



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0183/18</b>
<b>2</b>	<b>Advertiser</b>	<b>Transport Accident Commission</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>24/04/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Community Awareness
- 2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a woman apparently falling asleep against a pillow while a voice over describes the effects of drowsiness. The advertisement then reveals the woman's head was falling against an airbag, not a pillow as her car crashes. The words 'You can't fight sleep' appear on the screen.

## THE COMPLAINT

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

*My 5 year old was still awake. Not sure a women getting killed in slow motion is great content to show prior to the 849/9pm timeslot*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*Thank you for notifying the Transport Accident Commission (TAC) of the complaint received by the Ad Standards in relation to the recent road safety TVC "Pillow" depicting a female driver falling asleep at the wheel of her car. TAC is always keen to hear feedback from the community and genuinely values community input.*

*Details of this campaign follow, in addition to information regarding the racial backgrounds of people depicted in recent campaigns.*

*The advertisement in question is rated as PG by the CAD approval process and the TVC was viewed just before 8pm in coverage of an AFL game.*

*This particular TV advertisement shows a sleeping woman's face with closed eyes and her head falling forward in slow motion. The vision then reveals that her head is cradled by an airbag in a car rather than hitting a pillow. A wider shot allows us to see that she has fallen asleep while driving and her head hits the inside of her windscreen and then recoils. The script and a copy of the advertisement are submitted together with this response.*

*The advertisement was designed to show that we will fall asleep involuntarily if sufficient sleep debt has been accumulated. The advertisement concludes with the message "You can't fight sleep".*

*This TVC has been on air over the Easter period since 2014 and from our records it appears that this is the first time negative feedback has received by TAC or Ad Standards.*

*While I can understand that a parent has written to us concerned about his child being exposed to this ad, we believe the content of the advertisement is in keeping with the level of aggression and violence of an AFL game where viewers are exposed to ongoing aggression between players and injuries that result in blood loss and concussion.*

*Further to this, I note that the AdStandards website explains to the community in a transparent manner that a justifiable level of violence is deemed acceptable for community service advertising on important issues:*

*<https://adstandards.com.au/products-and-issues/violence/violence-issues>*

*We believe that this advertisement fulfils the principles outlined by Ad Standards and is not excessive in the depiction of violence (as per the examples of justifiable and non-justifiable violence on the abovementioned webpage).*

*I trust this information allows Ad Standards to reach a determination on this*



*complaint.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement depicts graphic material which is traumatising for children to view.

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

The Panel 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 Panel noted that the television advertisement depicts a woman apparently falling asleep against a pillow while a voice over describes the effects of drowsiness. The advertisement then reveals the woman's head was falling against an airbag, not a pillow as her car crashes.

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

“The Panel 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 Panel 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...”

The Panel noted that the advertisement received a ‘PG’ rating from CAD and was placed in an appropriate timeslot. The Panel noted that the complainant was watching an AFL game at the time of viewing the advertisement, and noted the advertiser’s response that the advertisement content was in line with the level of violence and aggression presented in an AFL game.

In the Panel’s view the advertisement is conveying an important road safety message



which is not inappropriate for children to view. The Panel noted the scene where the advertisement speeds up and the impact of the crash is apparent, and considered that the level of violence in presenting a reasonable graphic depiction of a vehicle striking a pole is not inappropriate in the context of the road safety awareness campaign.

The Panel considered that the social message of this advertisement relating to the need for people to not drive when tired was a very high priority. The Panel determined that a higher level of graphic imagery is permissible in advertisements where there is a strong public health or safety message.

The Panel determined that the graphic imagery in the advertisement was justified by the important public health and safety message of the advertisement and 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 Panel dismissed the complaint.

