



Case Report

1	Case Number	0186/15
2	Advertiser	Environment Protection Agency
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The 30 second TVC addresses different types of litter and littering behaviour in different locations. The 15 TVC addresses littering cigarette butts from a vehicle and informs the public that they can report littering from vehicles. In each version the person throwing away rubbish is called a tosser by a witness to their actions.

THE COMPLAINT

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

Not provided

The language "tossler" is inappropriate. My 9yo asked me what it meant. "Tossler" was written across the screen. I know this is a play on words and refers to the cigarette butt being tossed away rather than thrown away. But calling someone a "tossler" is an insult, bad language I don't want to hear and everyone knows what it really means. Is the public being encouraged to shout out insults at other people in the street? I do not condone this behaviour nor would I want my daughter to imitate it. It is aggressive and would provoke further aggression.

THE ADVERTISER'S RESPONSE

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

CAMPAIGN CONTEXT

The 'HEY TOSSER!' campaign is the main education component of the Environment Protection Authority's (EPA) Litter Prevention Program. The EPA's Litter Prevention Program brings together the key essentials of litter action into an integrated package:

- Education and public awareness (using the 'HEY TOSSER!' message).*
- Effective enforcement and compliance (increased council and EPA enforcement as well as all citizens encouraged to register to report littering from vehicles).*
- Better infrastructure and site clean-up (funded through EPA grants to Councils for initiatives and campaigns, and a smaller community grants program).*
- Evaluation and monitoring.*

The key objective of the 'HEY TOSSER!' advertising campaign is to change behaviour around littering so that the norm is not to litter. The goal is to contribute to the NSW Government's objective that by 2016 NSW will have the lowest litter count per capita in Australia (NSW 2021: A plan to make NSW number one, Goal 23). Achieving this goal requires a significant reduction in litter and requires continued, multi-year investment. Therefore \$20 million has been committed to litter reduction – using the 'HEY TOSSER!' campaign – until 2017.

The 'HEY TOSSER!' advertising campaign is built in response to the EPA's social research that identified that people know that littering is socially unacceptable, and so will litter when they think no-one is looking. The campaign tells litterers they are being watched and that no-one likes a litterer. With the recent launch of the EPA's "Report littering from vehicles" mobile app, the advertising campaign also tells the community how to report people who litterer from their vehicle and reminds the community about littering penalties.

The key messages across the campaign are:

- HEY TOSSER!*
- Put it in the bin.*
- Anyone can report littering from vehicles. Fines from \$250 can now be issued from your reports.*
- Visit www.epa.nsw.gov.au/heytosser for more information.*

The 'HEY TOSSER!' campaign went through a comprehensive two-stage NSW Government process for approval:

1. Peer review: In December 2014 the 'HEY TOSSER!' campaign, including messaging and creative concepts, was critiqued through a peer review process by other NSW Government communications practitioners. The Strategic Communications Unit within the Department of Premier and Cabinet coordinated the peer review process. The Peer Review was positive and supported the 'HEY TOSSER!' campaign.

2. Cabinet Standing Committee: In December 2014, the 'HEY TOSSER!' campaign was approved for publication by the NSW Government Cabinet Standing Committee on Communication and Government Advertising.

In addition, the campaign creative materials went through 2 rounds of focus group testing in

2014 including regional and urban residents, to ensure concepts and material were well targeted and effective.

'HEY TOSSER!' is a multi-channelled campaign that includes television, online television, radio, digital, mobile, out of home (billboards, street signs, bus sides). Specific messages through radio and TV also target culturally and linguistically diverse (CALD) communities. Creative research indicated that the "Hey Tosser" words were entirely understood in CALD communities. Feedback through direct contact with Aboriginal communities was that Hey Tosser! is offensive. An alternative message of "Litter! – It's a dirty look" or "Litter – You know it's wrong" was developed and is being used with both these audiences. The campaign materials have been translated for Mandarin, Cantonese, Vietnamese, Arabic, and Korean speakers.

The total advertising budget for the campaign is \$1.5M, with total campaign costs equalling \$1.79M. The advertising campaign commenced on 5 April and will continue until June 2015. The free-to-air TVCs ran for three weeks only, from 12 to 30 April.

****COMPLAINT 1: THE FOCUS ON CIGARETTE BUTT LITTER IN THE ADVERTISEMENTS**

Copy of complaint: An advertisement of "don't be a tosser" is a good community message but to show a cigarette being tossed is unbelievable. There has been soooooo much anti smoking ads and you chose to show the cigarette being tossed. Sorry but you guys are the tossers. Surely there is many more products that the public "toss" eg soft drink bottles, take away containers, lollie wrappers only to name a few. Please clean up your ad!!!! Thank you

Response:

The 'HEY TOSSER!' campaign has been designed to drive behaviour change regarding the correct disposal of the major forms of litter in NSW.

Across the 'HEY TOSSER!' campaign, three major forms of litter are featured, as they are the most commonly littered items in NSW:

- Cigarette butts*
- Plastic bottles*
- Takeaway containers. [i]*

According to the National Litter Index (NLI) 2014, cigarette butts are consistently at the top of the 'dirty dozen' of most littered items across the country.[i] Key findings illustrate:

- Cigarette butts are the most littered item – making up 35% of overall number of littered items in NSW*
- 90% of public reporting of litter from a vehicle in NSW is for cigarette related materials.[ii]*
- Highways have the highest count of cigarette butts compared with other sites surveyed through the NLI. averaging over 2000 for each targeted site.*

There are also high rates of cigarette butt litter at the following sites:

- Retail: 49% of the litter stream*
- Shopping Centres: 45% of the litter stream*
- Car parks: 41% of the litter stream.*

This research provided the necessary information and impetus for the EPA to include cigarette butt litter in the 'HEY TOSSER!' advertising campaign, including one TVC

regarding littering from vehicles.

****COMPLAINT 2: THE LANGUAGE "TOSSER" IS INAPPROPRIATE.**

Copy of complaint: The language "tosser" is inappropriate. My 9yo asked me what it meant. "Tosser" was written across the screen. I know this is a play on words and refers to the cigarette butt being tossed away rather than thrown away. But calling someone a "tosser" is an insult, bad language I don't want to hear and everyone knows what it really means. Is the public being encouraged to shout out insults at other people in the street? I do not condone this behaviour nor would I want my daughter to imitate it. It is aggressive and would provoke further aggression.

Response:

The "HEY TOSSER!" campaign message is the result of social research and testing conducted in 2011 which explored both existing social norms around littering as well as potential anti-litter campaign messaging. The research was conducted by the NSW Government Office of Environment and Heritage, with significant input from a Local Government Reference Group (with representatives from 21 NSW local councils).

The broad aims of this study were to scope litter-based issues in NSW and inform the development of appropriate messaging to help address littering through the investigation of littering knowledge, behaviours and attitudes.

From the research it was clear littering was viewed negatively, and no one wanted to be seen dropping litter. The perceived social norm among the participants in this research was to only litter covertly. There was strong support for an anti-littering education and awareness campaign, and this was viewed as an effective way to reduce littering behaviour, particularly if implemented alongside infrastructure provision and enforcement. Including information about fines was seen as critical in any litter reduction campaign.

The following anti-littering campaign concepts were tested:

- Don't Waste*
- Do the right thing, use the right bin*
- Too lovely to litter*
- Healthy waterways*
- Don't be a tosser (from a campaign that ran in 2003)*

Several of the campaign concepts tested were criticised by participants for not being clear enough in their messaging. The 'Don't be a tosser' campaign was identified as having the most potential as an overarching anti-litter campaign and the overall reaction to the 'tosser' concept was positive. It was perceived as relevant, effective, and as being in tune with the way that people litter surreptitiously (which also reflected how it was received during concept testing conducted over a decade ago).

The 'tosser' concept was also found to have the potential to be effective in changing behaviour.

- The 'tosser' concept and the slogan was well liked by participants, both in print and TVC format.*
- The 'tosser' slogan and TVC were recalled fondly by many participants from the 2003 campaign.*
- The double meaning of the slogan had positive appeal across all audiences, particularly younger people.*

- The term ‘tossler’ was seen as being appropriate for a littering campaign.
- Many reacted positively to the humour and double meaning of the word ‘tossler’.
- Most participants in Culturally and Linguistically Diverse (CALD) groups were able to identify the meaning of “tossler” and noted the double meaning.

The final recommendation of the report that the ‘tossler’ concept still had value, and given its strong recognition and fond recall, would provide a solid basis for an effective new campaign.

Following the research recommendations, in 2012 the ‘HEY TOSSER!’ brand, campaign message hierarchy and campaign materials were developed, again in consultation with the Local Government Stakeholder Reference Group (See attachment: ‘Hey Tossler!’ Creative material and brand style guidelines). The Local Government Stakeholder Reference Group significantly assisted in the development of the material and the campaign strategy, particularly to maximise flexibility of use in local communities.

‘HEY TOSSER!’ is a personal message that speaks directly to the litterer. This nonaggressive, colloquial stance gives the ‘witness’ a voice. There are four messages that are communicated in hierarchical order: creative statement, tagline, body copy, and call to action. This delivers a clear message to the audience about the behaviour and how it can be addressed.

The EPA does not use the ‘HEY TOSSER!’ message in schools or with CALD or Aboriginal communities, and instead uses an alternate ‘LITTER!’ message.

The EPA has now run two ‘HEY TOSSER!’ campaigns using the developed ‘HEY TOSSER!’ collateral. The first campaign ran from April to May 2014 and a larger, more comprehensive campaign from April to June 2015.

For the current campaign, the EPA is also working with a range of other government sector and private sector partners to extend the reach of the campaign and ‘HEY TOSSER!’ message, including: Roads and Maritime Service, Transport for NSW, Service NSW, NSW Police, Local Government Association, McDonalds, Local Government councils that are Litter grantees, Local Government councils that are not Litter grantees, Keep NSW Beautiful, Keep Australia Beautiful, Clean Up Australia, Tangaroa Blue, Take 3 and Responsible Runners.

The ‘HEY TOSSER!’ campaign has also proved highly successful with local councils. From 2014, over 50 councils have used and adapted the ‘HEY TOSSER!’ collateral to use in their own communities. (See attachment: Local council applications of the concept).

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 concern that the advertisement features people insulting

others by calling them a “tosser” which is offensive, aggressive and inappropriate. The Board noted the complainant’s concerns that the behaviour could be mimicked by children.

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

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted that the advertisement features different types of litter and littering behaviour being shown in different locations. The 15 sec TVC addresses littering cigarette butts from a vehicle and informs the public that they can report littering from vehicles. In each version the person throwing away rubbish is called a tosser by a witness to their actions. The Board noted that the word ‘tosser’ is defined in the Macquarie Dictionary as:

- someone or something that tosses

- a man who masturbates (colloq.)

- a stupid person (colloq.)

The Board noted the complainant’s concerns that to call someone a ‘tosser’ is an insult and is bad language. The Board noted that in this case it is being used in the context of someone who has tossed something on to the ground which is consistent with its dictionary definition of actually throwing things.

The Board considered that the use of the descriptor ‘tosser’ to refer to someone tossing something onto the ground (eg: a cigarette butt) amounts to a use of language which is appropriate in the circumstances.

The Board noted that the intention of the advertisement is to increase awareness in the community of the importance of putting rubbish in bins particularly cigarettes. The Board noted that the message being delivered is clear and that the reaction of the witnesses confirms the negative association to the act of littering and is not a direct attack on the person littering but rather the act of littering.

The Board noted that it had previously dismissed an outdoor advertisement for the same advertiser that used the same phrase “tosser” regarding littering (ref: 0152/14). In that case, the Board considered that children would be unlikely to understand the possible double entendre and considered that the word ‘tosser’ is not of itself strong or obscene language. Consistent with the decision mentioned above, The Board considered that in this case also children would be unlikely to understand the double entendre and considered that the word ‘tosser’ is not of itself strong or obscene language.

The Board considered that the advertisement did not feature language which is inappropriate in the circumstance and that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach Section 2.5 of the Code, the Board dismissed the complaint.

