writing, the online Merriam-Webster dictionary defines “violence” as:*

- 1.a the use of physical force so as to injure, abuse, damage, or destroy*
- b. an instance of violent treatment or procedure*
- 2.a injury by or as if by distortion, infringement, or profanation*
- 3.a intense, turbulent, or furious and often destructive action or force (the violence of the storm)*
  - b. vehement feeling or expression (also: an instance of such action or feeling)*
  - c. a clashing or jarring quality*
- 4.a undue alteration (as of wording or sense in editing a text)*

Source: <https://www.merriam-webster.com/dictionary/violence>

*Hyundai submits that as none of the elements of this definition are directly or indirectly portrayed or suggested in the Advertisement, it does not contain violence.*

*Consistent with the requirements set out in the Code Practice Note, Hyundai was conscious of and exercised particular care in portraying the behaviour of and interactions between the siblings. In this regard, Hyundai makes the following observations:*

- At no point do the siblings ever make direct physical contact with each other, nor is it suggested or implied this ever occurs. Rather, the siblings simply each grab hold of opposite ends of a set of headphones and tussle over them in a playful “tug-of-war” style contest.*



- *Neither sibling sustains any injury nor do they experience any pain from the interaction.*
- *There is no depiction of the consequences of violence (eg physical symptoms of injury, depictions of discomfort or suffering, lasting negative emotions, etc).*
- *While there is minor damage caused to the headphones, this is trivial and should not of itself and in isolation from any other elements, be characterised as violence.*

*Reason 2: The interaction is mere sibling rivalry and childish bickering*

*Hyundai submits that labelling the interaction as one of violence or aggression is a misnomer and mischaracterises the true nature of the relationship and dynamic between the siblings. On a superficial or cursory view, there are behavioural factors which may be suggestive of aggression in certain circumstances (eg raised voices, facial expressions and tone of voice). However, such views fail to take account of key contextual considerations in the scene, most notably the fact that the interaction is momentary and involves children, not adults. While an interaction between adults involving these same behavioural factors may be fairly characterised as aggression, it is unrealistic and unreasonable to draw the same conclusion when presented in a fleeting interaction between children. Their demeanour is more accurately described as petulant, not violent, aggressive, malicious or menacing.*

*The scene is intended to be a relatable and realistic portrayal of the turbulent dynamic between young siblings. Within this “love / hate relationship”, one minute they are worst enemies and the next they are best friends. This idea comes to life as the scene continues and the energy between them quickly shifts from one of tension and competitive rivalry, to peace and harmony as they burst into song in unison as the Santa Fe takes off. The fleeting moment of tension is quickly and humorously forgotten as they spontaneously revert to a close and loving sibling relationship.*

*The combative and competitive behaviour displayed by the two siblings is not uncommon or extraordinary. In fact, the Advertisement simply seeks to capture the familiar theme of sibling rivalry, stressful car rides and relatable family dynamics to connect with a wide adult audience. Hyundai submits that most members of the community with young children of their own or experience minding children would consider the scene to be a realistic depiction of a normal healthy relationship between brother and sister.*

*For the reasons set out above, Hyundai submits that the majority of the relevant audience and members of the broader community would characterise the interaction as mere sibling rivalry and childish bickering. This is particularly likely when viewed in the context of the Advertisement’s overall narrative – that is, a relatable domestic family setting. It is important to note that the Advertisement makes clear the sibling interaction takes place within this broader context of a close, safe and loving family environment.*

*Reason 3: The tone is light-hearted, playful and humorous*



*The tone of the Advertisement and, in particular, the scene involving the siblings is light-hearted, playful and humorous. Relevantly, the tone of this scene could not fairly be described as threatening, frightening, menacing or intimidating. Consistent with this is the fact that neither sibling experiences or expresses any such negative emotions or feelings of this kind.*

*The fantasy, surreal and comedic elements of the Advertisement that emerge shortly after this scene further underscore the light-hearted, playful and humorous tone. Indeed, the:*

- *absence of any adverse reaction or lasting negative emotion from either sibling;*
  - and*
  - *immediacy with which the tone shifts to one of peace and harmony;*
- diminishes and almost trivialises the conflict in the first place.*

*Reason 4: The Advertisement does not condone or encourage unacceptable behaviour from children*

*When developing the Advertisement, Hyundai had regard to community standards and expectations around what is and what is not acceptable behaviour from children. Shortly after the bickering over the headphones begins, the mother promptly intervenes and instructs the siblings to 'cut it out'. Hyundai's intention here was to:*

- *make it clear that this sort of behaviour is generally not acceptable from children;*
- and*
- *avoid any suggestion that the Advertisement was condoning or encouraging unacceptable behaviour from children.*

*Reason 5: The Advertisement does not present or portray bullying*

*The Code Practice Note states the following in relation to "Bullying" in the context of Section 2.6 of the Code:*

*"The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker."*

*Hyundai submits that for the reasons set out above and having regard to the factors listed in this extract from the Code Practice Note, the Advertisement does not present or portray bullying. In addition, Hyundai makes the following observations:*

- *Neither sibling is presented or portrayed as being at a disadvantage to or more vulnerable than the other. On the contrary, they are formidable opponents to one another on equal footing that each hold their own as they compete for the headphones.*
- *Neither sibling appears upset, frightened or intimidated at any point during the scene.*



- *There is no malicious intent or menace in their actions, and the disagreement is quickly forgotten as the scene progresses and they spontaneously break into song together.*

*Three-part evaluation framework in extrinsic material from Ad Standards' website*

*The explanatory statement on the Ad Standards' website*

*(<https://adstandards.com.au/issues/violence>) includes the following:*

*"In some circumstances, the portrayal of violence may be deemed justified, such as in community awareness advertising or if the product being advertised contains violence e.g. computer games or films. The Community Panel has generally considered violence to be justified where it is mild in impact for the viewer, generally does not depict any person injured or in pain, and the action does not include aggression (emphasis added)."*

*Applying the three-part evaluation framework above to the Advertisement:*

- 1. it does not present or portray violence, or, at worst, it is mild in impact for the viewer;*
- 2. neither sibling is injured or in pain at any point; and*
- 3. while there are some mild behavioural factors that may be suggestive of aggression in some contexts involving adults, it is unrealistic and unreasonable to draw the same conclusion when exhibited by young children during a momentary squabble.*

*Hyundai therefore submits that, if the Community Panel is minded to characterise the sibling interaction as presenting or portraying any violence, it is justified in the circumstances of the Advertisement.*

#### *4.3 Steps taken to ensure the comfort, safety and protection of animals during filming*

*While no complaints have raised any issue relating to the presence of animals in the Advertisement, Hyundai wishes to make the following comments regarding the steps it took to ensure the comfort, safety and protection of the horse that features in the Advertisement:*

- *The horse is a purebred Andalusian with extensive experience appearing in commercial film and television productions.*
- *On the day of shooting, the horse was accompanied by a second "safety horse" companion.*
- *Additional safety measures were put in place including the removal of horse shoes and use of firm and secure rubber mats at certain times to prevent the risk of slipping.*
- *A specialist equine vet was present at all times to monitor the health and condition of the two horses throughout filming.*
- *All necessary paperwork was submitted to the RSPCA to ensure compliance with and strict adherence to animal safety guidelines.*





#### *4.4 The Advertisement is not subject to the Children's Advertising Code*

*Hyundai acknowledges and endorses the objective of the Children's Advertising Code to ensure that advertisers and marketers develop and maintain a high sense of social responsibility in advertising and marketing to children in Australia.*

*While no complaints expressly refer to it, for the avoidance of doubt Hyundai submits that the Advertisement is not 'directed primarily to children' and is therefore not subject to the Children's Advertising Code. The Children's Advertising Code Practice Note establishes that whether advertising is directed primarily to children is an objective test based on a number of factors including visual techniques, the product being advertised and the age of the characters in the advertising. In this regard, Hyundai makes the following observations:*

- As outlined above, the Advertisement is targeted at adults with families.*
- A motor vehicle, particularly a large SUV like the Santa Fe, is clearly targeted for adults, and specifically, older adults and families.*
- While children feature in the Advertisement, their appearance is only within this broader family contextual setting.*
- The theme, visuals and sound track to the Advertisement is designed to speak to a global adult audience across a broad adult age group.*
- The depiction of the sibling relationship is actually intended to resonate most strongly with parents who would recognise this familiar rivalrous behaviour from their own childhood or in their children now.*
- The song used in the Advertisement, Enya's 80's classic "Orinoco Flow", is likely to be recognisable by adults and is intended to create a feeling of nostalgia and would not be of principal appeal to children.*

*The Advertisement relies on universal storytelling and sentimental and nostalgic appeal to connect with adult and family consumers. This narrative is one that resonates with adults who themselves can relate to the family dynamics and situational conflict replicated in the Advertisement. These themes are therefore not intended and are unlikely to appeal primarily to children. For this and the reasons set out above, Hyundai submits the Advertisement is not directed primarily to children and therefore falls outside of the scope of the Children's Advertising Code.*

#### *4.4 Conclusion*

*Hyundai takes its obligations regarding responsible and appropriate advertising and marketing very seriously. Hyundai acknowledges the opinions and views expressed in the complaints, and appreciates the opportunity to put forward its response to those complaints. For the reasons set out above, Hyundai's view is that when assessed against prevailing community standards, previous decisions of the Community Panel, the AANA's intent in developing the Code and extrinsic material relating to the Code, the Advertisement does not contravene the Code. In light of this and for the reasons set out above, Hyundai requests that the complaints be dismissed.*



## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that:

- the advertisement is distressing for parents who may have children that argue
- the boy is depicted in a manner which suggests that he has psychological problems
- the behaviour between the children is suggestive of domestic violence
- the advertisement is triggering for people who have experienced domestic violence
- the behaviour of the children is too violent.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that concerns that the advertisement is distressing for parents who may have children that argue is not an issue under the Code and therefore the Panel cannot adjudicate on this matter.

The Panel noted a concern that the boy is depicted in a manner which suggests that he has psychological problems. The Panel considered that this interpretation is unlikely to be shared by the broad community.

**Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

### **Does the advertisement contain violence?**

The Panel noted some complainant's concerns that the advertisement depicts domestic violence. The Panel noted that domestic violence is an issue of significant concern with the community, however considered that most members of the community would not find two siblings fighting, to be the same as domestic violence.

The Panel noted that the two children in the advertisement appear to be fighting over an object. The Panel noted that the boy does ask to be let go, which suggests physical contact, however there is no physical contact between them shown.

The Panel considered that the impression of the advertisement is one of mayhem, chaos and stress as a result of the children fighting, and considered that while there is no violence depicted, some members of the community may consider such a depiction of aggressive, verbal discourse to be violent.

The Panel considered that the advertisement contained a mild level of violence.

### **Is the violence justifiable in the context of the product or service advertised?**



The Panel noted that the advertisement is promoting an SUV vehicle, and is specifically promoting it as a family vehicle.

The Panel considered that depicting a mild level of violence by showing siblings fighting is justifiable in the context of advertising a family vehicle.

### **Section 2.3 conclusion**

In the Panel's view the suggestion of violence in the advertisement was justifiable in the context of the product advertised, and did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.