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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0365-20
2. Advertiser :	IAG Insurance
3. Product :	Insurance
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	16-Dec-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a woman asleep at the wheel of a vehicle and her children asleep in the back seat as the vehicle drives them home autonomously.

THE COMPLAINT

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

This Ad is an extremely dangerous depiction of a mother with children in car falling asleep at the wheel. It shows the car somehow arriving home safely. Nothing could be further from the truth, infact, fatigue this is the second biggest killer on our roads! The ad showing that someone could dangerously fall asleep and arrive home is ludicrous and irresponsible. Putting the thought that falling asleep with your children in the car is OK is absolutely crazy.. ando by an insurance company?

I think this is a dangerous message suggesting that you can drive on busy roads while asleep and not cause an accident. We are heading into a notorious time of year where deaths occur frequently due to people falling asleep at the wheel. I felt sick watching it. I believe NRMA is being irresponsible and are not providing a clear message to pull over if you are fatigued. I believe this advert should be axed.



The message portrayed in the NRMA (IAG) advertisement, I believe, is that it is OK to be asleep behind the wheel and we get home safe. The truck driver is asleep with a book on his lap as he heads toward the car and a horn sounds. The two girls fall asleep and are seen in different sleeping positions on the back seat. It is unclear if they are restrained with seatbelts in a couple of the scenes. Portraying that one can sleep, drive and arrive safely in the driveway hours later is quite irresponsible as the caption to drive safe appears at the end of the ad. Many Australians cannot read or write, others have English as a second language. There are no words spoken throughout the ad to help understand what is going on. It will be a very long time before cars can drive themselves- a very odd message anyway from a national motoring association. NRMA may need to spare a thought to people who have lost loved ones to driver fatigue or who have been wiped out by a truck themselves. That makes this ad even more difficult to watch. I will be one of the 2 in 3 Australians on a road trip this year. I hope not to be one of the statistics of being killed by a fatigued driver. We need to remind drivers to pull over when fatigued to save lives. Not show images of people driving around with their eyes shut.

THE ADVERTISER'S RESPONSE

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

1. About NRMA Insurance

IAG is a leading general insurer in Australia and New Zealand and the founding member of the Australian Business Roundtable for Disaster Resilience and Safer Communities. At IAG, our purpose is 'to make your world a safer place'.

NRMA Insurance has a history of helping Australians in times of need since 1925. We are a trusted insurance brand in NSW, QLD, the ACT and TAS, and part of Insurance Australia Group (IAG).

NRMA Insurance has played a significant role in the community since its inception, including in the areas of community safety, disaster recovery and mitigation. NRMA Insurance is a proud sponsor of the NSW and QLD State Emergency Services (SES) and is proud of its longstanding commitment to road safety. Road Safety initiatives that NRMA Insurance is currently actively involved in include the following:

- NRMA Insurance Bus Safety Program – a program that teaches kindy-aged kids in regional NSW about bus safety.*
- Merging crash hotspots – an education piece NRMA Insurance provides each year highlighting NSW/QLD/ACT crash hotspots.*
- Re-Act program – a program that raises road safety awareness amongst university students.*



Our passion for road safety and ‘making your world a safer place’ is further evidenced by the fact that NRMA Insurance has consistently developed and run road safety advertisements during this Christmas/school holiday period over the past four years. We note the consistent work we do in this space has been recognised by government agencies such as Transport NSW.

2. Background to the TV Ad

The one-minute NRMA Insurance Sleeper television commercial (TV Ad or Ad) is one of a number of purpose-led road safety campaigns developed to make Australian roads safer. Other campaigns currently live at the moment include: (i) a regional OOH campaign to encourage drivers, now more than ever to take care, and (ii) a “Sloways” campaign encouraging caravaners to enjoy the road trip and not rush to their final destination but instead take a slower, safer route.

To help draw the community’s attention to the importance of driving safely, particularly at this time of year, we created the TV Ad.

The TV Ad tells a story in an “alternate reality” setting – a world where old, “analogue” cars possess futuristic capabilities. Viewers see that all drivers in the Ad are asleep at the wheel. However, at no point do they or their passengers ever come to harm.

The message of the TV Ad strongly supports NRMA Insurance’s road safety campaign: namely that, until all our cars can drive themselves, we should continue to drive safely.

Australian families traditionally travel great distances by road to visit friends and family in other parts of this vast country. Driver fatigue is a real issue and these journeys often involve driving through the night. NRMA Insurance's commitment to make Australia a safer place for everyone is the driving force behind this TV Ad. The Ad was released just before the Christmas break when many families take to the roads to visit relatives – particularly so this year, where unprecedented interstate and international travel restrictions mean that more people will be travelling great distances on the road for their annual holidays.

3. Description of the TV Ad

The TV Ad focuses on a family of three, a mother and her two children, taking a long road trip through the night.

When the ad starts, both the mother (who is driving) and her children (who are strapped into the back seat) are alert and awake. As the ad continues, we see the children fall asleep and shortly after, the mother also peacefully drifts off to sleep.

Despite this, and counterintuitively, the “analogue” vehicle continues to safely navigate the journey unassisted. The car is shown executing controlled turns and precisely threading its way across bridges, intersections and spaghetti junctions in perfect synchronisation and harmony with other self-driving vehicles which are also



shown to have sleeping drivers. At the end of the Ad the family arrives safely at their destination, and the Ad concludes with the road safety message, "Until all our cars drive themselves. Drive safe."

4. The Complaint

The two complaints received by Ad Standards allege that the TV Ad depicts unsafe behaviour contrary to Prevailing Community Standards on health and safety (Section 2.6 of the AANA Code) (Code). The complaints specifically reference the following issues:

- That it is irresponsible for the Ad to show a driver dangerously falling asleep at the wheel yet arriving home safely / not causing an accident; and*
- That the Ad is irresponsible because it does not provide a clear message that drivers should pull over if they are fatigued.*

5. NRMA Insurance's Submission

For the reasons below the complaint should be dismissed.

5.1 Discrimination or Vilification (Section 2.1 of the Code)

There is no discrimination or vilification depicted in the TV Ad.

5.2 Exploitative and Degrading (Section 2.2 of the Code)

There is no exploitative or degrading content depicted in the TV Ad.

5.3 Violence (Section 2.3 of the Code)

Section 2.3 of the Code states: "Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Ad itself does not depict any actual violence or harm suffered by people or animals. While the Community Panel has previously found that "a strong suggestion of menace" will present violence in an unacceptable manner and breach Section 2.3 of the Code, in IAG's view the Ad does not portray any violence or menace of a sufficient level to trigger this section.

IAG acknowledges that at the point in the TV Ad where the mother begins to fall asleep in the driver seat of the vehicle, this is an unnerving moment for the viewer. The viewer's sense of foreboding is then momentarily heightened when the TV Ad shows a large truck approaching from the opposite direction, as the vehicles seem to potentially be at risk of a head-on collision.

However, there is no resulting collision. Instead:

The vehicles safely pass by each other as the camera cuts to show that the truck driver is also sleeping peacefully. An open novel rests on his chest to suggest to the viewer that even when he was awake, he was reading the novel rather than operating the truck.



At the same moment, ethereal synthesized music begins to play (in keeping with the unexpected and bizarre turn of events / alternate reality) introducing a sense of peace and calm. The music is not menacing, it doesn't build suspense or threat, it is ethereal and magical, reinforcing the notion this is set in an alternate reality.

As the Ad continues on, the scene cuts to show a busy overpass over a highway, as cars zig-zag through the intersection in highly synchronised, almost balletic movements.

It is quickly revealed that the family's car - a 1999 Volvo – is driving itself, as the car's indicator is shown turning itself on and the wheel independently turns itself while the family continues to sleep peacefully.

Footage is played at a heightened speed, emphasising the 'unreal' element of the Ad. As day breaks, soaring dream-like music begins to play, adding to the fantastical nature and air of unreality of the Ad. The car then pulls into a driveway and the passengers are seen happily reuniting with family at the end of their safe journey. The road safety message of the Ad is then presented: "Until all our cars drive themselves. Drive safe." The premise of the Ad is confirmed: viewers are watching cars of the future where autonomous vehicles have improved road safety.

In summary:

- the relevant scene in the Ad is relatively brief (approximately 10 seconds of the 60 second Ad);*
- while the family does briefly appear (in the eyes of the viewer) to be at risk of potential harm early in the Ad:*
- this is important in focusing the viewer's attention on the dangers of driver fatigue; and*
- the aftermath of the event is immediately shown, confirming that no harm occurred; and*
- subsequently, it quickly becomes clear to the viewer that any sense of foreboding they may have briefly felt was misconceived. The family was never in any danger to begin with, as their autonomous vehicle is guiding them safely and peacefully to their destination.*

For these reasons, IAG does not consider that the Ad depicts violence or menace of a sufficient level to trigger Section 2.3 of the Code. The unnerving moment in the Ad is brief, immediately dissipated in the following scenes, and not only does no actual harm come to the vehicles' passengers, but the viewer discovers that they were never in any danger to begin with. IAG respectfully submits that any suggestion of menace is relatively mild and in any event entirely justifiable in light of the community awareness focus of the TV Ad.

Any alleged menace attaching to the unnerving moment in the Ad where the car and the truck pass by each other is directly relevant to the road safety message presented by the Ad. This scene causes the viewer to focus on the dangerous consequences of



falling asleep at the wheel. When the danger is shown to be illusory (as the “analogue” vehicles depicted are all autonomous, self-driving vehicles), this “reveal” serves to emphasise the community safety message and call to action presented by the Ad: “Until all our cars drive themselves. Drive safe.” The message to viewers is simple. Drivers must pay attention and avoid fatigue, as all cars today do not yet drive themselves.

Consistent with the determinations made in relation to other road safety campaigns, which all contain a far higher and/or more graphic level of violence or menace, IAG submits that the Ad does not breach Section 2.3 of the Code.

For example in case 0264/18 (by Transport for NSW), the relevant advertisement depicted two cars about to collide after a driver decides to overtake a truck on a country road. The advertisement cut to black just before the point of impact, and then depicted the aftermath of the crash scene, which the advertiser acknowledged was “confronting”. The Panel dismissed complaints that the ad caused alarm and distress and depicted violence, noting that the ad did not show the impact of the crash. It found that “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”. As a matter of principle, the Panel expressed the view that “a higher level of graphic imagery is permissible in advertisements where there is a strong public health or safety message”.

In the case of this TV Ad, IAG submits that the relatively mild level of menace is more than justifiable in light of the important road safety message communicated by the Ad.

5.4 Sex, sexuality and nudity (Section 2.4 of the Code)
There is no sex, sexuality or nudity in the TV Ad.

5.5 Language (Section 2.5 of the Code)
There is no strong or obscene language used in the TV Ad.

5.6 Health and Safety (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.”

IAG is aware that the premise of the Ad is relatively novel in the context of most road safety advertisements. The storyline of the Ad subverts the typical cautionary tale presented in road safety advertisements. Here, a family arrives safely at their destination despite the “driver” (and other “drivers” on the road) sleeping peacefully through the journey. The Ad relies on this novelty in order to draw and retain the viewer’s attention and deliver the road safety message and associated call to action: “Until all our cars drive themselves. Drive safe.”

The call to action confirms the premise of the Ad for viewers: viewers are not watching current day events, but are watching autonomous, self-driving cars in an unreal /



alternate reality setting. The Ad also employs other elements (identified in section 5.3 above: the use of playful synthesized music and soaring dream-like music, as well as the use of footage played at a heightened speed, etc.) to emphasise the fantastical nature and air of unreality of the Ad. In combination, all these factors mean that the events of the Ad are clearly identifiable as a make-believe scenario which does not take place in the present day.

Within the context of that storyline, the Ad does not depict any element of unsafe driving. While the TV Ad is not an advertisement for a motor vehicle, IAG was also mindful of the Federal Chamber of Automotive Industries Advertising for Motor Vehicles Voluntary Code of Practice (FCAI Code) when developing the Ad. In particular:

- all vehicle occupants are depicted sitting safely with seat belts on;*
- all vehicles are shown following the rules of the road: travelling at safe speeds, within their designated lanes, at a sufficient distance behind any vehicles travelling in front of them so that the car can (if necessary) stop safely to avoid a collision, using their indicators before turning, and using their headlights for night driving. At no point is there any loss of control of the motor vehicle;*
- at no time are the vehicles driven in a reckless or menacing way that would breach any Commonwealth law or the law of any State or Territory. To the contrary, the vehicles are depicted as being driven in a highly precise, controlled and synchronised fashion by the vehicles' self-driving technology; and*
- while the mother and truck driver are shown as fatigued and even sleeping while sitting in the driver's seat of their vehicles, the Ad makes clear that this is occurring in a fantastical / make-believe world where safe, autonomous cars exist. The mother and truck driver are not in fact actually "driving" their vehicles – the vehicles are safely driving themselves.*

IAG submits that the interpretation of the Ad by most members of the community would differ from the interpretation of the two complainants, as the clear message of the Ad is that drivers should indeed avoid driving while fatigued, until such time as we will live in a futuristic world where all cars operate seamlessly using driverless technology. The Ad plainly is not suggesting to the viewer that a motor vehicle should be driven in violation of road rules. The Ad clearly depicts a fantastical scenario where, in the circumstances, no unsafe driving occurs. IAG notes that consumers are commonly exposed to and encouraged to consider fictional and make-believe scenarios of this kind in Australian television advertisements. For example, the Suzuki television advertisement referred to in case 0259/19 opens with a futuristic scene showing a driverless car and a voiceover stating "It is predicted that by 2035 all cars will be driverless, but until then....".

Overall, the Ad is similar to other advertisements which have portrayed the assistance of autonomous driving technology, and consistently with those advertisements, IAG considers that the complaints should be dismissed. For example:



A Volvo advertisement referred to in case 0291/19 depicts a woman yawning and reaching for her coffee when her car almost hits a young girl on a pedestrian crossing. The expected collision is then averted by the car's automatic braking technology. A complaint was received objecting to the advertisement on the basis that it gave viewers the message that "you can be an inattentive, distracted driver and your car will have your back". The Panel dismissed the complaint.

In a Ford advertisement referred to in case 0454/18, a man is depicted saying, "We could tell you about the autonomous emergency braking available on this [car], or we could just show you". The man then steps into the path of a moving vehicle which beeps and stops in front of him. A complainant objected to the ad on the basis that "a child may look at the advert and think all vehicles will be the same" and that this was "dangerous and misleading". The Panel dismissed the complaint, and noted that despite the complainant's concern that a child might see the advertisement and replicate the behaviour shown, this interpretation of the advertisement was unlikely to be shared by most members of the community. IAG submits that similarly, members of the community are unlikely to view the TV Ad and consider that they can safely fall asleep at the wheel of their vehicle and expect to arrive safely at the destination after a long journey. This interpretation of the Ad is not reasonable.

In summary, the Ad does not encourage anyone to drive in a reckless and/or unsafe manner contrary to the Code (or the FCAI Code, if it were applicable).

*5.7 Distinguishable as advertising (Section 2.7 of the Code)
The TV Ad is clearly distinguishable as advertising.*

6. Closing submission

For the above reasons, we submit that the Advertisement is not in breach of the Code. We thank Ad Standards for the opportunity to provide these submissions in relation to the complaint and respectfully request Ad Standards dismiss the complaint.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement promotes irresponsible and unsafe behaviour by showing people asleep behind the wheel of a vehicle.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.3 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 the Practice Note for the Code includes: “Consequences of violence may also be prohibited however graphic depictions of traffic accidents...may be justified by the community safety message involved. The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code.”

Does the advertisement contain violence?

The Panel noted a previous case (0266-20) in which it had concluded that “Violence” need not refer solely to harm or potential harm caused deliberately by one person to another, and would extend to real or potential harm caused by accidents. The Panel also referred to previous decisions relating to automotive safety, where depictions of harm (or potential harm) to vehicle drivers or passengers was considered to be appropriately assessed under Section 2.3 of the Code, even if the potential violence in the advertisement was not deliberately caused by a human.

The Panel considered that the first half of the advertisement gives an impression that there will be an accident, specifically that the vehicle being driven by the woman is going to collide with a truck. However the Panel considered that this impression is not overly strong or concerning, and that most members of the community would not consider this impression to constitute a level of violence or menace that would be considered under Section 2.3 of the Code.

Section 2.3 conclusion

In the Panel’s view the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that the overall intention of the advertisement is to promote a “drive safe” message, however noted that the advertisement is one minute long and that some viewers may not watch the entire advertisement.

Seatbelts

The Panel noted a complainant’s concern that it is unclear in some scenes as to whether the people depicted are wearing seatbelts. The Panel agreed that in some scenes it is not clear however considered that in others the people are clearly wearing seatbelts, and the Panel considered that most members of the community would not consider the advertisement to depict or promote unsafe behaviour in relation to the wearing of seatbelts.

Sleeping



The Panel noted that several scenes depict the drivers of vehicles asleep as the vehicle drives itself. The Panel considered that the advertisement has a dreamlike element due to the music and the imagery. The Panel noted that the vehicle shown is an older model, and considered that most members of the community would recognise that such a vehicle would not have self-driving technology, adding to the fantasy atmosphere.

The Panel noted that fatigue in drivers is an issue of significant community concern, and noted a complainant's concern that a holiday period is approaching where many people are making longer car trips.

The Panel noted that self-driving technology is not currently available in vehicles for sale to the general public, and considered that most members of the community would not take the message from this advertisement that falling asleep behind the wheel is appropriate, or consider that the advertisement was encouraging or condoning such driving behaviour.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.