



Ad Standards Community Panel
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AdStandards.com.au

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Case Report

1. Case Number :	0258-19
2. Advertiser :	Volkswagen Group Australia Pty Limited
3. Product :	Automotive
4. Type of Advertisement/Media :	Radio
5. Date of Determination	21-Aug-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a person advertising the sale of vehicles talking in a voice similar to some one has sucked in helium from a balloon.

THE COMPLAINT

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

The complaint is that it is known that sucking in helium from a balloon is a dangerous exercise and could be fatal. As this advertisement goes to air during the morning breakfast period. Children could be listening and try to do the same.

THE ADVERTISER'S RESPONSE

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

Dear Sir/Madam,



We refer to your letter dated 6 August 2019 enclosing a complaint received in relation to Volkswagen Group Australia's (Volkswagen) brand advertisement.

Volkswagen takes its legal responsibilities under Competition and Consumer Act, AANA Advertiser Code of Ethics and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) very seriously. Further, Volkswagen adheres to the Commercial Advice Division (CAD) pre-approval process to ensure approval classification before the commercial is aired. This reflects Volkswagen's robust commitment to complying with advertising and motor vehicle safety regulations.

The Advertisement

The Complaint relates to a radio advertisement broadcast on a mix of Triple M, Classic Hits & 2GB as part of Volkswagen's "Very Short Sale" ('Advertisement') event targeted at men aged 25-64. The premise of the Advertisement is that the high pitched 'helium voice' is an annoying sound and intended to deliver the key message that much Volkswagens "Very Short Sale", thankfully this annoying sound does not last for very long. The Advertisement intends to disrupt and cut-through the busy hard-hitting retail radio environment through a sound short-cut to communicate the message by grabbing the audience's attention and delivering the message that this sound and the sale will not last very long. It uses a tongue and cheek humorous way of looking at the short length of time that helium lasts, a fact that consumers are familiar with, and contrasts this with the length of the sale.

The objective of the Advertisement is to promote the short-term sale of Volkswagen's factory bonuses on the Volkswagen Commercial Vehicles range between 21 July to 11 August 2019. The Advertisement was broadcast on the radio in all States/Territories across Australia. The Advertisement commenced on 21 July 2019 and concluded 11 August 2019.

Relevant Legislation and Regulations

The Complaints referred to in your letters raise issues under the Australian Association of National Advertisers Code of Ethics (AANA Code). Volkswagen has considered the specific matters noted in your letter, which relate to the AANA Code.

Complaint

Complaint 258/19 concerns the content and the placement of the Advertisement. The complainant states (in their opinion) that "sucking in helium from a balloon is a dangerous exercise and could be fatal. As this advertisement goes to air during the morning breakfast period. Children could be listening and try to do the same (sic)".

Volkswagen's Response to the Complaint

In relation to section 2 of the AANA Code, the Advertisement does not portray or depict material in a discriminatory manner. There is no portrayal of violence. There is no sexual innuendo much less depiction of any acts that are in reference to sexual activity, sexuality or nudity. There is no use of inappropriate language.



We consider that section 2.6 of the AANA Code is most relevant to this complaint.

Firstly, the complainant raises concerns that the Advertisement encourages “sucking in helium from a balloon” and that this “is a dangerous exercise and could be fatal.”

Volkswagen rejects the assertion that hearing the sound effect of helium being inhaled from a balloon and the subsequent effect this has on the human voice is contrary to Prevailing Community Standards on Health and Safety.

In any case, the listener would understand that the Advertisement and sound effect of inhaling of helium from a balloon to alter the presenter’s voice has been carried out in a controlled environment for audible effect. It would be obvious to the listener that the voice in the Advertisement was greatly exaggerated in post-production. Clearly it was not intended to incite dangerous behaviour.

Secondly, the complainant also raises concerns that “As this advertisement goes to air during the morning breakfast period. Children could be listening....”

We note that the Advertisement is targeted at males aged 25 – 64 specifically at tradies and business owners. The radio stations and the timeslots booked for the Advertisement were selected to target the above audience. Using NSW as an example, the Breakfast and Drive time slots of the Australian Traffic Network, Triple M, 2GB & WFSM were used. These platforms and timeslots would not typically be used if an advertiser was targeting children, as Triple M is the top rated network for males aged 25-54.

An advertisement for the sale of cars perforce excludes children. Moreover, the language of the Advertisement is not directed to children, as it relates to Volkswagen’s Commercial Vehicle range.

Finally the complainant suggests that children would “...try to do the same...”.

Again, we do not believe that the Advertisement encourages anyone to inhale helium. The focus of the Advertisement is not, in any case, the act of inhaling helium. It is intended to communicate to the relevant audience that the (exaggerated) effect of helium on the voice is short-lived; as is Volkswagen’s sale.

The helium inhalation is not intended to be used in a manner that encourages emulation. It is not entertaining in a way that might appeal to children, who are unlikely to know what they are listening to.

We regret if any members of the public were offended by any content in the Advertisement. We assure the Ad Standards Community Panel and the public that this was not our intention.

Final Comments



Volkswagen respectfully submits that the complaint should be dismissed on the basis that the Advertisement, breaches no relevant codes, in particular section 2.6 of the AANA Code of Ethics.

We appreciate the opportunity to respond to the complaint and acknowledge our commitment to self-regulation of advertising in Australia. We sincerely hope that the Panel reviews the advertisement positively having regard to the points raised above.

Volkswagen submits that the broad majority of people would, when considering the Advertisement as a whole, understand that the Advertisement does not encourage people to imitate the actions referred to in the Advertisement.

Volkswagen maintains that the Advertisement is within the AANA Code, and that a reasonable person would not have grounds for a complaint, as it does not display any depicting or condoning behaviour, or material that is in any other way contrary to the AANA Code.

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 complainant's concern that the advertisement featured unsafe behaviour which children may attempt to imitate.

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

This radio advertisement features the sound of a person inhaling and then speaking in a high-pitched voice, indicative of inhaling helium. The inhalation sound continues throughout the advertisement between sentences.

The Panel considered whether the advertisement was in breach of 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 Panel noted the complainant's concern that inhaling helium is dangerous and could be fatal, and that children may be listening to the advertisement and attempt to imitate it.

The Panel considered that the inhalation of helium causing a high-pitched voice is widely known, and most members of the community would have seen someone using the high-pitched voice indicative of helium before.

The Panel noted that it had previously considered the issue of someone inhaling helium in case 0212-11, in which:



“The Board noted that inhaling from a helium balloon does have the effect depicted in the advertisement and that it is not uncommon for children and adults to make use of helium balloons to achieve the high pitched voice, usually at a party. The Board noted the complainants’ concerns about the possible consequence of inhaling helium. The Board considered that the use of helium may be an emerging safety issue in Australia however in this instance the Board considered that the depiction in this advertisement is unlikely to condone or encourage similar behaviour, or to encourage habitual use of helium.”

The Panel noted the advertiser’s response that the focus of the advertisement is not inhaling helium, but rather the promotion of a sale. The Panel considered that although the basis of the advertisement is the high-pitched helium voice, the advertisement does not encourage similar behaviour.

The Panel considered that children would be unable to imitate this behaviour without the assistance of an adult, as they cannot purchase helium themselves, and would be highly unlikely to be able to use a helium tank even if they had access to one.

The Panel noted that as this is a radio advertisement, there is no visual aid to demonstrate how to inhale helium. The Panel considered that even if children wanted to recreate the high-pitched voice, there is no demonstration in the advertisement depicting how to achieve it.

The Panel acknowledged that the issue of helium inhalation was a concern to the community but considered that in this instance the advertisement was not encouraging or condoning this behaviour.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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