



## Case Report

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| <b>1</b> | <b>Case Number</b>                   | <b>0013/11</b>                           |
| <b>2</b> | <b>Advertiser</b>                    | <b>Motor Accident Commission SA</b>      |
| <b>3</b> | <b>Product</b>                       | <b>Community Awareness</b>               |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Radio</b>                             |
| <b>5</b> | <b>Date of Determination</b>         | <b>09/02/2011</b>                        |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Upheld - Modified or Discontinued</b> |

### ISSUES RAISED

2.5 - Language      Use appropriate language

### DESCRIPTION OF THE ADVERTISEMENT

15 second radio commercial in which a young girl wonders why the listener doesn't bother to wear a seatbelt, culminating with the question ""Because you can't be f\*\*\*ed?"" , with the rude word 'bleeped'.

### THE COMPLAINT

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

*One of the excuses given by the girl doing the voice over is that "you couldn't be f\*\*ked" which, even when censored, shouldn't be played during the middle of the day. Radio stations will generally warn listeners if songs they're playing contain offensive language, but there are no such provisions for advertisers. To be asking what sounds like a young girl to read that out in the first place is in itself quite distasteful. I understand that the Motor Accident Commission attempts to shock listeners as a means of ensuring they obey the law and wear seatbelts, but this particular ad goes too far in my opinion.*

### THE ADVERTISER'S RESPONSE

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

*The reasons for choosing not to use a proven life saving device are perplexing. In South Australia, overall restraint use is high with over 95% of occupants being correctly restrained when travelling. However generally around 30% of vehicle occupants killed and 20% of those seriously injured were not wearing a restraint, highlighting the major presence a minority behaviour has in the road trauma population. In 2009 alone, there were 25 fatalities, 52 serious injuries and 155 casualties involving unrestrained persons.*

*In light of these alarming statistics, MAC continues to seek new ways to address this issue. In an endeavour to understand these complexities more thoroughly, MAC undertook research amongst our target audience of non-seatbelt wearers in order to better understand their reasoning and tailor our messages.*

*Relevant insights from this research included an array of excuses used not to wear a seatbelt and an admission of laziness as another. As part of the overall campaign strategy, a suite of 9 radio commercials were produced with each one addressing an issue unearthed in research. One of these addressed the issue of laziness and is the execution that has been addressed in this complaint. This commercial has been running in this campaign since December 2009. MAC understands that in its un-censored state, the inferred word may be considered offensive to some individuals in the community although its increasingly ubiquitous appearance in mainstream media suggests that current prevailing community standards have changed with regard to its use. With regard to its use in our commercial, we make the following comments.*

*- the word was censored.*

*- its inclusion was intended to cut-through and engage with an often cynical and difficult to reach audience.*

*- its inclusion reflects the common parlance of the audience we are trying to influence.*

*- the radio industry is self-regulating. Individual stations made decisions, accepted by MAC, with regard to running the commercial. This included restricting its time of day, no restrictions and in some instances, not playing it at all.*

*With reference to the comment that it is distasteful to ask a child to read such a line, MAC wishes to point out that the script the child read from used the word 'fire-truck' that, when 'bleeped', allowed the listener to make a natural assumption about the true intention of the script. The child was under parental supervision. As originally conceived, the radio series was to be read by an adult male, but during creative development the voice of a 'driver's daughter' was found to generate an additional chilling sense of what was at stake when people behaved inappropriately on the roads and highlighted the childish decisions often made by adults. For this reason it was decided to pursue what we thought would be a controversial but more importantly, impactfull radio commercial.*

*We hope you agree that this commercial is one component of an overall campaign designed to attack a serious issue and has been accepted by the South Australian radio industry subject to their individual policies.*

## **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 features inappropriate language.

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

The Board then considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board noted that this radio advertisement lists the common excuses used by people for not wearing a seat belt when in a vehicle, and that the child's voiceover gives one excuse as, "you couldn't be f\*\*\*ed".

The Board noted the advertiser's response that the child was asked to read the word "fire truck" and that they beeped out the middle of the word to increase the impact on the listener and shock them in to taking in the message of the advertisement.

The Board noted that this advertisement is played on the radio and therefore is available to a wide audience. The Board noted that although the word is beeped out, the inference to a strong swear word is clear. The Board considered that most members of the community would consider a child saying 'fucked' was not appropriate. The Board considered that the inferred word as well as the child's voice reading it makes this inappropriate in the circumstances.

The Board noted the important public health and safety message that the advertisement is attempting to convey, however the Board considered that the use of language in the advertisement was inappropriate in its use of a child's voice and was strong and obscene, and determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement breached Section 2.5 of the Code, the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

MAC acknowledges the decision of the Board in respect to complaint 0013/11.

The seatbelts campaign in which this radio execution appears is not currently in market and was not in market at the time of our response. However, we will withdraw it from the campaign and ensure it does not appear in future activity.

MAC's agenda to change the attitudes and behaviours of specific audiences with regards to perennial issues such as seatbelt compliance is a challenging one. We are committed to exploring new and innovative ways to approach life endangering human errors and violations that have often been the subject of exhaustive communications over many years. As such, we accept that we will at times push boundaries and challenge audiences. We consider this radio execution an example of this and in consideration of the anecdotal feedback received from

the very target we intended to engage are disappointed to remove a seemingly effective element from this conversation.

We also respect the importance and process of self regulation in the advertising industry and agree to abide by the Board's decision given fair hearing of our case.