



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0447/11</b>
<b>2</b>	<b>Advertiser</b>	<b>KIA Automotive Australia</b>
<b>3</b>	<b>Product</b>	<b>Vehicles</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/11/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

A man drives an all-new Kia Rio through inner-city urban-suburbia. Driving past shops and houses, we cut between interior and exterior shots of the all-new Rio to showcase its looks and features – all of which are why our driver looks so proud of himself as he drives along. In one scene he cocks his hand at some road workers as though firing an imaginary gun.

### THE COMPLAINT

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

*During the advertisement the couple are driving around and the man is driving. As he drives toward a traffic control operative at a building site the man lowers the car window and using his hand points at the traffic control man and pretends to shoot him with his hand looking like a "gun".*

*With all the drive-by shootings in Sydney over the last couple of months I don't think this is appropriate advertisement material - young people are easily led.*

*Also my husband is in the local SES Crash Rescue Group. On occasion he uses the stop/slow sign as a traffic control operative and I would hate to think this advertisement would encourage people to harm him in any way.*

## **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, specifically Section 2.7 of the Code relating to the compliance with the Federal Chamber of Automotive Industries Code of Practice.*

*Please see following responses in relation to the specific Codes of the FCAI.*

### *FCAI Provision*

*Section 2(a) – Unsafe driving, including reckless and 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.*

### *Response based on Section 2(a)*

*The Kia Rio television commercial was filmed under controlled conditions at all times with traffic control contractors and NSW Police in attendance to ensure all rules were adhered to. At no time did the car featuring in this commercial break any road rules or contravene Commonwealth law or the law of any State or Territory.*

### *FCAI Provision*

*Section 2(c) – Driving actions which would, if they were to take place on a road or road related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation*

### *Response based on Section 2(c)*

*Whilst the driver of the car is enjoying the music played in the commercial at no time does it depict any actions that would be deemed unsafe if conducted on a road or road related area.*

### *Other Issues raised in Complaint*

*In reference to the concern raised where the driver “points at the traffic control man and pretends to shoot him with his hand looking like a gun” we would like to assure the complainant that this gesture was designed to show an acknowledgement between the driver and the traffic controller of RESPECT. This commercial and the music played (Aretha Franklin original track RESPECT) is all about a male driver in a small car gaining respect from people. The intention of the finger pointing was for the traffic controller to wave through the driver with RESPECT. In previous scenes in the commercial you can also see other actions that were designed to show respect to the driver such as the couple at the coffee shop. In that scene the driver lowers his sunglasses and nods at the male in the café. The café actor then nods back acknowledging the driver in a respectful way.*

*Kia Australia would like to stress that it strongly supports the efforts of the ASB and FCAI and goes to extensive lengths to ensure that our advertisements DO NOT depict, encourage or condone dangerous, illegal, aggressive or reckless driving.*

## **THE DETERMINATION**

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted complainant's concerns that the advertisement is inappropriate in its depiction of a man pretending to shoot a traffic controller.

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

The Board noted Section 2.2 of the Code which requires that 'advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.'

The Board noted that when the driver of the Kia cocks his finger the traffic controller acknowledges him by changing the traffic signal from 'Stop' to 'Go'. The Board noted that the action of the driver is arrogant and not aggressive and considered that the overall tone of the scene, and of the advertisement in general, is humorous.

The Board determined that the advertisement did not breach Section 2.2 of the Code as it does not depict or condone violence.

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