



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0152/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Road Safety Advisory Council</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/04/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows an x-ray of a broken spine with audio that says: "Driving even a little over the speed limit can cause a lot of damage. Slow down, because speeding shatters lives."

## THE COMPLAINT

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

*It is very graphic when the X-ray of the spine breaks, it makes me feel faint and sick. Have had nightmares about it and sometimes lay in bed at night unable to stop imagining my spine shattering like that right then and there.*

## THE ADVERTISER'S RESPONSE

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

*Comments are made under each complaint category:*

*Discrimination or vilification Not applicable.*

*Exploitative and degrading*      *Not applicable.*

*Violence*

*The commercial could be interpreted as violent and disturbing by some people. It is certainly unusual and differs from other road safety advertising. However, it was felt the commercial had to attract attention to be effective. Something more mundane would not have attracted attention and therefore would not have any impact on driver behaviour which is one of the campaign's objectives.*

*Sex, sexuality and nudity*      *Not applicable.*

*Language*      *Not applicable.*

*Health and Safety*      *Not applicable.*

*Comments*

*The Government of Tasmania and the Road Safety Advisory Council has a goal of zero fatalities and serious injuries of which speeding is the main cause. Speeding is a factor in 44% of road crash fatalities, 55% of which are in 100km/h or 110km/h zones. Speeding was a factor in 36% of serious injuries, 45% of which are in 100km/h or 110km/h zones.*

*An integrated campaign with a number of components, including television commercials, that had a high impact and stood out from not only other television commercials but also other road safety commercials, was considered necessary to warn people about the dangers and consequences of speeding. The human body is fragile and no matter how safe your vehicle, crashing at high speed will result in serious injury or death.*

*Market research shows Tasmanians do not think speeding is a major factor in road death and injury. Driving up to 10km/h over the speed limit is considered acceptable by almost a third of those surveyed. Therefore, impactful action was required. Road safety advertising campaigns have to attract attention and encourage road users to change their behaviour. They have to be hard-hitting to achieve those goals. If they do not, they are a waste of money.*

*The speeding shatters lives campaign makes the point the human body is fragile and no matter how safe the vehicle, if the driver is speeding the likelihood of being badly injured or killed is high.*

## **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 a graphic image of a spine breaking and that this causes distress.

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 this television advertisement features an image of an X-Ray of a spine and when the voiceover says that driving even a little over the speed limit can cause a lot of damage we see the spine break and hear a crunching sound-effect.

The Board noted the advertiser's response that the aim of the advertisement is to raise awareness of the dangers of speeding.

The Board noted that it had previously dismissed a similar complaint in case 0170/12 where:

"The Board noted that the advertisement features a reverse, slow motion depiction of a road accident between a motorbike and a car and that the motorcyclist is shown to break his neck and we hear a snapping sound.

The Board noted that the advertisement was given a 'PG' rating by CAD and that the advertiser has said that it has made efforts not to show the advertisement in juvenile programming and that a copy of the media spot buy is made available to the public.

The Board noted that the advertisement is targeted toward motorcyclists with a view to highlighting the dangers of speeding by as little as 8km/h.

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.

In the Board's view the advertisement presents violence in a manner that is justifiable in the context of the product being advertised."

In the current advertisement the Board noted that the only visual is of the X-Ray and considered that the animated representation of a spine breaking is presented in a factual and clinical manner relevant to the accompanying voiceover information.

The Board acknowledged that some members of the community, such as the complainant, would find the advertisement to be distressing however in the Board's view the impact of the advertisement is vital in order to deliver the important community awareness issue around the dangers of speeding.

The Board noted that the advertisement had been rated 'PG' by CAD and considered that consistent with its previous determination in case 0170/12 the advertisement presents violence in a manner that is justifiable in the context of the important road safety message and the relevant PG 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.