



Case Report

1	Case Number	0273/16
2	Advertiser	KIA Automotive Australia
3	Product	Vehicle
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	22/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

There are two versions of this television advertisement: a 30 second version and a cut-down 15 second version. They both feature a man using the Kia Sportage's Park Assist to reverse park his car. A young girl being carried by a man sees the driver raise his hands as his car parks itself and she waves at him before we see her being carried inside a building.

THE COMPLAINT

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

While the car was reversing the camera moved to a man with his back to us with a little girl over his shoulder. His hand seemed to be moving in a manner that could be perceived as pornographic. With paedophilia so rife in the world surely this vision is unnecessary. Three people I was with agreed that this was unnecessary.

This ad insinuates paedophilia. There is no product relevance to the vehicle being sold. It is suggestive she does not want to be with him. It appears exploitative and has an inappropriateness to it which is very sick. I do not understand this add and how it is relevant to hold a young girl like this in an alley way.

THE ADVERTISER'S RESPONSE

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

RE: KIA Motors Australia Pty Ltd

Sportage 30 sec and 15 sec TVC complaint

We refer to the letters in relation to the above complaints.

All of the complaints make reference to the Sportage 2016 launch TV Commercial (Sportage TVC), which we call "Hello". The Sportage TVC has aired through a 30 second TVC and several different versions of 15 second TVCs featuring the "Hello" theme. On review of the complaints it appears that the main complaint is raised in respect of the 15 second Smart Park Assist Sportage TVC and potentially to some extent the 30 second Sportage TVC. We deal with both the 15 second Sportage TVC and the 30 second Sportage TVC in our response below.

Sportage 30 second TVC

Within this execution, we witness the simple daily tasks of a male driver in his new Kia Sportage. Interestingly, throughout the execution, both human and inanimate objects surprisingly say "Hello" to him as he goes about his normal daily routine.

He steps out his front door in the morning and a cyclist passes by with a friendly morning greeting... "Hello". He responds politely as he crosses the road.

He jumps into his new Sportage, where he places his mobile phone on the wireless charging platform and the phone comes to life with charge. Our hero talent remarks "Hello" as the phone comes to life.

We then see our hero talent driving along the road. He spots a road sign which changes on approach from a warning message, to "Hello". He continues to drive by the sign, being pleasantly surprised by the unexpected message on the sign.

He drives along a suburban street, where a foreign couple is talking in their native tongue (Spanish). The husband becomes momentarily distracted as the car passes by him and he remarks "Hola" (hello in Spanish).

It is now noticeably later in the day as the light approaches dusk. Our hero talent is arriving at his final destination and needs to park the car. Using the Smart Park Assist within the Sportage, he is now able to reverse park the car without touching the steering wheel. As this action is taking place, we see from the little girl's point of view that the car is parking and the wheel is turning, all with the driver's hands not touching the wheel. She has a smile on her face and we see delight in her eyes and the raise of her eyebrows in surprise at the phenomena she is seeing of a car parking, all by itself. Our driver has his hands up because the smart parking is operating and the young girl thinks he is waving. Our hero talent sees her and provides a friendly wave and smile in response to her obvious surprise and intrigue at what she is witnessing.

In the final scene within the TVC, we see our hero exiting his new Sportage, crossing the road, where his date for the night spots him, and approvingly says to herself “Hello”. Our friendly talent crosses the road with a smile on his face at the delight of seeing his date. He greets her with “Hi” and she keenly responds with “Hey”. He escorts her into the restaurant.

The commercial closes with a driving shot of the all-new Sportage and a male voice over that simply reiterates the tone of the whole TVC with the line “Say Hello to the all-new Kia Sportage”.

Sportage 15 second TVC

Within this execution, our hero talent is arriving at his final destination and needs to park the car. Using the Smart Park Assist within the Sportage, he is now able to reverse park the car without touching the steering wheel. As this action is taking place, we see from the little girl’s point of view that the car is parking and the wheel is turning, all with the driver’s hands not touching the wheel. She has a smile on her face and we see delight in her eyes and the raise of her eyebrows in surprise at the phenomena she is seeing of a car parking, all by itself. At this time, the little girl’s father (in both the TVC and in real life) is reaching into his pockets to obtain his pass/keys so that he can enter the nearby building in which his apartment is located. The little girl is waving at the man because she thinks he is waving to her as a result of the man having his hands up while using the smart parking feature.

The commercial closes with the father entering the building in which his apartment is located, carrying his daughter in the safety of his arms.

The CAD reference number is W2MU5MVA

In response to all of the claims made in relation to the advertisement, the entire commercial and in particular the scene in question, containing the young girl being carried by her father, do not in any way breach any aspect of Section 2 of the Code of Ethics in relation to the following sub sections of the Code:

2.1 Discrimination or vilification - not applicable

2.2 Exploitative and Degrading - not applicable

2.3 Violence

There is absolutely no violence within this TVC. The commercial in fact is highly celebratory as people (and street signs) offer up a friendly “Hello” or wave to our hero driver.

2.4 Sex, sexuality and nudity

Having thoroughly reviewed the complaints, it appears that these complaints are all based on opinion, rather than anything to do with fact or the governing guidelines of the AANA Code of Ethics or the Practice Guideline – Managing the Images of Children & Young People.

All complaints are based on personal and unfortunate interpretations of an entirely innocent scene where a father is holding his daughter.

Within this TVC the young child that is featured in this television commercial is actually being held by her real father, not a stranger or another actor, cast as her father, but her actual Father. The young girl was totally at ease throughout the brief filming sequence, which was conducted with the appropriate supervision, strictly under the industry guidelines and regulations for the use of children within television commercials.

The young girl is so comfortable and at ease in her father's arms because it is her actual Father.

The misinterpretation and lewd innuendo that the complainants have raised is incredibly sad. The sequence actually involves a father entering his apartment with his daughter in his arms. This is a typical daily aspect of everyday behaviour in a normal society. He is not urinating in the street, nor having his hands in inappropriate locations, as he is simply reaching for his pass so that he can enter his apartment building.

The young girl featured within this TVC is depicted as totally happy, in a safe and loving situation where she is held in the arms of her Father. She has a smile on her face and is pleasantly surprised by what she witnesses in a car that parks itself. Throughout the brief duration of the TVC where the girl is featured, we see a smile on her face, a raise of her eyebrows in surprise, at the spectacle of the car parking itself and as the smart parking is operating the man's hands are up which causes her to choose to wave at this friendly man.

The entire sequence in question through these sad personal interpretations of the ad is little over 1.5 seconds (30 frames) in length. The sequence within the TVC was also very thoroughly considered in its structure, in that the young child initiates the communication with the driver. The driver, as a stranger to the young girl, does not initiate their interaction. In other words, the young girl, wondrously and innocently chooses to wave at the driver as she too says "Hello" to the all-new Sportage when it magically drives itself into the parking spot. This theme and scenario is repeated numerous times within the execution. Nothing about this sequence within the commercial differs in terms of a person (or child, or a sign for that matter) unknown to the driver, choosing to say "Hello" to the all-new Sportage.

2.5 Language - not applicable

2.6 Health and Safety

As a responsible advertiser, Kia Motors Australia prides itself on compliance and safety with regards to all road rules and pedestrian safety. In this sequence within the TVC, the Father and his daughter are in close proximity to the edge of the road, not only where our Sportage is parking, but near to other passing traffic. It is very normal behaviour for a parent to hold the hand of a young child, or carry them, when in such close proximity to traffic and potential danger. The child is only 5 years old and it would be totally irresponsible, particularly in light of our current spate of road tragedies, not to have a 5 year old girl being represented and cared for appropriately within such close proximity to traffic and moving vehicles.

The fact that one complainant feels the scenario of a 5 year old daughter with her legs wrapped around her own Father "gives me the creeps" is a very sad reflection on this person's understanding of the bond between a parent and their child, particularly near a road. The sequence is shot near dusk, as the father is coming home. Any parent can attest to the plausibility of a young child being very tired towards the end of a day and insisting on

being carried. As the girl's father comes to the entrance of the building he is searching for his keys.

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.

With regard to the specific areas of the AANA Code of Ethics, Provision 2.1, 2.2, 2.3, 2.4, 2.5 & 2.6, we are of the view that this TV commercial in no way breaches any aspect of these sections of the Code.

We are also of the view that the advertisement complies with the AANA Code for Advertising and Marketing Communications to Children. None of the imagery portrays children in such a way as to breach the provisions of the AANA Code for Advertising and Marketing Communications to Children.

We are also of the view that the advertisement complies with the AANA Practice Guideline – Managing Images of Children & Young People. In this respect we have taken all reasonable steps to protect the young girl from unintended and inappropriate use of her image. The young girl's father was present at the shoot and was in fact the person carrying her in the advertisement. Consent from the young girl's parents was obtained for the use of her image and for her participation in this advertisement. We took all reasonable steps to ensure that the young girl was portrayed in a dignified and respectful manner and was in a safe environment.

In conclusion, we submit that the advertisement is completely compliant with the AANA Code and the FCAI Code, and therefore, we submit that these complaints 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 this advertisement features a man holding a young girl in his arms in a manner which is pornographic and inappropriate and suggests that she has been taken from the man driving the car.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that this television advertisement features a man using the Kia Sportage Park Assist to reverse park his car and that this action is witnessed by a young girl being carried by a man.

The Board noted the complainants’ concerns that we cannot see the hands of the man carrying the young girl and that he could be doing something inappropriate to her. The Board

noted that we cannot see the man's left hand initially but considered that in a later scene we see the man opening a door and entering a building and considered that the most likely interpretation of this scene is that the man is looking for his key with which to open the door. The Board noted that complainants had interpreted an innocent scene of a father holding his child as pornographic and considered that their interpretation of this advertisement is unlikely to be shared by the broad community.

The Board considered that the advertisement did not depict sex, sexuality or nudity.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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 the advertisement depicts a child waving at a man in a car. The Board noted the complainant's concern that this scene suggests that the man in the car has dropped the girl off to be taken by the man holding her. The Board noted the advertiser's response that the girl waves at the driver because she thinks when he takes his hands off the steering wheel so that the Park Assist can park the car he is actually waving at her. The Board noted that the issues of child safety and being aware of strangers are serious community concerns but considered that showing a child, who is with her father, waving at a driver is not of itself contrary to safe behaviour. The Board noted the complainant's concern that the girl appears to be frightened but considered that this is an interpretation unlikely to be shared by the broader community. The Board noted that the girl remains with her father throughout the advertisement and considered that there was no suggestion that this girl was in any danger.

Overall the Board considered that the advertisement did not depict, encourage or condone unsafe behaviour between a child and a stranger.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and 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 complaints.