



# Case Report

1	Case Number	0429/16
2	Advertiser	Volkswagen Group Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

- Other Social Values
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a couple in the front seat of a car with a young girl in the backseat. The couple have conversations which they wouldn't usually have in front of the girl. This includes them commenting that the girl wouldn't notice them replacing her pet goldfish with another one and that her artwork is 'not a keeper'. They also show the girl sitting in her school uniform as the father arrives at work and the parents enjoying ice-cream without sharing with the girl. The tagline is 'Easy to forget it's a family car'.

## THE COMPLAINT

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

*Considering the amount of child abuse and neglect that is prevalent in our society these days should we really be using neglect of a child in a so called amusing and dismissive way just to sell a car? I find this ad very offensive.*

*The advertisement is extremely disturbing considering the amount of children that have accidentally been left in vehicles and have been seriously injured or have died as a result.*

*I object to the segment where the father is getting out of the car to rush to a meeting and leaving his daughter in the back seat, in a carpark.*

*Scene within the advertisement depicting the child being left alone (presumably in a locked car, in a car park) because the father forgets she is there. Since there are numerous incidents of serious injury or death as a result of these sorts of incidents, I do not feel it is appropriate to continue with this promotion, particularly heading into the Australian summer, either as a parody or an acceptance that this is acceptable.*

*The slogan "easy to forget it's a family car" plus constantly implying that they are forgetting their child and leaving her in the car is incredibly inappropriate when so many children have died this year from their parents leaving them in hot cars. Are we telling people now that it is ok to leave your kids in the car?*

*Seriously what's wrong with these people!!! There's such a huge danger of forgetting that your child is in the back seat of your car and they are boiled alive (especially in Australia heat), yet this ad prides itself on the fact that you'll forget your kid is even in the car! I have a brand new 4 week old baby; this ad is appalling and disturbing.*

*This implies that you will be so caught up in enjoying the car that you will forget your responsibilities/ family. There have been so many cases recently of children dying after having been forgotten and left in cars. Parents need to be more vigilant these days with all the distractions they face, not reckless like the parents in the advert.*

*One VERY concerning scene shows the father in his car on his phone, presumably in his office underground car park & talking about going to a meeting, showing the young girl in the back seat still. It doesn't seem that any other adult is in the car just the girl & her Dad. After so many tragic deaths of children who have been FORGOTTEN & HAVE DIED after being left in cars after their parents have been so busy thinking about other things, I was extremely concerned that is what appears to be happening. The other scenes are quite funny that the parents talk about the girl in the back seat forgetting she is there, but THIS PARTICULAR SCENE is extremely concerning!! I would appreciate feedback on this please.*

*It is in such bad taste to make fun of FORGETTING YOUR CHILD IS IN A CAR!!! Children regularly die or are permanently disabled when parents/carers forget they've got an infant in the car with them and they're left all day in roasting temperatures, cooking their brains. In each advert there's at least 3 different scenes where the parents forget their child is in the car with them, on one occasion where the father is late for a board meeting and his daughter is in the back of the car and folds her arms in disgust when he goes to leave her behind in the car while he goes off to work. This is EXACTLY the scenario where at least 2 infants have died in the last 5 years. To turn that into humour to sell a car is in the worst possible taste and is so very offensive to the families of those deceased infants. Making fun of their pain.*

*This brutally insensitive to the cases where young children have been forgotten in the back seat of the car and the child has sadly died. They even show the father rushing to meeting at work and forgetting the girl is in the car.*

*The advertisement seems to be making this as a humorous, even light hearted case.*

*Completely in contrast to the tragic cases where children (and pets) have died.*

*This is very poor tastes*

*Babies and toddlers have truly been forgotten in cars and have died. Numerous organisations and awareness groups are campaigning for parents to REMEMBER their child is in the car, to save lives and this ad ridicules this work. It's not a 'funny' issue.*

*The parents are implying they have forgotten their child is sitting in the back seat. i.e. holding conversations about their daughter as if she isn't in the car. One part of the ad has the father talking on the phone about a business meeting leading the viewer to believe he has dropped his child off at day care/school. Sadly this has happened in real life with children left to die in the car because their parent has been preoccupied with other aspects of their life. I would think this ad would be very distressing for anyone who has sadly lost a child this way.*

*I object to the fact they forget their daughter is in the back seat. Unfortunately too many families have actually lost their children from children being left in the car and forgotten. This is a terrible message to be sending to the consumer. Please have them remove the add especially in the lead up to warmer months when leaving a child in the car for even a few minutes can be so dangerous.*

*I object due to the deaths of babies and young children in cars after being forgotten by their parents.*

*It's in poor taste.*

*It also shows parents being neglectful repeatedly.*

*Children are regularly legitimately forgotten about in cars. Last summer a massive campaign was run drawing attention to the danger of this, with consequences for the child including death or permanent disability. There are families and parents who are living with the lifelong consequences of actually forgetting a child in the back of their car. It is in really poor taste to use the 'comedic value' of this scenario to sell a product.*

## **THE ADVERTISER'S RESPONSE**

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

*In relation to section 2 of the AANA Code of Ethics, the advertisement does not portray people or depict material in a discriminatory manner. There is no sexual appeal which is exploitative and degrading of any individual or group of people. There is no portrayal of violence in anyway whatsoever. There is no sexuality or nudity in the advertisement. There is no inappropriate language used in the advertisement.*

*In relation to concerns that the advertisement may be contrary to health and safety, we respond as follows:*

*-The advertisement clearly makes use of humour and quite obvious exaggeration regarding everyday situations with children in the car.*

*-The child in the advert is never shown as being left alone in the car and is with an adult at all times and in all scenes.*

*-At no point does the child appear to be in distress, and much of the focus of the advertisement is put on the humour of the child's reactions to each situation.*

*-The child casted is of school age 6 years old with the intention that she is mature enough to understand and respond to the various everyday situations.*

*The tone is a light hearted play on the fact that the Tiguan doesn't feel like a family SUV and the overriding theme is that 'it's easy to forget it's a family car'.*

*The suggestion that the advertisement advocates that parents leave children unattended in cars or encourages the abandonment of children in cars is taking the literal message of the advertisement too far.*

*At Volkswagen we believe in the importance of car safety and all actors (including children) that feature in our advertising do so in a way that they comply with national laws and regulation.*

*Finally, Volkswagen Group Australia is committed to co-operating with the Advertising Standards Bureau and that any issues raised by the Advertising Standards Bureau will be addressed promptly and diligently.*

## **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 depicts the serious issue of children being left in cars and forgotten, and that it is inappropriate to make light of this issue. In particular the Board noted the complainants' concern with the scene where the father appears to be leaving the car for work having forgotten to drop his daughter off at school, at that this behaviour has led to the death of infants and children in recent years.

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

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 that the television advertisement shows a couple in the front seat of a car with a young girl in the backseat. The couple have conversations which they wouldn't usually have in front of the girl, including them commenting that the girl wouldn't notice them replacing her pet goldfish with another one and that her artwork is 'not a keeper'. They also show the girl in her school uniform sitting in her car seat as the father arrives at work and the parents enjoying ice-cream without sharing with the girl.

The Board noted that the scenes featuring the goldfish, artwork and ice-cream were humorous and light-hearted. The Board noted that in each of these scenes at least one of the parents was still in the car with the girl and there were no health and safety concerns present.

The Board noted in particular the scene where the girl was in a school uniform in the back-seat of the car and the father was on the phone, talking about being in a meeting soon and turning to open the door of the car.

The Board noted that while the father is seen taking off his seatbelt and turning to open the door, we do not see the father actually leave the car. The Board also noted that the child appears to be old enough to remind her father she is there, or to get herself out of the car seat and car.

The minority of the Board considered that this scene undermined the very important message that children should not be left in cars, and that making light of this serious issue went against prevailing community standards on health and safety.

The majority of the Board acknowledged the high level of community concern around this issue but considered that in this instance this advertisement did not encourage or condone children being left in vehicles. The majority of the Board considered that in the context of a humorous and light-hearted advertisement, where the child was not seen to be left alone in the car and was old enough to exit the car on her own, the advertisement did not depict material contrary to prevailing community standards on health and safety.

The majority of 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.