



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0271/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Motor Accident Commission SA</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>22/06/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

The TVC depicts a number of people trapped in the top half of an hour glass with one person eventually passing through to the bottom. The imagery, in combination with the voice over, is intended to express that it takes time for drugs to pass through an individual's system before it is safe to drive. The imagery of people trapped in the hour glass is analogous to being trapped by a drug habit.

## THE COMPLAINT

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

*I agree with the message but the graphic imagery was way too much for that time slot. I had a 6 year old watching the family movie. She was objected to scary looking grown men in dark places using marijuana and trying to escape from the police. It spooked her. This ad should never be seen during a G rated family movie.*

*The graphic imagery was way too much for that time slot. This ad should never be seen during a G rated family movie. I object to the placement of the ad during a G rated family movie for kids.*

## THE ADVERTISER'S RESPONSE

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

*Drug Driving is an area of increasing concern to the road safety community. In South Australia in 2014, the year of analysis at time of campaign development, 24% of driver/rider fatalities had the presence of one or more of three drugs proscribed as illegal to have any amount of in the system when in control of a vehicle. These three drugs are:*

- 1. THC (tetra hydro cannabinol) – the active ingredient of marijuana (“THC”)*
- 2. Methylamphetamine – speed, ice or crystal meth (“Amphet”)*
- 3. MDMA (3,4 – methylene dioxy methamphetamine) - the active ingredient in ecstasy (“MDMA”)*

*In the same year 22% of drivers or riders killed had a BAC in excess of .05, meaning drugs had exceeded alcohol in its implication in road fatalities.*

*SA Police’s detection rate of drink drivers is generally 1 to 2 out of every hundred drivers tested, whereas the detection rate of drug drivers, at time of campaign development, was more than four times that at 9 out of 100.*

*Due to these two alarming statistics alone it was decided to develop and put to market a campaign to educate drug users as to the dangers of drug driving and the time frames in which drugs would impair their driving.*

*Your advice states that the complaint falls under Section 2 of the Advertiser Code of Ethics, specifically 2.3 – Violence Causes alarm and distress to Children.*

*Your advice also asks us to address all other sections of the Advertiser Code of Ethics.*

*With regard to the AANA Code for Advertising and Marketing Communications to Children:*

- The commercial does not target children under the age of 14. It targets 20- 50 year old drug drivers with a skew to older males within this range.*

*With regard to the remaining sections of Section 2 of the Advertiser Code of Ethics:*

#### *2.1 - Discrimination or vilification*

- There is no content in the commercial that discriminates on the basis of personal characteristics.*

#### *2.2 - Exploitative and degrading*

- The commercial does not employ sexual appeal in any manner.*

#### *2.4 - Sex, sexuality and nudity*

- *There is no depiction of sex, sexuality or nudity in the commercial.*

#### *2.5 – Language*

- *There is no language that could be considered strong or obscene in the commercial.*

#### *2.6 - Health and Safety*

- *The commercial does not depict any unsafe behaviour, including drug use.*

*With regard to the section relevant to the complaint that we have been asked to address:*

#### *2.3 – Violence Causes alarm and distress to Children.*

*The complainant has stated that the imagery of adults using marijuana in dark places and evading police was too graphic for placement in the G rated family program and distressed their 6 year old child. We make the following comments:*

- *There is no depiction of violence, consequences of violence or menace in the commercial. The commercial depicts a number of people trapped in the top half of an hour glass with one person eventually passing through to the bottom. The imagery, in combination with the voice over, is intended to express that it takes time for drugs to pass through an individual's system before it is safe to drive. The imagery of people trapped in the hour glass is analogous to being trapped by a drug habit.*
- *The commercial does not depict anyone using marijuana or any other drug.*
- *The commercial does not depict anyone attempting to evade police.*
- *We have consulted with our media agency and confirm that the movie under consideration was classified PG, not recommended for children under 6 and requiring parental guidance for children aged 6-9 for violence and scary scenes.*
- *Commercials Advice reviewed the commercial prior it going to air and approved it for broadcast, allocating it a "W" rating meaning it was suitable to be placed in that program. Our media agency has advised that at time of booking the title of the movie was unknown. As the rating of the finalised program did not clash with the rating of the booked commercial, there was no perceived issue to be raised.*
- *While we believe no breach of advertising standards has occurred and note that the program under consideration was rated PG, we empathise with the complaint and note that it was not our intention to cause distress to children. We have discussed the issue with our media agency and agree to further buying parameters to avoid placement in programs or timeslots that are unlikely to be relevant to our key target audience.*

*Given the seriousness of this community issue we hope you will agree that the continued broadcast of our drug driver education campaign is necessary.*

## **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 advertisement depicts graphic imagery of men taking drugs and trying to escape from the police and is not appropriate for children to view.

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 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 that this television advertisement depicts a man falling through a large group of people trapped in an hour glass while a voice over talks about the time it takes for illegal drugs to pass through a person’s system, for example marijuana can be present for up to 5 hours.

The Board noted the complainant’s concern that the advertisement depicts men using marijuana but considered that although the voice over mentions drugs we do not see any drugs: either images of drugs or images of people taking drugs.

The Board noted the complainant’s concern that the advertisement depicts men in dark places trying to escape the police. The Board noted the image of a group of people trapped in an hour glass is dark but considered that there are no police and the man is shown falling on top of and then through the crowd. The Board noted that this scene is intended to represent the way drugs pass through a person’s system and considered that the final scene clearly shows a large hour glass with a crowd of people at the top and one man falling through to the bottom.

The Board considered that the complainant’s interpretation of the content of the advertisement is unlikely to be shared by the broad community and in the Board’s view the advertisement does present an impression of violence in a manner which is justifiable in the context of the product or service advertised.

The Board noted the advertisement had been rated ‘W’ by CAD and had been viewed by the complainant during a PG rated movie. The Board noted the advertiser’s response that although the advertisement had been aired in accordance with its rating the advertiser has instructed its media agency to take greater care to ensure the advertisement is placed in programming more directed at the target audience and so minimise the exposure to children.

The Board 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.