



Case Report

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| 1 | Case Number | 0242/10 |
| 2 | Advertiser | Transperth WA |
| 3 | Product | Community Awareness |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 09/06/2010 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.4 - Advertising to Children Code Community Standards
2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts various cars caught in a traffic jam on the freeway. The cars then merge and transform into a robot (likened to a transformer). The voiceover talks about decreasing the levels of CO₂. The robot then transforms into a train, leaving less cars on the freeway.

THE COMPLAINT

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

This ad is obviously targeted at children by the use of animation and toys and describes how driving cars releases "poisonous CO₂" into the atmosphere. This clearly has the potential to distress children who are being told that they are complicit in "poisoning" the atmosphere by being driven in motor vehicles. CO₂ is neither a poison nor poisonous and I urge you to have this offensive and damaging language removed from this ad particularly on television. Youth suicide rates are already rising and as children learn at school that they also breathe out CO₂ with every breath the potential distress to these children is obvious. Please let me know what sort of time frame is expected for this removal as I am willing to pursue other avenues to expedite this matter if necessary. For your information I hold an Honours degree in Psychology so understand how these issues affect children particularly those with psychological vulnerabilities.

Advertising Code for Advertising and Marketing Communications to Children

- *alarm & distress to children*

THE ADVERTISER'S RESPONSE

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

Firstly, it is important to note that the Days of Change commercial was developed to promote sustainability through the use of public transport and that it was never the intention of Transperth, or Transperth staff, to mislead, alarm or distress viewers, young or old. Transperth disagrees with the complainant's view that the advertisement is targeted at children.

The commercial is clearly aimed at car drivers. The minimum age to hold a 'C' class driver's licence in Western Australia is 17. These drivers would not be considered as children.

The animation of a traffic jam turning into a robot and then a train is based on the Transformer concept. The Transformer franchise was at its height of popularity in the 1980's and so is a concept that Transperth believes would be familiar and popular with adults who were children in that decade.

The recent Transformer movies, Transformers (2007) and Revenge of the Fallen (2009), were both rated 'M' for mature audiences. While the commercial has been given a 'G' rating and has been aired in accordance with this classification, it has not been aired during young children's programs or those of pre-primary school children.

To date, Transperth has received no other complaints of distress caused by viewing of the commercial from parents, teachers, science teachers, principals, children's advocacy groups, youth or child counsellors, child care professionals or children. In addition, response from primary school children who have seen the commercial has been positive in every case so far, although, as outlined above, they are not the target audience.

The impacts that CO₂ has on the environment are widely referred to in all forms of media and the Days of Change campaign serves to remind all sectors of the community that small changes in lifestyle, such as catching public transport instead of driving, can have a positive impact on the environment.

In relation to the use of the words 'poisonous CO₂', the context of the commercial clearly puts the use of the word 'poisonous' in an environmental context. Carbon dioxide is a major contributor to greenhouse gas emissions. Per capita, Australia's emissions are disproportionately high. The emissions from transport are a major component of these emissions.

In high concentrations (over 7%) carbon dioxide is toxic to humans. Although this may be a rare occurrence in nature, it is a fact nonetheless. At lower concentrations (over 1%) it has been known to be detrimental to human health.

In responding to this complaint, the opinion of a practicing child psychologist was sought. The opinion was that while there could be some children who may be sensitive to the word 'poisonous' in this context, these children would also be sensitive to a wide range of images and material. The Harry Potter books and films were given as an example. In the

psychologist's professional opinion, such a child would find the daily news far more distressing than the commercial.

Transperth staff are regularly exposed to the tragic results of suicide on the rail system. To suggest this commercial has the potential to contribute to youth suicide is, at best, misguided and at worse, highly offensive to the staff that are affected by these events.

Please note, the commercial has finished its run on television and there are no plans to extend the media buy in the near future. However, the commercial is still viewable on the Transperth website and on YouTube. Transperth is willing to amend the voiceover to remove the reference to 'poisonous CO2' should the board deem it appropriate to do so.

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 language and animation in the advertisement was unacceptably distressing for children to view.

The Board viewed the advertisement and noted the advertiser's response that the advertisement is no longer being broadcast on television but is still viewable on Transperth's website and on YouTube.

The Board considered whether the advertisement was in breach of section 2.5 or 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"; and 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 "Days of Change" advertisement was to educate the public and promote the use of public transport to have a positive effect on the environment.

The Board noted the animated traffic jam transforming or changing into a robot and then a train is based on the 'Transformer' concept which most people in the community would be familiar with. The Board noted the advertisement was given a "G" CAD rating, enabling the advertisement to be broadcast at any time except during Preschool and Children's programs, and that the advertisement was aired at the appropriate time.

The Board noted that it has consistently stated that graphic images (and language) are acceptable in public education campaigns because of the message that is intended to be conveyed and as a result of usually compelling submissions from advertisers that such detail is necessary to be effective.

The Board considered that this advertisement was clearly aimed at car drivers and not children and considered the 'Transformer' depicted in the advertisement was a metaphor relating to 'changes in lifestyle' which was relevant to the important public education

campaign that the advertisement is attempting to convey. The Board determined that in this instance, 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.

The Board then noted the language “poisonous CO2” used in the advertisement and considered that the language used was clearly in an environmental context and was not of itself strong or obscene and did not breach Section 2.5 of the Code. The Board considered that the advertisement as a whole would be unlikely to be distressing to young children - who would be attracted to the Transformer image, and that older children would understand the environmental context of the reference to 'poisonous CO2'

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