



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0352-21
2. Advertiser :	KIA Automotive Australia
3. Product :	Vehicle
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

FCAI Motor Vehicle Advertising Code\2(a) Unsafe driving

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a long straight road in a rural area with the advertised vehicle travelling down it. The driver turns onto a road with the signage "Private Road Dead End No Turn". The vehicle then continues down a dirt road. A voice-over states: "You know the beauty of having a wild one? They grow to be fearless. They find comfort outside of their comfort zone. They stand out but never stand still."

THE COMPLAINT

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

The car is speeding a sliding around corners on a dirt road which is dangerous.

THE ADVERTISER'S RESPONSE

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

We refer to your letter of 09 December 2021 regarding a complaint received by Ad Standards concerning a Kia advertisement where a vehicle was allegedly "speeding a sliding around corners on a dirt road". We believe this is in reference to the All-New Kia Sportage TVC, an exciting new model in the Kia range.



The complainant alleges that the Advertisement raises issues under Section 2 of the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (Code).

Kia takes compliance with the Code very seriously.

For the reasons set out below, Kia disagrees the Advertisement infringes Section 2 of the Code or any other section of the Code.

Background to the Advertisement

The advertisement was created to showcase an exciting new model for Kia the All-New Sportage. The advertisement was created to promote the All-New Kia Sportage and the complete re-design of one of Kia's most popular models with a range of new features. The advertisement is intended to target a broad range of consumers across various demographics and excite them about the new model.

The advertisement is designed to separate the vehicle from what has been seen before, releasing this new model and the vast changes that it has over the previous model. It is larger with a completely new design and features a new engine and dynamics. The vehicle is not an electric vehicle as alleged by the complainant.

Bringing to life the vehicle's stand out design, adventurous spirit, and athletic nature, the TVC theme is about releasing this new model as a wild child and the excitement that can bring. The advertisement shows multiple driving scenarios as this SUV is an adventure vehicle and it was intended to showcase an ability to travel anywhere and create a sense of freedom.

The Advertisement has been broadcast in all States and Territories of Australia since October 2021. The Advertisement has been broadcast online on Kia's YouTube and social channels since October 2021.

The advertisement

The advertisement begins with a drone shot of a lake in the early morning. The car comes onto screen for a few frames, enhanced by audio for the 'what was that' moment. This is followed by another drone shot showing an empty road lined by trees. We cut to a close up of the front of the car with the camera panning before cutting to the interior showing the car doing 70km/h in an 80km/h zone. The voice over at this point says "You know the beauty of having a wild one?" The advertisement then cuts back to the car exterior as it heads down the road before revealing a shot that showcases the whole car with the camera wrapping around the exterior. This was to show the new larger size of this model and is connected to the voice over line "They grow to be fearless."

The advertisement then cuts back into the interior where the speedometer again shows the speed is under the speed limit. This is to show the new interior and connects to the voice over line "They find comfort outside of their comfort zone." The car then moves to a private road where we see the drive mode change to adjust to the different terrain. We see the private road sign and the car is now driving on the private dirt road. We see the car traveling along this road from various directions and we hear the car via the voice over line "They stand out but never stand still." The car goes into slow



motion as we capture some of the petals falling from the tree and “The All-New Sportage.” super appears on screen.

We then cut to a hero drone shot showing the sunset and the car continues along the road for the end frame with the Kia logo appearing on screen.

The complaint

Kia takes compliance with the Code very seriously. Kia believes the Advertisement does not depict conduct which is in contravention of the Code and believes the complaint should be dismissed.

1. Depiction of unsafe driving in contravention of the Code

The Advertisement does not depict unsafe driving in contravention of clause 2(a) of the Code.

Clause 2(a) of the Code states that advertisers should ensure that advertisements of motor vehicles do not portray unsafe driving, including reckless or menacing driving. The purpose of the Advertisement was to promote the All-New Sportage in an exciting and engaging way, using excitement and storytelling to personify the vehicle. The use of self-evident exaggeration in the Advertisement does not contradict, circumvent, or undermine the provisions of the Code.

The advertisement attempts to demonstrate the features of the vehicle in a way that depicts the car as a wild child in a confident yet tongue in cheek way.

It would be clear to viewers that the Advertisement is an attempt to engage through creative and exciting means.

Regarding the complainants’ specific concerns:

REASON FOR CONCERN: The car is speeding and sliding around corners on a dirt road which is dangerous.

The driving, whilst dynamic and skilful, is not reckless or menacing, nor does it show the Kia Sportage being driven at speed or with the car sliding as argued by the complainant. The vehicle is shown on a dirt road in the Advertisement, it appears at all times to be in complete control and to be driven in a controlled manner.

The advertisement establishes the car is not speeding at 4s where the speedometer is displaying 70km/h while the speed sign recognition in the digital cluster of the vehicle is displaying 80km/h. This is reenforced at the 11s mark where again the speedometer is reading below the speed limit.

The advertisement does not show at any time the front or rear wheels losing traction with the car in control at all times.

Creatively the advertisement uses dynamic camera moves via a camera car and drone to promote the sportiness of the 1.6l turbo petrol engine offered on the sporty SUV.

The advertisement further uses sound to showcase its athletic ability and create an atmosphere that matches the wild child theme of the ad.

The complainant is incorrect in their statement as the car is not speeding nor does it break traction at any time. Additionally, the complaint states that the car was driving



on a country road, yet it is shown via the sign (Fig 8) that the car is operating on a private road.

Considering these factors, we respectfully submit that the Advertisement does not and could not be considered by any reasonable person to encourage or condone behaviour in breach of the Code.

Other considerations under the Code.

Kia notes that in addition to considering specific issues raised by the individual complainant, the Community Panel will also review the Advertisement in its entirety against the Code. It does not breach clause 2 of the Code.

AANA Code of Ethics not relevant for consideration

Kia notes that, under the Motor Vehicle Advertising Code Practice Note, advertisements for motor vehicles which raise issues or complaints concerning safety are to be determined according to the Code as opposed to the AANA Code of Ethics. Accordingly, Kia has not dealt with the AANA Code of Ethics in its response.

THE DETERMINATION

The Ad Standards Community Panel (Panel) was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code).

The Panel noted the complainant's concern that the advertisement depicts a vehicle speeding and sliding around corners on a dirt road.

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

To come within the FCAI Code, the material being considered must be an advertisement. The FCAI Code defines an advertisement as follows: "matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct".

The Panel considered whether the advertisement was for a motor vehicle. Motor vehicle is defined in the FCAI Code as meaning: "passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle". The Panel noted that this was a promotion for the Kia Sportage and this does meet the definition of Motor Vehicle under the FCAI Code.

The Panel determined that the material before it was an advertisement for a motor vehicle and therefore that the FCAI Code applied.



The Panel then analysed specific sections of the FCAI Code and their application to the advertisement.

Clause 2(a) - Advertisements for motor vehicles do not portray ...unsafe driving, including reckless or menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.

The Panel noted the advertiser's response that the dirt road is clearly depicted as private property and the advertisement uses dynamic camera moves and sound to create the wild child theme of the ad, and the car is not speeding and does not lose traction at any time.

The Panel first considered the speed of the vehicle. The Panel noted the advertiser response that the speedometer is displaying 70km/h, however noted that the average viewer would most likely not notice this small detail in the fleeting shot. The Panel also noted that the added engine sounds and camera movement did create an impression of speed. However, the Panel considered that there was not a clear indication that the car was travelling at a speed which would be unsafe or in excess of the speed limit.

The Panel then noted the scenes of the car driving down the dirt road. The Panel in particular noted a scene towards the end of the advertisement where the car is seen to turn slightly. The Panel noted that the sound effect at the same time as the turn is an acceleration sound, and that the camera moves quickly away towards the front of the vehicle. The Panel considered that the sound effect and camera movement create the impression that the car may have turned quickly, but that there does not actually seem to be any loss of traction.

Overall, the Panel considered that the driver was shown to be in control of the vehicle at all times and the driving in the advertisement was not unsafe, reckless or menacing driving that would breach the law.

Clause 2(a) conclusion

The Panel considered that the advertisement did not breach Clause 2(a) of the FCAI Code.

Conclusion

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