



Case Report

1	Case Number	0328/15
2	Advertiser	Hyundai Motor Company Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	26/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

We open in the early morning in an Australian rural environment where a beautiful woman is preparing for the day ahead. She shakes her hair and puts on a long-sleeved shirt over her singlet. We then cut to a CU of a snake slithering along grass in the early morning.

The woman looks straight ahead before glancing over her shoulder unperturbed, but clearly sensing an imminent threat. The woman reaches for her belt before we see another CU of the snake.

The woman turns quickly, flicking her belt at the camera with a 'crack.' She stares down at the camera with a wry grin, before we see the snake slithering away and the woman walking off in the distance.

The woman now walks towards the All-New Tucson Highlander with her knapsack and swag

over her shoulder as she puts on her belt.

The supers appear. STRONG + BEAUTIFUL

THE COMPLAINT

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

Plainly shows the lady in the advertising striking a snake that was apparently nearby to her, then had the tag line strong and sharp or something, basically insinuating that the only thing to do when seeing a snake is to attack it.

While it doesn't actually show the snake being hit it obviously alludes to it, and it shows that people who abuse or harm animals are cool or tough.

This would be classified as animal cruelty as it would be if she was hitting a dog or cat. This condones acts of cruelty against snakes which are protected fauna.

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 portrays violence against animals.

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 2.3 provides that advertisements "shall not present or portray violence unless it is justifiable in the context of the product or service advertised". Further, Provision 2.6 provides that advertisements "shall not depict material contrary to Prevailing Community Standards on health and safety."

The advertisement depicts a woman in a bush setting getting dressed, when a snake approaches her. She watches the snake carefully and when the snake makes an aggressive move to strike, the woman removes her belt in the direction of the snake, scaring it away. We then see the snake slither away unharmed.

In the actual filming of the advertisement, we confirm that at no point was the snake actually struck in any way.

Accordingly, we submit that the advertisement does not breach Provision 2.3 as no violence is presented or portrayed at any point.

We note that the actor in the advertisement is depicted as an attractive, but rugged and tough character, in keeping with the theme of the advertisement of “Strong + Beautiful”. Her actions towards the snake are in keeping with her character, and in our view most reasonable viewers will recognise this. It is extremely unlikely that any reasonable viewer will be influenced by this advertisement to take similar action against snakes. To expand further upon this and provide a full statement addressing the concerns raised by some complainants:

1. The snake is depicted displaying an entirely uncharacteristic behaviour as a human predator.

In this fantasy TV commercial the female character responds in a fantasy way - defending herself with a flick from her belt to scare the snake away. The actions in the advertisement are clearly that of a clearly exaggerated “tough girl” hero character, not a regular person. Normal viewers will understand this is a fantastic situation, and depicts a fantastic response. The mood of the piece (sound treatment, editing) clearly illustrate this. As such, it wholly unrealistic to suggest the average viewer will be encouraged to emulate the behaviours depicted in this commercial.

2. This advertisement does not suggest that fending off snakes with a belt flick is a common behaviour nor is it likely in any way to encourage others to do the same. There is nothing in the advertisement which glorifies the action or encourages others to follow suit.

With specific regard to complaints that the snake depicted in the advertisement was a protected species, we confirm that the snake used in the advertisement was an Olive Python and further, that all filming was done in the presence of a trained handler with no risk to any participants, including the snake itself (which, as noted above, was uninjured).

Accordingly, we submit that the advertisement does not breach Provision 2.6, of the AANA Code.

Hyundai supports the care of wildlife and in advance of the Tucson campaign launch, Hyundai promoted a post on the Hyundai Facebook page to ‘give the snake co-star a name’ with Hyundai to donate \$5,000 to WIRES Wildlife Rescue.

Although the complaints against this advertisement relate 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. At all times the driver of the featured vehicle is in full control of the vehicle. Although depicted in an outdoor environment, there is no indication of any damage to the environment being depicted in the brief shots where driving is portrayed.

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 sexist and that it depicts a woman whipping a snake with her belt which is cruel, and that if her actions were copied by members of the community they could lead to serious harm or even death.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 depicts a woman getting dressed. The Board noted that the woman is wearing jeans and is shown putting a shirt on over a singlet and considered that there is no nudity and her state of dress, and her pose, is not inappropriate or sexualised and is not inconsistent with an outdoor setting. The Board noted that the tagline of the advertisement is ‘strong and beautiful’ and considered that advertisers are free to use whomever they choose in an advertisement and that describing a woman (and a car) as beautiful is not of itself discriminatory towards, or vilifying of, women.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that a key element of the advertisement depicts the woman using her belt to lash out at a snake which appears to be about to strike her.

The Board noted the complainants' concerns that snakes are protected species and that the woman's actions towards the snake amount to animal cruelty.

The Board noted the advertiser's response that the snake was not struck during the filming of the advertisement.

The Board noted that the snake appears to be about to strike and considered that whilst we see the woman lashing out with her belt we do not see the snake in that particular scene and the woman and the snake are not shown together in any scene in the advertisement so it is not possible to gauge the distance between them. The Board noted we hear the sound of the belt whipping and considered that the depiction of the snake slithering away in the next scene is strongly suggestive of the snake having been scared off by the sound of the belt but not actually harmed in any way.

The Board considered that the most likely interpretation of the advertisement is that the woman is defending herself against a possible attack from a snake and considered that the advertisement does not depict, or suggest, any harm coming to the snake.

The Board noted that it is illegal to kill a snake in many states and territories, including SA, VIC and ACT, but that in WA for example a person can kill a snake if they feel immediately threatened (WA Department of Parks and Wildlife). The Board considered that in this advertisement there is no suggestion that the woman has actively sought out the snake or that she is attempting to harm it, but rather that she is protecting herself in a situation not uncommon in bushland. The Board considered that the advertisement did not depict animal cruelty and did not encourage members of the community to harm or kill snakes.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board then 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 the advertisement does not show the woman seeking out the snake and considered that her behaviour is in response to her awareness that a snake appears about to strike her. The Board acknowledged that interacting with a snake in the bush or a remote area could be dangerous however the Board considered that the advertisement is depicting a scenario which is not uncommon in Australia – an encounter with a snake in its natural habitat – and that the woman's behaviour in trying to scare off the snake is depicted in a manner which is intended to present her in a strong manner rather than encourage members of the community to behave the same way. Overall the Board considered that most members of the community would recognise the fantastical nature of the advertisement and considered that the advertisement did not encourage members of the community to seek out snakes or try and interact with them.

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

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 complaints.