



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0206/14
2	Advertiser	KIA Automotive Australia
3	Product	Vehicle
4	Type of Advertisement / media	TV
5	Date of Determination	11/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

A Kia Cerato is featured the camera pans around it. A price appears as a super and a voiceover also announces it. We pan out and there are two men standing by the car. There are also the letters EOFY standing next to the car.

The smaller guy runs backwards towards the ends of the letters saying "Epic opportunity. Frickin Yeah?" The taller guy responds by saying "End of Financial Year"

THE COMPLAINT

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

I object to the phrase "frikkin yeah" being used on open air tv at prime time when my children watch tv during this limited time.

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 complaints and the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code"). We note that the complaint has been raised with the Advertising Standards Bureau, based on a breach of clause 2.5 of the code of ethics.

. Please find following a reference to the specific clause

. 2.5 - Language

Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

We have carefully reviewed and considered the AANA Code again, despite the fact that it was clearly reviewed by our Advertising Agency, prior to the creation of this campaign..

May we start by clearly stating that Kia in no way intends to offend or alienate any person with their communications campaigns. Kia always uses light hearted, enjoyable moments and a similar tone of voice as a way to create engaging connections with viewers. We make a point of not taking ourselves too seriously and trying to create light-hearted situations that the general public can relate too.

In the particular execution that has been challenged, we see our serious and competent Kia salesperson talking directly to camera, whilst his bumbling offside 'hams it up' in the background, obviously completely at odds with the requests and expectations of his senior sales colleague.

This particular execution is one of a series of three executions within the campaign, each of which, has a light-hearted pun or play on words, where our serious salesperson is ultimately, less than impressed with the behaviour of his offside. In the first of our TV commercials, our bumbling offside appears to be skilfully balancing a soccer ball on his head, only to be 'found out' by his superior that he is in fact wearing a cap that is attached to the soccer ball. In the second TV commercial scenario, our hapless, bumbling offside ushers on Brazilian Dancing girls as a very literal display about the Rio World Cup. ,Much to the dismay and contempt of his senior, more serious salesperson, he shuffles them off set, hoping not to be caught out for his misread of the situation.

In the third TV commercial (the one that this complaint has been raised for), our clueless assistant salesperson is finally given the opportunity to make a real contribution to the campaign, by reiterating the meaning of EOFY. With his boss having clearly articulated that EOFY means End Of Financial Year, he gets caught completely off guard and completely blows his chance to contribute to the message, ultimately left to guess the meaning of EOFY as he simply has not been listening to his superior. He responds with Epic Opportunity Fricken' Yeah. He delivers this random answer, not in any type of threatening, aggressive or aggravated tone. He simply scrambles for words to try and make up the meaning of the EOFY acronym. His body language and gestures support the fact that he has been caught out and is having a 'stab in the dark', so as to have apparently being attentively listening to his superior. He gets his big chance at the sales pitch and he blows it!

The entire tone is light hearted and comedic. At no stage does the 'gag' imply that he was trying to swear or use profanities. He simply grasps for words to answer a question that he should know, but knows no answer for. He smiles and gestures awkwardly at the end of his answer, hoping that he might have got it right....but alas, yet again, he has completely disappointed his boss.

In summary, the whole EOFY campaign is presented as a light hearted engaging way that uses some basic slapstick style humour to create interest and memorability, during what is a very cluttered End Of Financial Year advertising market across many categories.

We respect the view of the complainant, but feel that the language used within the commercial is neither offensive, or used in a context that should offend. The natural and almost uncomfortable pause we experience between the words "Epic Opportunity.....Fricken' Yeah" was also intentional, to clearly articulate that our clueless salesman is simply grasping for any word that comes to mind.

Accordingly, we submit that the advertisement does not breach Provision 2.5 or any other

provision of the AANA Code.

In conclusion, feel that the ad is respectful of all aspects of the AANA 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 complainants’ concerns that the advertisement uses inappropriate language which is not suitable for children to hear.

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

The Board then considered section 2.5 of the Code. Section 2.5 of the Code states:

“Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted that the advertisement includes two men standing in front of a Kia vehicle and enormous lettering EOFY. One man is describing the car and the details of the promotion while the other man is describing the purpose of the lettering. He says “Epic, Opportunity...freakin yeah.” The first man confirms the meaning is End of Financial Year.

The Board noted that the men are in character of one man ‘the salesman’ being more in control and the second man ‘the assistant’ is portrayed as being less serious.

The Board noted the advertisement includes the assistant coming up with words to cover the final two letters F and Y. The man is struggling and says “freakin yeah.”

The Board noted that the term is one that is used colloquially to mean something is really good or awesome and that most members of the community would not consider the term strong or obscene.

The Board noted that the use of ‘freakin’ in the advertisement, is language which has been considered by the Board on previous occasions. The Board noted it has consistently determined that use of this language, in a context that is not aggressive, threatening or demeaning, is not language that is strong or obscene and its use is not inappropriate.

The Board determined that the advertisement did not breach section 2.5 of the Code.

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

