



## Case Report

1	Case Number	0152/15
2	Advertiser	Transport for NSW
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.3 - Violence Graphic Depictions
- 2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

A professor was filmed in his customary location, surgery, talking directly to the camera. Dr Owler presented a simple questionnaire with two potential responses for each question. He appealed to the rational side of the viewer's brain and while only one response was desirable, the neurosurgeon had too often dealt with the damage caused by the alternate answer.

### THE COMPLAINT

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

*It's offensive to think that the Government has such a moronic point of view which encourages people to not only disregard responsible driving but choice to elect moronic options for the Government and legal facilities.*

*They should be arrested for promoting criminal activity!!*

*I have worked as a nurse in ED and am not squeamish but the content of the speech is speaking of Trauma and unnecessary on adverts - I'm sure there was families watching who have lost people in accidents who feel stressed with it  
Also with behavioural change it has been shown shaming and condescending tones do not*

*change behaviour - aka Walter miller research*

## **THE ADVERTISER'S RESPONSE**

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

### *The complaint*

*Transport for NSW takes compliance with the Code very seriously.*

*We consider that the Television Commercial:*

- 1.Does not portray people or depict material in a way which discriminates against or vilifies a person on account of account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief;*
- 2.Does not employ sexual appeal at any time;*
- 3.Does not present or portray violence in any form;*
- 4.Contains no references to sex, sexuality and does not contain any nudity;*
- 5.Uses appropriate language; and*
- 6.Does not depict any material contrary to Prevailing Community Standards on health and safety.*

*While it is accepted that the content is confronting it is intended to convey realistic outcomes of the effects of unsafe motor vehicle driving behaviour, as witnessed first-hand by Dr Owler. Consistent with other advertisements in the "Don't Rush" campaign, the Television Commercial reminds the relevant audience of the consequences of their decisions when driving and that those consequences may impact on the lives of others.*

*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 Television Commercial is to convey an important public safety message to drivers age 18+ in NSW which form the Target Audience.*

*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. Transport for NSW relied on Roy Morgan media consumption data considering seven media channels and how best to reach the target demographic through media. This data indicated television, internet / online video and cinema as having the heaviest consumption and in turn offers the best opportunity to reach our core demographic.*

## **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 features a scenario with a surgeon outlining consequences for potentially unsafe driving practices and that the graphic descriptions are alarming, inappropriate and ineffective for viewers.

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 that the advertisement features a surgeon (Dr Owler) in a hospital theatre

room talking to the camera and providing multiple choice questions and answers regarding how the viewer can choose to drive more safely. The advertisement ends with Dr Owler stating that “too often I see the trauma when drivers get it wrong.”

The Board noted that the advertisement is targeted toward road users over the age of 17 years who may choose to rush to get to places and events without thinking of the possible consequences for themselves and others if road accidents were to occur due to the rush to arrive.

The Board noted that in comparison to previous advertisements about road safety for this advertiser, (0336/12, 0088/14 and 0352/09) the visuals of the surgeon standing in a hospital theatre room is very mild in overall impact where other advertisements have used more graphic depictions of accidents taking place and the trauma after an accident.

The Board noted that there are no images of patients actually on the theatre table or being brought into the hospital.

The Board noted that the advertisement was given a “P?” rating by CAD and in the Board’s view the advertisement presents a discussion of violent consequences in a manner that is justifiable in the context of the product being advertised.

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

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board considered that the discussion of the potential horrific outcomes of speeding and having an accident as presented by the Doctor may be confronting and alarming to viewers, including children, but considered that it was realistic and in the interests of community safety that this message reach the target audience.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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