



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	<b>Case Number</b>	<b>0264/18</b>
2	<b>Advertiser</b>	<b>Transport for NSW</b>
3	<b>Product</b>	<b>Community Awareness</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>06/06/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A van is driving along a highway and passes a sign stating 'Rest Area 400m'. The Passenger in the van asks the driver 'mate are you gonna punch through?'. The driver responds, 'yeah....nah' and indicates to pull over.

A man leaving a party is seen to unlock his car, then think 'yeah...nah' and locks it again.

A man in a convenience store is looking at a lone seafood mornay pie and thinks to himself 'yeah...nah' before walking away.

A man is driving and his phone's message tone sounds. He glances at it, thinks 'yeah...nah' and keeps his eyes on the road.

A man is driving behind a truck and thinks to himself 'yeah' and pulls around the truck.

A family is seen driving in the opposite direction and react to him pulling out. The cars are seen about to collide in the trucks rear-view mirror.

The text 'Everyday decisions matter' appear on screen, and the two vehicles are shown in the aftermath of the crash.

The text 'Say "yeah...NAH" to taking risks' appears on screen.



## **THE COMPLAINT**

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

*My partner has been in policing in excess of twenty years; he found this advertisement disturbing due to the realistic crash, or more specifically the crash aftermath, shown on the ad - we have no doubt this would bring back traumatic memories for those who have had to serve in a first responder capacity, such as that of my partner. I could see he was quite disturbed by the ad. Please consider other emergency service personnel viewing this advertisement.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to your letter dated 23 May 2018, concerning a complaint received by the Advertising Standards Bureau Limited (ASB) in respect of Transport for NSW's (TfNSW) television advertising commercial, "Saving Lives on Country Roads – Yeah...NAH" (the Television Commercial).*

*The complaint cites as the complainant's concern:*

*"My partner has been in policing in excess of twenty years; he found this advertisement disturbing due to the realistic crash, or more specifically the crash aftermath, shown on the ad – we have no doubt this would bring back traumatic memories for those who have had to serve in a first responder capacity, such as that of my partner. I could see he was quite disturbed by the ad. Please consider other emergency service personnel viewing this advertisement."*

*The Television Commercial was developed as part of a major road safety campaign by the Centre for Road Safety, within TfNSW, a statutory authority of the NSW Government. The campaign seeks to challenge the attitudes and behaviours of country drivers, with a particular focus on male drivers, aged 30-59 years, who make up the majority of fatalities in country areas.*

*For the reasons set out below, TfNSW considers that the Television Commercial:*

- accords with prevailing community standards and is appropriate for the relevant audience and its public purpose; and*
- is not in breach of section 2, or any other section, of the Advertiser Code of Ethics.*



### *Background to the Television Commercial*

*The Television Commercial, communicated via television and online advertising, forms part of a major road safety campaign, called the “Saving Lives on Country Roads” campaign. 2*

*The campaign launched on 4 December 2017 in regional areas as the first ever comprehensive road safety education campaign specifically focused on raising awareness of the nature and size of the road trauma problem on NSW country roads. It is intended to serve the public purpose of bringing the importance of road safety front of mind amongst people who live in country NSW.*

*In NSW, road deaths on country roads are more predominant than on metropolitan roads. Country people are a third of the NSW population, yet consistently account for more than two thirds of deaths on NSW roads. ‘Country’ is defined as all areas of the state outside of the Sydney metropolitan, Newcastle City, Lake Macquarie City, Wollongong City and Shellharbour City Local Government Areas (LGA’s).*

*A total of 1,195 lives were lost on country roads from 2013-2017. In 2017, there were 272 fatalities occurring in country areas. This was 69 per cent of the total number of fatalities (392) in NSW.*

*While there are a number of unique factors contributing to higher risk on country roads – higher speeds, roadside hazards such as trees and embankments, longer travel distances and older vehicles – research shows that driver behaviour is still the most significant factor in crashes.*

*Speeding, driver fatigue, drink driving and not wearing a seatbelt are more likely to contribute to country fatalities and serious injuries. This indicates there are higher levels of risk-taking behaviours amongst country drivers and riders.*

*Of all fatal crashes occurring on country roads, over 70 per cent involve country residents. The Deputy Premier, Minister for Regional NSW and Member for Monaro John Barilaro stated in the enclosed media release of 4 December 2017 (the launch of the campaign) that the campaign is emotive and powerful and is about “getting the message out to country people that it’s not tourists or people from the city crashing and dying on their roads, it’s them – the locals”. It’s sobering to think the vast majority of these lives lost were local, country people who died close to home and no doubt on roads they’d driven countless times before”.*

*Despite this fact, TfNSW research found country drivers often resist the notion that the way they drive puts themselves or others at risk. Not only do they rate their own driving abilities as better than others, they have a strong optimism bias (or belief that road crashes happen to others, not them).*



*Research shows that while country drivers personally admit to unsafe behaviours like speeding, they think they are safer on the roads due to road familiarity than ‘city people’ or ‘tourists’. The “Saving Lives on Country Roads” campaign was developed to break through this optimism bias, challenge these current perceptions (and denial) of country drivers and encourage safer driver behaviour.*

*The role of “Saving Lives on Country Roads” is two-fold:*

- Tier 1 – Attitudes ‘Yeah...BUT’ (launched December 2017)  
Set-up the problem and create a strong, direct reason to believe in the need for change in regional areas.*
- Tier 2 – Behaviours ‘Yeah...NAH’ (launched March 2018)  
Target specific behaviours and issues such as speeding and driver fatigue with a call-to-action, and challenge regional driver complacency with a challenge to make safer choices when driving.*

*The campaign was developed to reach and resonate most strongly with regional male drivers aged 30-59 years who make up the majority of fatalities in country areas. For the period 2013-2017, 379 males in this age group lost their lives. This was 32 per cent of the total fatalities on country roads which is why this group is the primary target audience for this campaign in general and the Television Commercial. Females also play an important role in acting as influencers in the lives of the more at-risk males – as mothers, wives, girlfriends, role models and powerful community voices.*

*During the development of the “Saving Lives on Country Roads” campaign, including television, digital, outdoor, print, social and radio advertising, research showed the campaign tested well among both men and women in regional NSW.*

*The campaign is intended to be effective in achieving its road safety aims as it:*

- Engages the target audience in conversation.*
- Helps drivers acknowledge the road is no place for the everyday ‘Yeah...BUT’ excuses used to justify risky behaviours.*
- Encourages drivers to say ‘Yeah...NAH’ to taking risks on the road – whether it be going a few kilometres above the limit, driving tired or driving after drinking. When you’re behind the wheel, everyday decisions matter.*
- Reminds regional drivers that we all have a role to play in keeping ourselves and our communities safe on the road.*

*The Television Commercial*

*The 60 second Television Commercial juxtaposes everyday moments of making the ‘right decision’ (eg. eating a dodgy pie) with a ‘driving moment’, where a seemingly small shift can make a real difference. It emphasises the importance of making a good*



*decision when it really counts. This is reinforced through the tactical line that 'Everyday decisions matter'.*

*The Television Commercial utilises a well-used non-threatening phrase that helps reiterate the behaviour change needed 'Yeah...NAH' and shows that it is not difficult to change behaviour. It communicates the need to say 'Yeah...NAH' to taking everyday risks on the road in a way the Target Audience finds relatable and reflects reality. The juxtaposition of light-hearted recognisable 'everyday decision' moments and the more critical 'everyday driving decisions' allows the message to be understood and 'owned' but also be digestible and actionable. This strategy retains the sense of empowerment that 'optimism bias' delivers and combines it with a prompting strategy to highlight when to pause and make the 'right decision'.*

*In the final scenario, a male driver (reflective of the Target Audience) decides to overtake a truck on a country road. He is confronted with a family of four driving in the opposite direction. The Television Commercial cuts to black before the point of impact. It is an acknowledgement that the denial of regional male drivers must just be dangerous and that all drivers must 'play their part' in reducing risk to themselves and their communities.*

#### *Response to the complaint*

*TfNSW takes compliance with the Code very seriously and has considered the complaint against the terms of the Code and in particular section 2.3 of the Code:*

*'Advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.'*

*For the reasons below, TfNSW does not consider that the Television Commercial breaches the specific terms of the Code, including in particular section 2.3, and consider that it accords with prevailing community standards.*

*Given the road fatality rate per head of population for country residents is around four times that for metropolitan residents, the development of the "Saving Lives on Country Roads" campaign as a long term dedicated, targeted 3-5 year approach had to be authentic in its delivery to country drivers and reflect the reality of country driving. This was critical to tackling this issue and ensuring messaging and creative resonated with the Target Audience, especially given the current attitudes and beliefs held by country drivers. By personalising and localising the issue, this will help to break the Target Audience denial and elevate the importance of road safety in the hearts and minds of the community.*

*The various scenarios included in the "Saving Lives on Country Roads" campaign and Television Commercial are evidence-based to show the most common causes of*



*crashes for the relevant behaviour to increase believability and the personal salience of road trauma to country drivers.*

*The Television Commercial itself does not include the actual point of crash impact, however the aftermath of the crash scene is realistic and confronting. This has been deliberate to demonstrate how everyday driving decisions can be risky and result in serious consequences. Country drivers are dying on country roads and they need to be aware of the unique combination of risks they face and the everyday choices they can make to be safer on the roads.*

*Reducing fatalities on country roads is one of the biggest challenges for road safety in NSW and a priority area in the NSW Government Road Safety Plan 2021. Continued education and communications plays an important role in this and therefore, the rollout of the “Saving Lives on Country Roads” campaign is one of the actions in the Road Safety Plan 2021.*

*For first responders to road trauma in regional communities, including NSW Police, ambulance, SES and RFS officers, who have constant exposure to the consequences of poor driving behaviour, the sentiment behind the campaign can feel quite personal.*

*The NSW Police and Emergency Services organisations were consulted about the “Saving Lives on Country Roads” campaign and have since been promoting the campaign through their respective channels, particularly via social media, since its launch to reinforce the campaign messages. Their support for the campaign is vital as these organisations have a high degree of credibility among country drivers.*

*Superintendent Sean McArdle, NSW Rural Fire Service, has also been engaged as one of the ambassadors and spokespeople for the campaign. He, along with other road safety ambassadors, is speaking out about the road tragedies they have experienced to help people understand that everyday decisions do matter when people are behind the wheel, especially on country roads.*

*Superintendent McArdle states that ‘many people call them “car accidents”. But they’re not accidents. They are the result of the decisions people choose to make. Unfortunately our team sees the results of far too many of these poor decisions on the road’.*

*As one of the first people to arrive at the scene of a crash, Superintendent McArdle believes it is often obvious that the crash could have been avoided if the driver wasn’t taking risks on the road like speeding or drink driving. He has said ‘it is devastating to witness people trapped and injured because of their poor decisions. We know that many of these people will live with the impacts of their poor decisions for the rest of their lives. And sadly, the impacts on their family and friends are often devastating.*



*This is why Superintendent McArdle is a supporter and advocate of the campaign so that country drivers can think about this when they make decisions on the road. His story is currently included on the Towards Zero website (<http://www.towardszero.nsw.gov.au/countryroads>).*

*The “Saving Lives on Country Roads” campaign, as part of an integrated program, is striving to help lower the number of road crashes on country roads so that first responders, like the NSW Police and Superintendent McArdle, do not have to respond to these situations in real-life. Research shows since the campaign launch, the campaign is already having a positive impact on shaping regional driver’s attitudes.*

*The “relevant audience”*

*The Practice Note to the Code provides that the relevant audience ‘is the audience that the advertiser intends to see the marketing communication’. The sole intention of the Television Commercial is to convey an important public safety message to the primary target audience of regional male drivers, in particular those aged 30-59 years, who make up the majority of fatalities in country areas.*

*The Practice Note to the Code further provides that ‘the Board shall have regard to the audience or readership composition data for the relevant audience’ when determining the relevant audience.*

*TfNSW relied on Roy Morgan media consumption data considering media channels and how best to reach the 30-59 year old NSW demographic through media. This data indicated television was one of the key channels with the heaviest consumption and in turn offers the best opportunity to reach the target audience.*

*Section 2.3 avoidance of the portrayal of violence*

*As part of the “Saving Lives on Country Roads” campaign, the Television Commercial is critical in continuing to raise awareness that country drivers have a role to play in keeping themselves and the communities safe by saying ‘Yeah...NAH’ to speeding, drink driving, driver fatigue and mobile phone distraction and helping to decrease the social acceptability of these high risk behaviours.*

*It is about encouraging country drivers to take action and make the ‘right decision’ on the road through ‘Yeah...NAH’ whilst also continuing to highlight the issue that local people are dying on local roads.*

*The Television Commercial does include the aftermath of a crash, to show the consequences of an everyday driving decision, however this is an essential element due to the need to focus regional drivers’ attention on the elevated risk of country driving and remind them that making a mistake is likely to be far more serious on*





*country roads.*

*The Television Commercial was designed to be emotive, noticeable, impactful and realistic in order to encourage the Target Audience to engage in conversation about the choices they make on country roads and make them believe it can happen to them.*

*The portrayal is intended to reach a male target audience, to assist in conveying the road safety message relevant to that group, and the inclusion of a crash, and aftermath of the crash, is relevant and appropriate to help achieve that aim. The Television Commercial conveys to the Target Audience the message that there are a unique combination of risks on country roads that increase the likelihood of being involved in a crash so that the Target Audience can make safer decisions on the road.*

*The Television Commercial has a rating of 'W' which means it can be broadcast at any time, except during P and C (Children's) programs or adjacent to P or C periods, in order to specifically reach the intended Target Audience.*

*Since launching in December 2017, the "Saving Lives on Country Roads" campaign has shown strong cut through in successfully targeting the 30-59 year old regional males, the audience intended to be reached, to convey the important community road safety message the campaign promotes.*

*As an umbrella campaign, the "Saving Lives on Country Roads" campaign focuses on challenging the attitudes and behaviours of country drivers over the long term to help drive positive behaviour change and foster community support for road safety initiatives in order to save lives on country roads.*

*TfNSW has received no other complaints or feedback expressing concerns about the sequence of images complained of in the Television Commercial.*

*Other considerations under the Code*

*We note that in addition to considering specific issues raised by the individual complainant, the ASB Board will also review the advertisement in its entirety against Section 2 of the Code.*

*TfNSW would be happy to address on these or compliance with any other elements of the Code should the Board consider it warranted.*

## **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 ex-emergency services personnel 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 various scenarios where people have considered a choice, and then decided against it. The slogan is "Yeah...Nah". The advertisement ends with a man overtaking a truck, and then the scene showing the result of an accident.

The Panel noted that it had previously dismissed similar advertisements 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 current advertisement does not show the impact of a crash, only the aftermath, and that there are no bodies or blood visible. The Panel also noted that there are no graphic impact sounds of the crash that may startle viewers, and the music remains steady throughout the advertisement.

In the Panel's view the advertisement is conveying an important road safety message and presenting a reasonable depiction of the aftermath of a car crash is not inappropriate in the context of the road safety awareness campaign.

The Panel considered that the message of this advertisement relating to the need for people to reconsider their driving behaviour 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 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.

