Case Report

1. Case Number :	**0304-24**
2. Advertiser :	**South Australia Police**
3. Product :	**Community Awareness**
4. Type of Advertisement/Media :	**Billboard**
5. Date of Decision:	**11-Dec-2024**
6. Decision:	**Dismissed**

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features a crashed car on a regional road with a driver who has been ejected from the vehicle lying close by, face down on the road. The image also features the text "Wouldn't Hurt to Wear a Seatbelt."



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The ad is a graphic and realistic depiction of a person who has been injured in a car crash.
The advert has caused some trauma to my 5 year old son who is struggling to process the graphic depiction of the injuries shown. This advert is not suitable for all audiences and the place where it is located, a billboard on a busy road with car, train and pedestrian traffic is completely unsuitable.
I can only image how this advert must affect other children and people with post traumatic stress such as returned soldiers and refugees with a history of trauma.

Shock value

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 recent communication regarding a complaint against our recent Seatbelt campaign under:

2.3 Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The complaint is not relevant to the AANA Code for Advertising and Marketing Communications to Children, the AANA Food and Beverages Marketing and Communications Code or the AANA Wagering and Advertising and Marketing Communications Code.

Regarding the remaining sections of Section 2 of the Advertiser Code of Ethics:

2.1 Discrimination or Vilification\Age

- *The commercial does not discriminate against any group or individual.*

2.2 - Exploitative and degrading

- *The commercial does not employ sexual appeal in any manner.*

2.4 - Sex, sexuality and nudity

- *There is no depiction of sex, sexuality or nudity in the commercial.*

2.5 – Language

- *No language is used that could be considered strong or obscene.*

2.6 - Health and Safety

- *The commercial does not depict any unsafe behaviour, other than that which is seeks to address, nor does it encourage any unsafe behaviour.*

2.7 – Distinguishable as advertising

- *Each element of the campaign is in traditional commercial formats and branded with the SA Government and 'Think! Road Safety' logos.*

Regarding 2.3 Violence, we make the following comments.

The reasons that Governments put to market road safety public education campaigns is because of the profound impact road trauma has not only on loss of life and serious

injuries but also the impact on families, communities, first responders, economic costs and pressure on health and emergency systems.

As such it is difficult to disseminate messaging in a way that will not ever be exposed to those people who have become victims of the unacceptable situation we are trying to correct. It is never our intention to upset or cause distress to people such as the complainant or their child, but it is our intention to capture the attention of road users, challenge their attitudes, change their behaviours and ultimately reduce road trauma so that these campaigns become less necessary.

Seatbelts are a persistent concern for the road safety community.

Surveys indicate that compliance is high with around 95% of drivers/passengers using them.

Yet over the prior 5 years, seatbelt non-compliance was involved in 70 (24%) of driver/passenger lives lost and 150 (7%) of driver/passenger serious Injuries. At the same time, an average of nearly 4,000 expiations per year were issued to divers/passengers not wearing a seatbelt.

The small group that persists in not wearing seatbelts feature prominently in the population of crash trauma and have proven difficult to shift. Considering this it is necessary to continue to deliver seatbelt safety messaging to improve safety and to do so in a candid manner that cuts through, is clear and unequivocal.

There has been much research and debate concerning the best method of delivering road safety messages to gain the most traction. While there is no definitive answer, that the realistic depiction of road trauma motivates audiences to consider the reality of their actions is one popular view. South Australia road safety campaigns have used a variety of methods, including humour, statistics, enforcement, real life case studies, social shaming and the realistic imagery that has been used here.

The decision for choosing a confrontational style for this campaign was not taken lightly and was made for the following reasons.

1. *Since 2015, South Australian seatbelt campaigns have been driven by humour and a different approach was considered appropriate.*
2. *As discussed above, the non-restraint using audience are dismissive and have proven difficult to shift, suggesting a harder messaging tactic should be trialled*
3. *Recent research with audiences across a range of issues has identified a preference for messaging that expresses the reality of road safety and potential outcomes.*

Regarding point 3 above, a more confronting approach has similarly been taken with other recent campaigns such as Motorcycling and Drink Driving. The resulting awareness has been much stronger for these campaigns than what had become a standard of around 65% with Drink Driving yielding 85% and Motorcycling yielding an unprecedented 97%.

On this basis the use of graphic imagery to get the attention of the seatbelt audience was considered both necessary and likely to yield positive results.

Section 2.3 of the Code states that the violence needs to be "justifiable in the context of the product or service being advertised".

The graphic imagery depicted in this billboard is not what could be reasonably called gratuitous, exploitative, entertaining or shocking for its own sake. Its purpose is to challenge complacency and improve community well-being; an outcome that we believe is eminently justifiable. A brief analysis of the dismissed complaints submitted to Ad Standards under section 2.2 and relating to road safety provide both precedent and support for this position, including those listed below,

1.	*Case Number 0264/18*	*Transport for NSW*
2.	*Case Number 0183/18*	*Transport Accident Commission*
3.	*Case Number 0410/17*	*Transport for NSW*
4.	*Case Number 0160/17*	*Queensland Transport*
5.	*Case Number 0153/16*	*Road Safety Advisory Council*
6.	*Case Number 0286/15*	*Buckle Me Up*
7.	*Case Number 0152/15*	*Transport for NSW*
8.	*Case Number 0088/14*	*Transport Accident Commission*
9.	*Case Number 0397/11*	*Motor Accident Commission SA*
10.	*Case Number 66/08*	*Motor Accident Commission SA (Belt Up)*

The television execution of this campaign has also previously been considered under Section 2.3 and dismissed - 0066-24.pdf

Most importantly recent post campaign quantitative tracking results indicate that the campaign is having some positive impact.

- *54% of the target audience nominated that they comply with seatbelt use after the campaign*
- *Of those exposed to the campaign 81% took away an appropriate message, the highest level since 2018. Key messages were:*

  - *Seatbelts increase your safety*
  - *Not wearing a seatbelt results in injury/death*
  - *Makes you consider wearing your seatbelt*

- *Just wear your seatbelt*

We accept that not everyone will have a positive view toward our campaigns and historically, road safety campaigns can receive high volumes of informal, polarising feedback.

As a result, a question has been included in our quantitative tracking to determine if negative campaign sentiment represents a vocal minority point of view or is consistent with prevailing community standards.

Current quantitative tracking indicates that:

- *Just 4% of the core target audience thought the ads were offensive*
- *Just 2% of the public thought the ads were offensive*

It is worth noting that other members of the public have expressed support for its confrontational nature as indicated in social media responses and included in the PDF copy of this response.
While it is unfortunate that some in the community are caused discomfort by this advertisement, we hope you agree that the level of community support and important community message justifies its continuance and does not breach Section 2.3 of the AANA Advertiser Code of Ethics.

We are also sensitive to the needs of the public and can on request, publish a forward schedule of activity which will allow complainants to avoid them.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement contains graphic violence which is distressing and is inappropriate for viewers, including children.

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

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Does the advertisement contain violence?

The Panel noted that the advertisement features an image of a person who has been severely injured in a road accident and considered that the advertisement depicts graphic violence.

Is the violence justifiable in the context of the product or service advertised?

The Panel noted the Practice Note for this section of the Code which states

> "*Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code.*
>
> *The results or consequences of violence (e.g. a black eye) and audio representations of violence may also be prohibited. However, graphic depictions of violence or the consequences of violence may be justified by the community safety message involved."*

The Panel noted the advertiser's response showing the statistics and reasoning behind the use of violence in the advertisement. The Panel acknowledged that the advertisement may be distressing to young children and other viewers who may find the content triggering. However, the Panel considered that messaging around the importance of wearing seatbelts is important for all people who travel in vehicles, including children. The Panel considered that the violence in the advertisement was likely to prompt important conversations and raise awareness of the importance of wearing seatbelts.

Overall, the Panel considered that the graphic violence in the advertisement was justifiable in the context of promoting the community safety message.

Section 2.3 Conclusion

The Panel concluded that the advertisement did not breach Section 2.3 of the Code.

Conclusion

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