



## Case Report

1	Case Number	0442/12
2	Advertiser	KIA Automotive Australia
3	Product	Vehicle
4	Type of Advertisement / media	TV
5	Date of Determination	28/11/2012
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Mother is vacuuming a child's bedroom. She finds a series of drawings - all of them feature Dad and the kids and the new Sorento. Scenes then show Dad and the children enjoying time together in the new car. The words 'Expect a little Fathertism' appear on the screen. The advertisement finishes on a shot of the Sorento and then to the Kia logo.

### THE COMPLAINT

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

*I find this advert offensive because I believe it is depicting parental alienation, this where one parent exclude or turns the children against the other parent. The expression on the girl's face when she closes the door to the mother and effectively shuts her out shows this clearly in my opinion.*

*Parental alienation commonly happens in situations of domestic violence and this in itself makes the advert inappropriate, further I think that showing such behaviour on television makes it 'acceptable' in the eyes of society.*

### THE ADVERTISER'S RESPONSE

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

*Kia Australia would like to reassure the ASB that it takes very seriously the Code of Ethics as outlined in the AANA. Please see following a response to the complaint made under Section 2 and 3 of the Code.*

*Addressing Section 2.1 of AANA Code of Ethics – Consumer Complaints*

*Section of the Code to be addressed:*

*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*

*Response:*

*The Fathertism commercial was developed using exaggeration and humor as a technique to talk to Fathers who may consider purchasing a new Kia Sorento. Kia does not believe that Fathers will actually receive any beneficial treatment as a result of this commercial. The objective of the commercial was to have a light hearted approach to the typical Australian family dynamic. We do not believe that we are discriminating or vilifying the mother in the commercial rather we are presenting the Father as a hero in a humorous way.*

*The following legal advice was received from Anisimoff Lawyers regarding the ‘Fathertism’ commercial prior to production commencing.*

*“The concept of "Fathertism" as outlined in the scripts will be acceptable provided it is presented in an over the top, cheeky and light hearted manner that is obviously not meant to be taken seriously. It will be particularly important for the mother character to play her reactions up so that she is confused or annoyed, but not obviously seriously hurt by her treatment”*

*We believe we have adhered to the advice received from Anisimoff in the production of the ‘Fathertism’ commercial.*

*Addressing Section 2 of the AANA Code – Advertising of Marketing Communications to Children.*

*Section of the Code to be addressed:*

*Definition of Marketing to Children as outlined in the AANA Code:*

*“Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for product”*

*Response:*

*Based on the following points Kia does not believe this commercial comes under the AANA’s provision for marketing to children.*

*1. The super that appears at the end of the commercial states ‘Expect a Little Fathertism’. This is clearly directed at the father and is the basis for the entire commercial.*

*2. The product being advertised is a \$50,000 4WD. This does not represent a product that could reasonably be attained by a child.*

*3. The media target as set by our media company (Initiative Media) was to purchase media that reached Fathers with 2 children or less and that will be buying a new car in the next 4 years.*

*Based on the above points we believe Kia would not be considered as Marketing to Children under Section 2 of the AANA Code - Advertising of Marketing Communications to Children and therefore is not in breach of the code.*

*We would like to stress that Kia Australia takes very seriously any complaint received and fully supports the efforts of the regulatory bodies in enforcing the Code of Ethics.*

## **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 complainant’s concerns that the advertisement is discriminatory in its treatment of mothers.

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 features children showing their father favouritism because he has bought a Kia and takes them for drives in it.

The Board noted the complainant’s concerns about the way the mother in the advertisement is treated: a bedroom door is closed in her face by her daughter because the father is reading a story to the children; the mother finds a painting of the father, children and car but not of her.

The Board noted the light hearted tone of the advertisement and considered that the suggestion that children would favour their father based on the car he has chosen is depicted in a manner which is humorous and does not suggest that fathers in general are better than mothers. The Board considered that most members of the community would agree that the advertisement does not encourage bad behaviour towards mothers.

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.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.