



Case Report

1	Case Number	0245/13
2	Advertiser	Metro Trains
3	Product	Community Awareness
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement in question is an A1 station poster that shows a cartoon “jelly bean” character with a pink upper body and skeletal lower body. On the lower body are attached three cartoon piranha characters.

THE COMPLAINT

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

This image was sighted by my daughter who is 4 and half years old. We were waiting on the concourse for the lift to take her to platform 6 when she saw the image, started screaming, got out of the pram and ran away saying "I don't like that!" She was petrified and we needed to calm her down. On the train home she stated "I do not want to see scary pictures" and "I don't want to take the train anymore"

I am also against many of the images in this advertising campaign. They are disturbing and violent images of death/torture/suicide camouflaged behind cute cartoon characters. I believe that these disturbing images are inappropriate for public areas where children often view them. It disturbed my daughter who is a pre-schooler and i do not want to subject her to disturbing images while travelling on public transport. These images are posted at many train stations, and believe they should be taken down.

I should state that she did notice two other billboards before the one that scared her, one where an oval shaped character had bullet holes with blood pouring from it, and asked "Why is he sad?" as she noticed he was frowning. We did not know what to say. Then as we passed

another billboard at a train station as the train sped by, she said "there is one with spikey hair!" She just didn't realise that that one had its hair on fire. So the cute cartoon characters, which look very similar to the mr men series had got her attention and she was perhaps looking out for them.

I am not in any way opposed to the message they are trying to put across, and am aware it has won many awards.

I am happy for them to continue their social media campaign and reach people who choose to view this material. I believe these images are inappropriate for general public viewing due to their violent nature. I am asking that the public billboards and images at train stations be removed.

THE ADVERTISER'S RESPONSE

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

Response to the Complaint:

1. We consider that the following provisions of the AANA Code of Ethics (Ethics Code) and the AANA's Code of Advertising & Marketing Communications to Children (Children's Code) are relevant to the Complaint:

a. The Ethics Code and the Children's Code define:

i. "Advertising or Marketing Communications to Children" as meaning Advertising or Marketing Communications which, having regard to the them, visuals and language used, are directed primarily to Children and are for Product.

ii. "Children" means persons 14 years old or younger and "Child" means a person 14 years old or younger.

iii. "Prevailing Community Standards" as meaning the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications and states that the Prevailing Community Standards apply to clause 2.3 of the Ethics Code.

b. Clause 2.3 of the Ethics Code states that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

c. Clause 3.1 of the Ethics Code relevantly states that Advertising or Marketing Communications to Children shall comply with the Children's Code.

d. Clause 2 of the Children's Code states that Advertising or Marketing Communications to Children must not contravene Prevailing Community Standards.

e. Clause 2.6(a) of the Children's Code states that Advertising or Marketing Communications to Children must not portray images or events in a way that is unduly frightening or distressing to Children.

2. In this response, we address the above provisions. Please notify us if there are any further provisions which are relevant to the Complaint.

3. Purpose of the Campaign:

a. The Advertisement is part of a multimedia rail safety campaign that depicts twenty cartoon characters meeting unfortunate ends as a result of "dumb" behaviour (Campaign).

b. The purpose of the Advertisement and the Campaign is to reduce fatalities and injuries to all users of the Rail Network by encouraging them to be safe and alter their behaviour in and around the Rail Network (Important Rail Safety Message).

c. The tongue-in-cheek predicaments the cartoon characters find themselves in are designed to appeal to a broad audience that might otherwise ignore more traditional forms of the Important Rail Safety Message.

4. Application of the Children's Code:

a. As the Advertisement located at Flinders Street Station is directed at all users of the Rail Network and not primarily to Children, we consider that the Children's Code does not apply to the Complaint.

b. Our response to matters relating to the Children's Code are subject to this jurisdictional point.

5. Portrayed Violence and Prevailing Community Standards:

a. The Advertisement has been a fixture in and around the Rail Network since December 2012.

b. Since that time, over 200,000 customers each day have been exposed to the Advertisement at Flinders Street Station.

c. The Complaint is the first complaint our company has received in relation to alleged violence in the Advertisement or any other billboards in the Campaign.

d. The Campaign has been commended by the State Government of Victoria. On 10 December 2012, the Honourable Member for Prahran Clem Newton-Brown in the Legislative Assembly stated that the Campaign was:

"A good example of something being successful in that space is the Metro YouTube movie called Dumb Ways to Die. I do not know if you have seen it, but it is a funny little 2 or 3-minute song with cartoon characters. I first heard about it when my kids were running around the house singing, 'Dumb ways to die', so it was working."

Further, on 13 December 2012, stated that:

"This song on YouTube called Dumb Ways to Die ends with messages about dumb ways to die around trains. Well done to Metro Trains Melbourne for getting important rail safety messages out in a YouTube movie that has gone viral with over 25 million hits."

e. The Campaign has been universally applauded for the way it has managed to impart the Important Rail Safety Message and has received overwhelming community support as evidenced by:

i. a popular online video (over 55 million views);

ii. a popular song (charted in 28 countries selling 80,000 copies);

iii. a popular Smartphone game (over 12 million players);

iv. a popular primary school children's book (over 20,000 copies circulated in primary schools throughout Victoria);

v. over 1,600,000 pledges to be safe around trains via the dumbwaystodie.com website;

vi. over 100 marketing and advertising awards ; and

vii. over 85 written compliments received from the public (examples are listed below in Appendix A).

f. The Campaign is being utilised as a teaching aid in primary schools around the world and both our company and McCann have received regular encouragement from teachers and their classes since the Campaign launched.

g. For comparative purposes, the portrayed level of violence in the Advertisement:

i. is no greater than the level of violence depicted in cartoons such as Bugs Bunny, Porkie Pig and Daffy Duck, Ren & Stimpy; and

ii. is less than the level of violence depicted in Elmur Fudd cartoons with a shot-gun, Wile-E-Coyote with a stick of ACME brand gelignite or Yosemite Sam and his six shooters, with such levels of violence considered suitable for general consumption for nearly four generations.

6. Consequences of the remedy sought in the Complaint:

a. Although the Complaint specifically refers to the Advertisement, the body of the Complaint refers to further billboards within the Campaign and seeks to have all of the billboards removed from the Rail Network.

b. Should the Advertisement or any other billboards in the Campaign be removed from the Rail Network, this would entirely defeat the purpose of the Campaign.

7. In view of the above, subject to our view that the Children's Code does not apply to the Complaint, we consider that:

a. neither the Advertisement or other billboards in the Campaign are unsuitable for Children according to Prevailing Community Standards;

b. the Advertisement is not unduly frightening or distressing to Children;

c. any portrayed violence in the Advertisement or other billboards in the Campaign is justifiable in the context of the Important Rail Safety Message;

d. the Advertisement does not contravene any of the provisions of Code of Ethics of the Children's Code; and

e. the consequences of removing the Advertisement or any other billboards in the Campaign from the Rail Network will entirely defeat the purpose of the Campaign at the precise location where it is specifically required, being at stations.

In the circumstances, we respectfully request that the Complaint be dismissed.

We thank you for this opportunity to respond.

Appendix A

Samples of compliments received via Metro Customer Feedback:

Dear Metro,

I have just seen the Metro video "Dumb Ways to Die".

I was impressed by its catchy tune and "interesting" visuals and how you did not push the "train safety" message into the face of viewers - but subtly "slipped it in at the end".

And the number of YouTube hits speaks for itself. A good message aimed at a group that does not like listening to "ancient adults" and their "messages" - BUT done so that they WANT to watch it.

Well done to the team who came up with the idea and for Metro for "going with it".

Folks, I would simply like to compliment you on the fabulous media campaign being run in the print media. The ways to die ads are bloody brilliant, Well done !!. I hope for the sake of all concerned that people take heed of the message.

Thank you for your "Dumb ways to Die" campaign. My son who is 10 loves it. Absolutely loves it. He knows all the words. We have talked about it & we do not laugh at the crucial part which is about train safety. You have succeeded in explaining this where I could not. Thank you so much. its Brilliant. Well done.

Customer stated there had been posters named ""Dumb ways to die"" at Flinders Street Station.

Customer stated that they have been removed and would like to know where to get them from.

Customer states that she and her little grand daughter have been watching a short movie called "dumb ways to die", which is on the Metro website. Customer states that they have both found this little movie "really funny and love it" so much, that the customer would like to know if it possible to purchase a copy and have it sent out to her. Customer states that she would appreciate anything that Metro can spare in relation to the "dumb ways to die"

campaign.

In November last year I believe you were handing out posters for the "Dumb Ways to Die" campaign at Flinders Street, however as I was travelling I was unable to get any of the posters. A friend got one of the posters for me, however I'd really like to collect as many as I can. I apologise if you have received many of these requests (it has been an amazing campaign!), but I'm wondering if you're able to send me any of the posters.

The customer is calling to enquire about getting some "ways to die" campaign posters/large stickers sent to her. The customer states that she is a teacher at a Special Needs School and has recently been using the "different ways to die" campaign in their learning criteria. The customer states that the children are really enjoying the campaign and she thinks it would be great to have some posters/stickers placed around their class. The customer states that she has seen some posters at some of the city stations of some of the individual characters and would like to know if there are any available. The customer would like a response to discuss what kind of posters/stickers would be available and how she would go about obtaining them.

The customer states that she is a school teacher and lives in Tasmania and her students would like the posters in the dumb ways to die campaign as they have become a talking issue and would like to do a project on it.

Customer states that she went to the Flinders Street office today, 18/MAR/2013, and asked for two "Dumb Ways to Die" posters for her children. Customer states that she was told by the station attendant that they no longer had any more posters at the station. Customer was advised to call the feedback line and provide her details and that two posters could be sent out to her address. Customer would be grateful if Metro Trains could sent her two "Dumb Ways to Die" posters to the address she has provided.

My kids (3 & 5) absolutely love your advertising campaign and sing Dumb Ways To Die all day every day. Is there any way i could get a set of posters or even a poster each for them, they would be over the moon. Thanks in advance.

Would just like to praise your recently released campaign game song, Dumb Ways To Die. I think it's very great that messages are being spread more widely and powerfully about the dangers of being stupid around trains. I am only 18, but last year experienced a lot of heart ache due to people close to me making the wrong choices on rail ways. January last year, a friend of mine got hit by a train due to graffitiing on the tracks with some friends , and a few months following that my best friend of 8 years was killed surfing on the top of the train and fell onto the tracks, and was struck.. It caused a lot of sensation and talk in my local media. As heart breaking as it was, what upset me more was that nothing was done to promote safety around trains and nothing in particular was done to promote how important it is to be safe around trains and that life is too precious to act stupidly for the fun of it when it could easily cost you your life. But this game and campaign was very well made and designed, and I am glad to hear it has become very popular and hoping the important message behind it will get through and stick to people's heads, most particularly teenagers who do not realise the fatal consequences of mucking around near them.

Hello!

I was wondering if you could assist me? I have a younger cousin who absolutely loves your "dumb ways to die" promotion and was wondering how I could go about getting a poster or

two? (The ones around flinder station, etc) thank you for your time!

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 depicts violent imagery which is not suitable for display on a billboard and is alarming for children.

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 the advertisement is part of a multimedia community awareness campaign that uses cartoon style characters that meet their end as a result of a poor choice or ‘dumb’ behaviour. The advertisements are designed to draw the attention of the community to being safe around trains and railway tracks and to highlight behaviours that could potentially create unnecessary risks that could cause injury or death.

The Board noted that the image being considered in this instance is of a pink character floating above the water and being bitten on the legs by three piranha looking fish.

The Board noted that the text on the torso of the character lists very outrageous situations such as “use your private parts as piranha bait” and “invite a psycho killer inside.” The Board considered that the cartoon image and text were clearly unrealistic and suggested unlikely scenarios consistent with the theme “Dumb ways to Die.” The Board considered that the image might be frightening to some children but considered that it was a very unrealistic image and the text referred to situations that were improbable and unlikely to be understood by children.

The Board considered that the advertisement does not present or portray violence and that it is inappropriate for viewing by a broad audience including children and 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.