



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0088/14
2	Advertiser	Transport Accident Commission
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Community Awareness
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

“The Cell” campaign demonstrates the impairment associated with illicit drug taking and the impact they have on a person’s ability to drive a vehicle. Depicted in the commercial is a young man in a police cell replaying the night's events and the tragic result. The commercial brings to life the effects of taking 'Party Drugs' such as ecstasy and speed, can have on one’s driving including peripheral vision, dizziness, blurred vision and loss of concentration.

THE COMPLAINT

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

I watch TV with my child and have to deal with a screaming child every time these ads come on.

They are extremely traumatising for a child.

I would expect that the main audience for Spy Kids and the main audience for this ad would have a fairly small over-lap, and it's an inappropriate time slot to show such serious and upsetting images.

Our 8yr old daughter gets to stay up and watch the first half of night games, and she is getting trautised by seeing this ad. She is starting to leave the room when a goal is kicked or

quarter/half time starts as she is worried the ad will come on. Channel 7 have been playing the ad well before 8:30 in the evening. Surely it is way too traffic for a family audience. After all, the AFL is trying to aim itself at families.

THE ADVERTISER'S RESPONSE

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

We confirm receipt of your letter regarding the advertisement complaint reference 0088/14. Please find detailed below background to the campaign development and explanation regarding to airing of this campaign during the programming highlighted in the complaints. The TAC's public education programs continues to focus on accident prevention, with the intention of reducing fatal, serious and minor causality crashes on Victorian Roads. The development of TAC's high profile education campaigns has received both acclaim and criticism over the years.

"The Cell" (CAD Number PZ4DGGOA, rated PG) was originally launched in 2008 to educate the community and in particular those who use methamphetamines, about the dangers of driving a vehicle while on illicit drugs. Research into driver fatalities in Victoria shows drug driving as a major factor in road deaths. Figures obtained from Victoria Police show that 18.5% of killed drivers and riders tested positive for THC and 5.3% tested positive for illicit stimulant/amphetamine type drugs in 2010 (most recent figures available).

"The Cell" campaign demonstrates the impairment associated with illicit drug taking and the impact they have on a person's ability to drive a vehicle. Depicted in the commercial is a young man in a police cell replaying the night's events and the tragic result. The commercial brings to life the effects of taking "Party Drugs" such as ecstasy and speed, can have on one's driving including peripheral vision, dizziness, blurred vision and loss of concentration. While the TAC acknowledges that some members of the public find this campaign particularly confronting, it is a critical component to our behaviour change public education program.

The drug use depicted in this commercial is appropriate for the context and the crash scenario was reviewed and approved by the Victoria Major Collision Investigation Unit. However, we note the three complaints mentioned the placement of "The Cell" during the film "Sky Kids". While the TAC takes all possible care to not place our commercials within programming that may offend the community, and in particular during films that may attract a younger audience, we understand a late decision was made by the network to reschedule programming. We have investigated this with the Victorian Government appointed media agency Mitchell and Partners. They have advised the "The Cell" was included in PG rating timeframes.

As explanation to this occurrence, "The Mask" film was scheduled to appear on Saturday the 8th March 18.30 until 22.30, however this was replaced by the network at late notice with the film "Spy Kids", which we understand has a younger target audience. The media and TV spot schedule provided by Mitchell & Partners was confirmed by the TAC on the basis that "The Mask" was going to air.

We understand that these complaints have been made under Section 2 of the AANA Code of Ethics & Section 2 of the Code incorporating Advertising and Marketing Communications to Children, however given the rating classification of the commercial we believe that these complaints whilst concerning, are not completely justified given the TAC made every effort to

air it's campaign during approved Free TV classification timings. Although, the TAC is cognisant of the fact that family viewing habits are changing and that the secondary digital channels are prone to last minute programming changes. As such we have instructed Mitchell and Partners, to brief networks to not show this campaign in any child/family friendly programming in the future.

We trust that the above addresses your concerns and you appreciate that every effort has been made by the TAC to address this in the future. We ask this matter can be excused as our campaigns are critical in tackling road user behaviour and ultimately reducing the level of trauma on Victoria's Roads.

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 depicts graphic material which is traumatising for children to view.

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 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 that the advertisement features a man in a police cell having flash backs to when he took drugs in a night club and then drove home and hitting a pedestrian.

The Board noted that it had previously dismissed similar advertisements for the same advertiser in case 0170/12:

"The Board noted that the visual of a man's neck breaking is accompanied by a sound effect and considered that whilst this may be confronting and alarming to viewers, including children, the community message being delivered in the advertisement was extremely important and that the target audience for this advertisement would relate to the advertisement."

And case 0336/12 where:

"The Board noted that in this instance, the visuals of the woman being hit by a car may be confronting and alarming to viewers, including children, but considered that the community message being delivered in the advertisement was extremely important..."

In the current advertisement the Board noted that the CAD rating was 'PG' and that whilst the advertisement had been correctly placed in a PG timeslot, the movie played was directed at a PG audience with a younger target audience which was not the intention of the advertiser. The Board noted that the advertiser has responded to say they have taken steps to ensure that the PG programming the advertisement is placed in is not the family friendly PG time slots in

future.

Notwithstanding the placement of the advertisement in a PG timeslot aimed at a family audience, in the Board's view the advertisement is conveying an important road safety message which is not inappropriate for children to view. The Board noted the scene where the pedestrian is hit by the car and considered that the level of violence in presenting a reasonable graphic depiction of a pedestrian being struck by a motor vehicle is not inappropriate in the context of the road safety awareness campaign.

Based on the above 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 complaints.