



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0059/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Transperth WA</b>
<b>3</b>	<b>Product</b>	<b>Travel</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/02/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

Image of two nightclub-type revellers hanging upside down, with their arms crossed, like vampires. The headline on the ad reads: Get home before sunrise. The copy reads: Free late night trains at 2.15am and 4am every Friday and Saturday night. Departing Perth and Perth Underground stations.

### THE COMPLAINT

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

*Trains are used by people of all ages. Images of vampires are not appropriate for young children. I do not wish my 2 year old son to see these things when we use the train. As an adult I also find such images offensive and do not wish to be confronted with them when I use public transport.*

### THE ADVERTISER'S RESPONSE

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

*I write in relation to your correspondence of 8 February 2012 in relation to a complaint received by the Advertising Standards Bureau in relation to an advertisement promoting a late night train service operated by Transperth.*

*You have asked Transperth to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics or other codes incorporated in it, such as the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code*

*Transperth is happy to respond to your request.*

#### **A DESCRIPTION OF THE ADVERTISEMENT**

*The aim of the advertisement is to let young revellers know about a new late night train service departing the city at 2.15am and 4am on weekend mornings. The new timetable will help these people get home safely, instead of being stranded in the city waiting around in the early hours for a cab. The benefit is the revellers will get home before sunrise.*

*This premise led to the creative execution which is the subject of the complaint. It is a poster featuring two young people hanging upside down. Their eyes and teeth have been altered to give the impression they are modern day vampires, like the characters portrayed in the popular Twilight or Vampire Diaries TV series.*

*These mythical vampires traditionally do not like daylight, so the 'vampire people' look happy that they'll make it home before sunrise. The headline states: Get home before sunrise. The copy reads: Free late night trains at 2.15am and 4am every Friday and Saturday night. Departing Perth and Perth Underground stations.*

*Vampires have become a part of popular culture. There are numerous examples and characters, including 'The Count' on Sesame St, The Vampire Diaries, Twilight, Zombie Hotel (on Disney) and the 2012 film Hotel Transylvania.*

*Transperth maintains that considering the target market is 18-29 year olds who party until the early hours of the morning, the advertisement is clearly not primarily directed at children within the meaning of the Code. Nor does the advertisement depict or encourage the consumption of alcohol in anyway. As a result, in Transperth's view, neither the Code of Advertising to Children or the Food and Beverages Marketing and Communications Code apply*

*Transperth believes the part of the code relating to the complaint is section 2.3. However, we will address each section separately.*

#### **VAMPIRE EXECUTION**

*The image used in the Advertisement is of young revellers hanging upside down, in a manner associated with vampires. At the time the posters were created, The Vampire Diaries and the vampire-themed 'Twilight' series were gaining a lot of media attention and our aim was to use this momentum to tap into our demographic by providing an image that was relevant to their interests.*

*Vampires are known to dislike sunlight. The late night train service being offered by Transperth would ensure young revelers would be getting home before sunrise. The vampire-style execution was decided upon as a result. The headline on the poster reads: 'Get home before sunrise.'*

#### **Section 2 Consumer Complaints**

*2.1 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.*

*We do not believe the poster contravenes section 2.1. No one is being discriminated against.*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*We do not believe the poster contravenes section 2.2. No one is being sexualized, exploited or degraded. Both the key characters in the ad look happy.*

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

*We do not believe the poster contravenes section 2.3. Transperth believes the image in the Advertisement has a low visual impact in relation to violence. There is no actual depiction of violence and no insinuation that violence is about to occur. In addition, the crossed arms pose is submissive and not aggressive. Neither character looks concerned or distressed. Transperth believes the image of the advertisement is justified by the target audience it was intended for.*

*In Case Report 0401/10, the Advertising Standards Bureau considered a poster depicting two vampire men and a woman with her head tilted back. One of the men appeared to be licking the neck of a woman. The other had his mouth open but was not touching the woman. The advertisement contained the words: Love sucks. The ABS deemed this image was not in breach of Section 2. Transperth believes the image used in its advertisement is far tamer.*

*2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*We do not believe the poster contravenes section 2.2. No sexuality or nudity is seen or suggested.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*We do not believe the poster contravenes section 2.5. The language is appropriate. There is no obscene language.*

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*We do not believe the poster contravenes section 2.6. Vampires are fictional characters. They are known to hang upside down. It is one of their defining characteristics. A vampire theme was chosen for the execution because it was relevant to the product and the target audience of party goers aged 18-29.*

*As a result of the above, Transperth believes the Advertisement is not in breach of the Code.*

## **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 contains images of vampires which are frightening and inappropriate to be viewed by children.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted the advertisement features young people dressed as vampires hanging upside down from the roof of a railway station platform. The Board noted the advertiser's response that there is no actual depiction or suggestion of violence in the image and considered that the depiction of vampires in the advertisement is relatively discreet as although the vampires have the identifying features of fanged teeth and luminous eyes there is no blood and they are smiling in a non-aggressive or threatening manner.

The Board considered that most members of the community, including children, would not find this image too frightening or inappropriate. The Board noted that the image is relevant to the message of the advertisement that there are free night trains available in order to help you get home before sunrise and considered that the advertisement does not present or portray violence and is not inappropriate for a broad audience.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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