



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0313/13</b>
<b>2</b>	<b>Advertiser</b>	<b>KIA Automotive Australia</b>
<b>3</b>	<b>Product</b>	<b>Vehicle</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/09/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Physical Characteristics

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for the all new Kia Cerato and portays a scene where one friend offers another friend, who is trying to hail a taxi, a lift in his new car. They have a conversation within the car that creates a momentarily uncomfortable moment, that is resolved with both friends laughing about the moment as the car drives off down the road.

### THE COMPLAINT

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

*The woman who gets into the car is mistakenly referred to as pregnant by the guy and she laughs and says she likes cake. They both laugh at the fact that she is overweight and go on about it. Very bad taste and offensive.*

*This ad is offensive because it's entire message is sexist. The woman in the ad is normal sized for Australian standards, she does not have a paunch or a protruding belly indicating that she might be pregnant. Therefore the entire play of the ad is to make a joke of her physique because it does not meet the ideal standards of the man in the car. And worse yet, they have the woman just accept this comment as if it's a normal thing to say! It's not like Kia has a similar ad starring a man and denigrating him for his beer gut! What kind of message is this sending out?! It's a terrible ad and it makes me ashamed for Oz and the sexism it sanctions by allowing ads like these to play.*

*It's offensive to any woman who has weight around the abdomen area. The assumption that*

*the female must be pregnant because of the size of her abdomen is upsetting. Aren't there enough weight issues for females already in the media.*

## **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") 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 complaints relate generally to the AANA Code and specifically to the concern that the advertisement in question contains material that is alleged to discriminate against and vilify women.*

*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 2.1 provides that advertisements "shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief."*

*The advertisement depicts two friends who have not seen each other for a while reuniting, with one character (an unnamed male) offering the other character ("Lisa") a lift in his Kia Cerato vehicle. Lisa's male friend mistakenly believes that she is pregnant, however, Lisa laughs off the misunderstanding and corrects him with a humorous response, stating that she simply "likes cake". The two characters then laugh about the misunderstanding, with neither appearing offended or upset by the exchange.*

*We note that at no time in the advertisement is Lisa depicted as offended or embarrassed by her friend's comments. Conversely, she confidently uses humour to make light of the situation, diffusing what could have otherwise been a tense and awkward moment. This is consistent with the light-hearted and positive tone of the advertisement, as well as the message that the vehicle has so many features to impress passengers with that it helps to avoid awkward moments in life.*

*Lisa is depicted as a positive, friendly person who is completely comfortable and secure with her body image. At no time is she portrayed in a negative or unflattering manner. Further, there is nothing in the advertisement which suggests Lisa herself is unhappy with her appearance, and at no time during the advertisement is Lisa ridiculed or otherwise treated in a negative or malicious manner because of her appearance. Whilst some viewers may take offence at a man mistakenly believing a woman to be pregnant, this in itself is a realistic and relatable mistake, which, whilst it can often lead to embarrassing situations, is not an inherently discriminatory enquiry. The reactions of the characters and how they handle the situation are mature and civil, and a good example of how adults should conduct themselves in such a situation. The advertisement is not intended to cause offense, but rather, depict a humorous situation to create a light-hearted sense of enjoyment about the Cerato vehicle. Accordingly, we submit that the advertisement does not breach Provision 2.1, or any other provision of the AANA Code.*

*Looking at the FCAI Code, 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. At all times the driver of the featured vehicle is driving very carefully, in full control of the vehicle, observing the road and obeying the road rules. Further, all scenes*

*depict vehicles traveling at a speed that is appropriate for the depicted driving environment and there is no indication that any vehicle is traveling in excess of any legal speed limit. We note that there are no scenes in the advertisement that depict any driving practices that would be illegal on Australian roads. 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 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 the advertisement is discriminatory and insulting to women who are overweight, pregnant and to women in general.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.”

The Board noted that the advertisement features a man offering a woman he has not seen for a while a lift in his new car and asking her when her baby is due.

The Board noted that the woman’s reaction to be asked if she was pregnant is to laugh and admit she isn’t pregnant, she just likes cake. The Board noted that the woman’s reaction suggests that she is not insulted by the suggestion her weight makes her look pregnant and considered that that the overall tone of the advertisement is a humorous take on a commonly experienced potentially awkward situation. The Board noted that the advertisement does not suggest that being overweight is negative or that the man thinks any less of the woman because she is overweight rather than pregnant. The Board considered that the advertisement suggests that being pregnant can cause a woman appear to be overweight, and vice versa. The Board noted that pregnancy is associated with healthy weight gain in women and that it is possible for members of the community to mistake pregnancy-related weight gain for other weight gain, and vice versa. The Board considered that the advertisement does not depict pregnancy-related or other weight gain in a negative manner and that the advertisement did not discriminate against people based on their gender or body image.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaints.