



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0336/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Transport Accident Commission</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/08/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Community service advertising
- 2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

We open with Sgt Peter Bellion of the Major Collision Unit taking us through a reconstruction of a serious crash. In slow motion he shows us the force of a girl being hit by a car at 32km. She is thrown over 6 metres into the air and suffers serious head injuries. Then we replay the accident but slow the vehicle down by 5km to 60km. At impact the car would only be travelling 5km an hour. She would only have a bruised leg and the Major Collision Unit would never have been called.

### THE COMPLAINT

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

*This was show during the Olympics opening ceremony replay in the afternoon FAMILY program ads. NOT SUITABLE!!*

*Very graphic: blood, neck breaking etc. Too graphic for during the day especially during a family program!*

*Trying to watch the London Olympics opening ceremony (replay) with my children (pre-school age) who are repeatedly traumatised by these TAC ads showing a woman get run over in slow motion with graphic detail of her injuries. I believe such graphic content should not be shown during family viewing hours.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for notifying the Transport Accident Commission (TAC) of the complaint received by the Advertising Standards Bureau in relation to the anti-speeding advertising campaign 'Reconstruction'.*

*The issue raised within the complaint applies to Section 2 of the AANA Advertiser Code of Ethics:*

- *2.3 Violence graphic depictions*

*In this response we outline the road safety statistical background to the campaign, the rationale for the creative approach taken as well as the extensive market research conducted. The confronting nature of this campaign was thoroughly market tested and endorsed by the target audience – male Victorian motorists.*

*This advertisement launched in 2006, has received two complaints via the ASB previously, both of which were dismissed. I refer you to case numbers 136/06 and 441/06.*

*Following your review of the material we are confident that you will find the TAC has developed a campaign to tackle the issue of road trauma in a responsible way that is 'justifiable in the context of the product or service advertised' (i.e. road trauma), as per section 2 of the Advertisers Code of Ethics.*

### *Background*

*Road trauma including death and injuries is a social issue that affects more than individual road users. Families, friends and work colleagues are placed under enormous stress; not to mention the wider impact on Victoria's health and compensation systems. Every year the TAC provides over \$900 million dollars in support services and benefits Victorians injured in road accidents and assisting the families of those who have died.*

*In tackling the issue of road safety, the TAC has segmented its approach, looking at aspects like age, sex, the type of behaviour (speeding, drink driving, fatigue, etc.) and the road user type (driver, rider, pedestrian, etc.).*

*Road trauma causes are well understood and are largely preventable. In 2011 the Victorian road toll was 287; the lowest toll ever recorded. In the same year the TAC accepted claims for people injured in crashes from approximately 16,000 people.*

*Victoria has made significant gains in reducing road trauma over the years through challenging and diverse strategies involving public education, legislation and infrastructure. But, there is still some way to go. This is why targeted and planned public education campaigns, like the one being reviewed, have been and will remain a critical tool in reducing death and injuries on our roads.*

*The 'Wipe off Five' campaign was initiated in 2001 to combat community perceptions regarding the acceptability of low-level speeding (between 5 -10km/h over the limit). Research undertaken by road safety experts and recreation of crash scenarios provided evidence that if every driver reduced their speed by 5km/h, then about 95 lives and 1,300 serious injuries could be saved every year. Wiping off five km/h cuts stopping distance, lowers the risk of crashing and reduces impact and injury severity. 'Reconstruction' was the tenth phase of the campaign which compliments the initiatives of other road safety agencies such as enforcement and lower speed limits.*

### *The Issue*

*Speeding is a significant contributor to serious road trauma across all road user groups. Vulnerable road users such as pedestrians are especially at risk of death or serious injury when a crash involves speed. Research shows that small increases in the average travel speed can lead to substantial increases in deaths and serious injuries (Kloeden, McLean, Moore & Ponte, 1997; McLean, Anderson, Farmer & Brooks, 1994).*

*The figure above shows the risk of death to a pedestrian struck at:*

- 30km/h is less than 10%
- 40km/h is around 25%
- 50 km/h is more than 80% and
- 60km/h + is 100%

*Speeding is the largest contributing factor to road trauma in Victoria estimated at 30% of all fatal and serious injury collisions. 181 drivers and passengers were killed in 2011. Of those fatalities, inappropriate or excessive speed was a contributing factor in 33% of deaths. Additionally, 49 motorcyclists and pillion riders were killed in 2011. Of those fatalities, inappropriate or excessive speed was a contributing factor in 31% of deaths.*

*The TAC's vision is to make speeding as socially unacceptable in the Victorian community as it is with drink driving. Significant public education has been undertaken in the Victorian community, especially regarding the issue of low level speeding (Wipe off 5) since 2001. The campaign has achieved significant results during this period. Self-reported speeding has reduced from 25% (2001) to 12% (2011). Almost 80% of those surveyed agree that anything and up to 5km/h over constitutes speeding in a 60km/h zone. Victoria's road toll has declined from 444 in 2001 to 287 in 2011.*

#### *Creative Approach*

*This campaign was developed in 2006 addressing the issue of low level speeding, targeting drivers of passenger vehicles as part of the Wipe off 5 strategy. The main objective of this campaign is to communicate the importance of adhering to the speed limit to reduce the severity and probability of a crash, highlighting that no matter how skilled or experienced a driver you are, you cannot alter the laws of physics.*

*'Reconstruction' demonstrates the difference in injuries that may be suffered by a pedestrian at impact speeds of 32km/h and 5 km/h. The injuries referenced in these scenarios reflect the most probable injury outcomes. Obviously, lesser and more extreme injuries may be suffered by pedestrians, particularly dependent on which part of the car they impact with.*

*Whilst issues of road type, vehicle technology and experience also play a role in safety for the pedestrian in this scenario, travelling at a safe and legal speed provides the driver more time to react and a greater ability to respond to the unexpected, delivering a greater chance of avoiding collision and minimising traumatic outcome.*

*The communications approach undertaken for this campaign is to replicate the "physics lesson" in order to explain the issue of speeding and the physics of reaction times, impact speed and injury outcome to the Victorian community.*

*This campaign has remained part of the TAC's rotation of anti-speeding public education campaigns each year since its launch. The campaign has resonated and performed exceptionally strongly with the target audience and has proven to assist in reducing self-reported speeding behaviour within the Victorian community.*

*The success of this execution also led to the development of a replica advertisement focusing on another vulnerable road user group in motorcycle riders launched in April 2012;*

*'Motorcycle Reconstruction'.*

#### *Research*

*The TAC is an evidence-based organisation and prides itself on being a world leader in road safety public education that is developed as the result of extensive, detailed and insightful research. In the development of our anti-speeding communications strategy, the TAC*

*conducted in-depth analysis of Victorian's attitudes and behaviours towards the issue of speed and other road safety issues such as fatigue, drink driving and drug driving. The TAC ensured every phase of the development, production and research was undertaken to ensure a true, factual, realistic and influential advertisement was put to air.*

*Research undertaken:*

- A situational analysis of Victorian driver's attitudes and behaviours specifically on the issue of speed was conducted across regional and metropolitan Victoria.*
- Concept research was undertaken among the target audience to investigate the message takeout, likely behaviour change and validity of a range of concepts developed to meet the brief. If a specific concept is successful it will proceed to the production phase. If not, then further concept development is undertaken (and learnings from research applied) and concept research is repeated.*
- Offline research is undertaken once the commercial has been filmed and an initial edit is available. This is crucial to ensure that all feedback at concept research stage has been applied and also provides the opportunity to fine-tune the execution, so as to maximise the road safety message takeout and minimise any potential negative issues.*
- The TAC undertakes a Behavioural Tracking study on a fortnightly basis to assess community attitudes and behaviours to specific road safety issues, as well as to measure recall of specific campaigns and understand the effectiveness and opinions of the TAC campaigns across all segments of the community.*

*Media*

*The primary target audience is male motorists aged 18-40 years. We also aimed to speak to all Victorian drivers male and female, as well as their families as we know from research that they can often influence behaviour.*

*The CAD approval reference provided by Commercials Advice Pty Ltd for the 60sec hero TVC is PVKD6GOA and was rated PG.*

*Media channels selected to effectively communicate this critical road safety message included metropolitan and regional television, metropolitan radio, regional press, Victorian online publishers, Victorian SBS radio translation and of course state-wide outdoor portfolio. It is worth noting that the TAC has also been conscious of the necessary but confronting nature of this advertisement. With this in mind, whilst a PG rating was provided, the TAC has made efforts to ensure it has not been shown in juvenile programming.*

*A copy of the media schedule and spot schedule is attached as reference. Please note, to ensure the potential emotional impact of our campaigns on those directly affected by road trauma is limited, the TAC makes available on request, a copy of the media spot buy, including outdoor locations, to members of the public who wish to modify their viewing and travel patterns, so as to minimise unnecessary emotional trauma.*

*However, since the campaign launched in March 2006, the number of complaints regarding the creative approach received directly by TAC literally numbers less than a handful with only one person taking up the TAC's offer of the media schedule. Any complaints received have been outnumbered by positive responses including from those directly affected by road trauma.*

*There have been two complaints received by the ASB which both have been dismissed. I refer to complaints with reference numbers 136/06 and 441/06.*

*A large amount of interest and support has been shown for the campaign by the other road safety experts, the health community and the media. Numerous requests for DVD copies of the ads have been received from organisations wishing to use them for training purposes.*

*In Conclusion*

*We acknowledge that some members of the public will find this campaign confronting. Our research and over 20 years' experience in this field tells us that this is the initial reaction to*

*expect, but that over time through consistent public education and demonstration, behaviour change can occur and eventually becomes the new social norm.*

*I trust that you will view this response favourably, given this campaign has been and will continue to be critical in influencing Victorian driver's behaviour and play an important role in saving lives and reducing the level of trauma on Victoria's roads.*

*Given all of the above and the context in which this campaign is being used, we trust that you will agree that whilst the campaign is most definitely confronting, it does not breach Section 2 of the AANA Advertiser Code of Ethics.*

*Should you have any queries or wish to discuss additional points, please do not hesitate to contact the undersigned.*

## **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 features a graphic depiction of a woman being run over which is not appropriate for family viewing times.

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 that the advertisement features the reconstruction of woman pedestrian being hit by a car and we see her injuries in slow motion.

The Board noted that the advertisement is targeted toward road users who break the speed limit by 5km/h and that it shows the potential consequences of this seemingly small increase in speed.

The Board noted that it had previously dismissed the advertisement when it was first released in 2006 (case reference 441/06) where it found that the depiction of the pedestrian walking out onto the road was presented in a manner which was justified in the context of the message of the advertisement.

The Board 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 and that the target audience for this advertisement would relate to the advertisement.

The Board noted that the advertisement was given a 'PG' rating by CAD and that the advertiser has said that it has made efforts not to show the advertisement in juvenile programming and that a copy of the media spot buy is made available to the public.

In the Board's view the advertisement presents violence in a manner that is justifiable in the context of the product being advertised.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 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".

The Board noted that the pedestrian is shown to walk out on to the road apparently without looking for traffic first and considered that consistent with its determination in case reference 441/06 the consequences of not looking before stepping out on to the road are presented in a manner which highlight the fact that this is not a sensible thing to do. The Board considered that the advertisement does not depict or condone behaviour which would breach prevailing community standards on health and safety.

Based on the above, the Board determined that 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.

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