



Case Report

1	Case Number	0128/16
2	Advertiser	Hyundai Motor Company Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features different people in various locations pulling up alongside a pedestrian and telling them to "Get in!" Different models of Hyundai are featured and the final screen shot reads, "Hyundai. New thinking. New possibilities".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

As a parent we tell our kids NOT to "get in" cars with strangers and I don't think this ad is very good in that respect. If a child sees this commercial of many various people telling them to "get in" I think it would send a very bad message. Please consider this... even for one child's safety.

THE ADVERTISER'S RESPONSE

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

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code") and the Voluntary Code of Practice of Motor

Vehicle Advertising set by the Federal Chamber of Automotive Industries (“FCAI Code”). We note that the nature of the complaint relates generally to the AANA Code and specifically to the concern that the advertisement portrays material that is contrary to prevailing community standards on health and safety with regards to children getting in to cars with strangers.

We have carefully considered the AANA Code and FCAI Code, and have assessed the provisions of each against the content of this advertisement. We submit that the advertisement does not breach the AANA Code or the FCAI Code on any of the grounds set out in the same.

Looking at the AANA Code, Provision 2.6 provides that advertisements “shall not depict material contrary to Prevailing Community Standards on health and safety.”

The advertisement depicts a series of dramatized events all involving the drivers of various Hyundai vehicles telling the audience to “get in” to the vehicle. These range from innocuous every day pick-ups and domestic situations, to more dramatic, Hollywood-style scenes.

We note the specific complaint that the tag line “get in” in the advertisement could encourage children to get into cars with people they do not know, which is contrary to community safety messages generally. However, we contend that at no time does the advertisement actually encourage any children to get into any vehicles. The scenes clearly depict adults only, no children are depicted in the advertisement at all. Further, the style and tone of the advertisement itself is adult in nature, and would have no strong or evident appeal to children.

We note that the advertisement received a “G” rating from CAD but was not advertised in any timeslots that were aimed at children. It was only advertised in general audience timeslots, where, if a child were watching, it would likely be in the presence of an adult, where any possible misconceptions about the advertisement’s message could be addressed. That said, we again submit that there is no content in the advertisement that would lead to any such misconceptions.

Accordingly, we submit that the advertisement does not breach Provision 2.6, of the AANA Code, or any other provision of the same.

Although the complaint against this advertisement relates solely to the AANA Code, for completeness we have also considered the FCAI Code. In this respect, we note that at no time is there any scene in the advertisement that depicts any vehicle being driven in a manner that can be described as unsafe, menacing or reckless, nor is any indication given that any vehicle is being driven at an excessive or unsafe speed. At all times the drivers of the featured vehicles are in full control of the vehicles.

Accordingly, we submit that the advertisement is not in breach of any provision of the FCAI Code.

In conclusion, we submit that the advertisement is completely compliant with the AANA Code and the FCAI Code, and therefore, submit that this complaint should be dismissed.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement sends an unsafe message with regards to children getting in to cars with strangers.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this television advertisement features different people in various locations pulling up alongside a person and telling them to “get in”.

The Board noted that all the actors in the advertisement are adult and considered that there is no suggestion in the advertisement that the drivers are encouraging strangers, or children, to get in to their cars. The Board considered that in the montage of scenes the person saying, “Get in!” appears to know the person or people they are inviting in to the car.

The Board acknowledged that stranger danger is a significant community concern but considered that in this instance the advertisement does not depict, encourage or condone any person, child or adult, to get in to a vehicle with a stranger. Overall the Board considered that the complainant’s interpretation is unlikely to be shared by the broader community.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on safe behaviour.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.