



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0495/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Volkswagen Group Australia Pty Limited</b>
<b>3</b>	<b>Product</b>	<b>Vehicle</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/11/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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:

*One segment portrays a father pulling into a parking garage and receiving a message about a business meeting which causes him to jump out of the car and abandon the little girl in the car. Given the recent tragedies that have occurred around this very topic I feel that this small segment in a very good and funny ad does not meet the standard for public safety.*

## 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 complainant's 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 Pay TV 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 complaint.

