



ADVERTISING
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Case Report

1	Case Number	0026/14
2	Advertiser	Transport for NSW
3	Product	Community Awareness
4	Type of Advertisement / media	Cinema
5	Date of Determination	12/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The Cinema Advertisement depicts two young males in a pub discussing if they will be driving home, having already had a few drinks. The ad shows various options that one of the males considers as he contemplates alternatives to driving home. The options are imagined by the male in a dream or fantasy sequence. The imagined options include both practical means of travelling home, such as catching a taxi, train or bus or staying on a mates couch, and unrealistic options such as being fired in a canon.

THE COMPLAINT

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

One Plan B option presented was a women wearing a necklace with the words "Plan B" around her neck. The advertisement implies that having sex with the women is a better alternative to driving when drunk. This denigrates women in general and specifically implies that "picking up" is an appropriate "fall back" position to finding alternative transport home. The image of the women's availability (as portrayed by the "Plan B" necklace) is completely derogatory towards women.

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 letter dated 20 January 2014, concerning a complaint received by the Advertising Standards Bureau (ASB) in respect of Transport for NSW's (TfNSW) cinema advertising commercial, "Drink Driving – What's your Plan B?" (the Cinema Commercial). The complaint cites as the complainant's concern:

"One Plan B option presented was a woman wearing a necklace with the words "Plan B" around her neck. The advertisement implies that having sex with the women is a better alternative to driving when drunk. This denigrates women in general and specifically implies that "picking up" is an appropriate "fall back" position to finding alternative transport home. The image of the women's availability (as portrayed by the "Plan B" necklace) is completely derogatory towards women."

The Cinema Commercial was developed as part of a major road safety campaign by the Centre for Road Safety, within TfNSW, a statutory authority of the NSW Government. The campaign seeks to target drink driving with a particular focus on drink driving by young male drivers, a group over-represented in the road safety statistics on alcohol related crashes.

For the reasons set out below, TfNSW considers that the Cinema Commercial:

- accords with prevailing community standards and is appropriate for the relevant audience and its public purpose; and*
- is not in breach of section 2, or any other section, of the Advertiser Code of Ethics.*

Background to the Cinema Commercial

The Cinema Commercial, communicated via cinema advertising, forms part of a major road safety campaign, called the "Drink Driving – What's your Plan B?" campaign.

The 60 second Cinema Commercial was launched on 8 December 2013 in metropolitan areas and 15 December in regional areas. It is intended to serve the public purpose of communicating the need to have a "Plan B" to get home safely from a night out. It is about making positive choices and highlighting that driving is not an option.

Drink driving continues to be a significant road safety issue. In 2011, there were 70 deaths and 1,182 injuries attributed to drink driving in NSW.

While the campaign was designed to reach all drivers, it recognizes that the overwhelming majority of drivers involved in fatal crashes where an illegal level of alcohol is a factor are male. In 2011, 62 out of 64 drink drivers (or 97%) killed were men.

The Cinema Commercial was developed to reach and resonate most strongly with young male drivers who are over represented in all alcohol related crashes. In 2011, male drivers between 17 and 39 years old made up 64% of drink drivers in fatal crashes. Young male drivers are the target audience for the campaign in general and the Cinema Commercial.

During the development of the "Plan B" campaign, including television, digital, outdoor, in-

venue and radio advertising, research showed the campaign tested well among both men and women.

Although touching on a very serious issue, the Cinema Commercial seeks to use humour to get the message across in a positive way designed to engage the Target Audience in conversation about the topic.

The NSW Minister for Roads and Ports, the Hon. Duncan Gay MLC, stated in a media release of 19 August 2012 (the launch of the campaign) that the creative Plan B options shown “are part of the humorous and positive approach we have taken for this campaign which aims to speak to young people on their level”.

There is however a clear message in the advertisement – if you drink and drive you run the risk of being breath tested by police, arrested and lose your licence (linked to the campaign catch phrase, “RBT means you need a Plan B”).

A range of legitimate Plan B options are promoted in the Cinema Commercial (such as catching a taxi, bus or train, staying at a mates house or in a motel room) and as part of the overall campaign. The key messages on bus and taxi back advertisements are designed to encourage people to consider using these transport options as their Plan B (for example, by using the message, “Is this bus your Plan B?” and “Is this taxi your Plan B?”). These options are presented as better than the alternative – to drink and drive and face the consequences.

The campaign is intended to be effective in achieving its road safety aim as it:

- offers a more positive prevention message;*
- uses humour to engage the target audience and to create cut through and talk-ability;*
- challenges the belief with the target audience that drinking and driving is justified;*
- highlights that drinking and driving is not an option;*
- gives the „Plan B? term in the vernacular a powerful new meaning; and*
- engages the target audience in conversation.*

The Cinema Commercial

The 60 second Cinema Commercial depicts two young males in a pub discussing if they will be driving home, having already had a few drinks.

The Cinema Commercial depicts the various options that one of the males considers as he contemplates alternatives to driving home. The options are clearly depicted as images imagined by the male in a dream or fantasy sequence. The imagined options include both practical means of travelling home, such as catching a taxi, train or bus or staying on a mates couch, and obviously unrealistic options intended to be humorous to and to engage the target, young male, audience.

It communicates the need to have a “Plan B” option to get home in a way that the Target

Audience finds desirable and does not necessarily reflect reality. The voiceover reinforces this through the tactical line that “Some Plan B”s are smarter than others”.

The relevant audience would understand that the humorous options are not presented as options intended to be seriously considered as options to travel home.

Response to the complaint

TfNSW takes compliance with the Code very seriously and has considered the complaint against the terms of the Code and in particular section 2.2 of the Code:

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

For the reasons below, TfNSW does not consider that the Cinema Commercial breaches the specific terms of the Code, including in particular section 2.2, and consider that the it accords with prevailing community standards.

The elements of the Cinema Commercial complained of are presented in a dream/fantasy sequence in a light hearted manner which is clearly intended to be humorous and not to be considered appropriate transport options.

The Cinema Commercial does not include, either generally or in the specific sequence of images complained of, any elements which could be considered to be strongly sexualised. The woman in the sequence of images complained of is presented in an attractive manner and any implication of sexual innuendo is mild, light hearted and likely to be perceived as inoffensive to the relevant audience.

The use of the Plan B necklace is clearly presented as a humorous element in that sequence and not intended, nor likely to be perceived, as a serious representation. The woman herself is presented in a mixed social setting, stylishly and with a confident manner, and not in any way which is overly sexualised, exploitative or degrading.

Although the humorous aspects of the Cinema Commercial may not appeal to every member of the audience, it provides a clear and important message, if you drink, you must have an alternative to driving home rather than drinking and driving.

The “relevant audience”

The Practice Note to the Code provides that the relevant audience ‘is the audience that the advertiser intends to see the marcomms’. The sole intention of the Cinema Commercial is to convey an important public safety message to the target audience of young male drivers.

The Practice Note to the Code further provides that ‘the Board shall have regard to the audience or readership composition data for the relevant audience’ when determining the relevant audience.

TfNSW relied on Roy Morgan media consumption data considering six media channels and how best to reach the 17 - 39 NSW demographic through media. This data indicated cinema was one of the key channels with the heaviest consumption and in turn offers the best opportunity to reach the target audience.

Section 2.2 avoidance of sexual appeal which is exploitative and degrading

As part of the “Plan B” drink driving campaign, the Cinema Commercial is about making positive choices to get home safely after a night out and highlights that driving is not an option. A humorous and positive approach has been taken to seek to engage the target audience.

The Cinema Commercial is not overly sexualised or lacking sensitivity in relation to using sexual appeal. No elements could be considered to be strongly sexualised.

The portrayal of a young woman wearing a “Plan B” necklace is just one of a range of sequences presented within the advertisement depicting unrealistic and humorous alternatives to driving home which are intended to engage the target audience.

The use of both humorous and ridiculous options, set within the young male’s imagination, is relevant and appropriate to help achieve this aim by engaging this audience in the message. The audience would understand the options are part of a fantasy and would not perceive the options as reality, realistic suggestions or intended to be seriously considered.

The Cinema Commercial was designed to be entertaining, noticeable and impactful. The inclusion of humorous or ridiculous “Plan B” options within the commercial is deliberate in order to encourage the Target Audience to engage in conversation about their Plan B option.

The sequence portraying a woman wearing a “Plan B” necklace is clearly portrayed and intended to be perceived as one of the humorous sequences within the Cinema Commercial.

While the woman is depicted in an attractive and appealing way, the presentation in the context of the Cinema Commercial is humorous and light hearted.

The sequence is set in a mixed social environment, relevant to the pub setting of the Cinema Commercial, and none of the images of the woman would be perceived to be exploitative or degrading in any way; on the contrary, the portrayal is of a stylish and confident woman. The use of a Plan B necklace is clearly presented as a humorous element in the sequence and is not likely to be perceived as seriously implying or conveying any particular message. The portrayal is intended to reach a male target audience, to assist in conveying the road safety message relevant to that group, and the humorous depiction in a pub setting is relevant and appropriate to help achieve that aim. The Cinema Commercial conveys to the Target Audience the message that drinking and driving is not an option to get home. The target audience would understand that the relevant images are part of a fantasy sequence, intended to be humorous, and not intended to be a realistic option or in any way to exploit or degrade any person.

The Board of the ASB has noted in relation to the Plan B television advertisement which, like the Cinema Commercial, shows similar fanciful methods of getting home in its Determination Summary (30/01/13) that: “The Board considered that most reasonable members of the community would recognise that the images that the man conjures up in his mind are complete fantasy. The Board considered that this humorous depiction was not overtly sexist or discriminatory toward women”.

Although the portrayal of the young woman wearing the „Plan B? necklace could be interpreted as having sexual innuendo, any innuendo is mild and it is not overt or overly sexualised.

The Cinema Commercial is only shown within the specific cinema environment and aired on movies rated “M” and “M15+” in order to specifically reach the intended Target Audience. As the Cinema Commercial is only aired at movies rated “M” and „M15+“ children are unlikely to come across the Cinema Commercial. In any event, any innuendo in the Cinema Commercial is subtle and unlikely to be understood by children.

Since launching in August 2012, the “Plan B” campaign has shown strong cut through in successfully targeting the 17-29 year old male market, the audience intended to be reached to convey the important community road safety message the campaign promotes.

TfNSW has received no other complaints or feedback expressing concerns about the sequence of images complained of in the Cinema Commercial.

Other considerations under the Code

We note that in addition to considering specific issues raised by the individual complainant, the ASB Board will also review the advertisement in its entirety against Section 2 of the Code. As the ASB Board has previously considered the content of the Cinema Commercial, other than the specific sequence of images the subject of complaint in this matter, and determined that it does not breach the Code, no further submission in relation to these matters is made. TfNSW would be happy to address on these or compliance with any other elements of the Code should the Board consider it warranted.

Please also note that TfNSW will be editing the cinema commercial to remove the sequence of the young woman wearing the ‘Plan B’ necklace before it is aired again. This footage will no longer be shown in cinema or on any other channel in the future.

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 complainants’ concerns that the advertisement includes images that are derogatory toward women.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘advertisements shall not portray 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.’

The Board noted that the advertisement features two men at a pub drinking beer when one man asks the other “so are you driving?” The young man then imagines several options for how he will get home that night rather than driving. These include traditional methods such as taxi, bus, train and walking, as well as fanciful methods such as by chariot, being fired from a canon and by teleportation.

The Board noted the complainants concern that one of the options dreamt up by the man is portrayed as an attractive woman wearing a necklace with the words “Plan B” on her chain approaching him as if going home with her is an alternative to driving home himself.

The Board noted the advertiser's response that the campaign seeks to target drink driving with a particular focus on drink driving by young male drivers. The Board considered that it is reasonable for the advertiser to use themes that they consider would attract the attention of their target audience and that scenes that portray attractive women is likely to appeal to an audience of young men.

The Board considered that most reasonable members of the community would recognise that the images that the man conjures up in his mind are complete fantasy. The Board considered that the depiction of the women with a necklace that includes the words "plan B" is clearly fantasy and in connection with the other ideas that the man imagines, is a lighthearted and humorous depiction and is not overtly sexist or derogatory toward women.

The Board noted that the advertiser had taken voluntary measures to remove this scene from the advertisement for future broadcast.

The Board noted it had previously dismissed complaints regarding a similar advertisement on television (0012/13) and considered that consistent with its determination in that case that "...the advertisement did not depict any material that discriminated against or vilified any person or section of society and that the advertisement did not breach Section 2.1 of the Code.."

The Board confirmed that, in this instance, the advertisement did not depict material that discriminated against or vilified any person or section of society and that the advertisement did not breach Section 2.1 of the Code.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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