



Case Report

1	Case Number	0377/10
2	Advertiser	Motor Accident Commission SA
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	08/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A surgeon, pilot and bus driver are all shown about to perform their jobs after taking drugs, whilst a voice over talks about whether you would be happy for them to do this if they were operating on you, flying you or driving you - the message being that you wouldn't trust them so you shouldn't trust yourself to drive if you have been taking drugs. The final statement is "Don't drive on drugs"

THE COMPLAINT

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

As much as I support the message I think that the scene in which drug paraphernalia is displayed specifically the bong is offensive. I do not think that young children should see such an item on TV as I think this is familiarising them with it and normalising it. I think it risks sending a confusing message to children with the doctor's comment. As a parent I find this ad stressful if it happens to come on TV and my children are in the room. You don't have time to find the remote and change channels before they have been exposed to the drug paraphernalia. I am complaining about the content of the ad as well as the time slot as a lot of children are still up with their families and have not yet gone to bed at this time of the evening.

THE ADVERTISER'S RESPONSE

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

MAC always considers the impact our road safety messages will have on the community but this impact must primarily take the form of changing community attitudes and behaviours toward road safety in order to reduce road trauma.

Drug driving has emerged as a prevalent issue in road safety. In 2009, 18% of those killed on South Australian roads had the presence of one of the three drugs prescribed under legislation as being illegal to have any quantity of in the system if driving. Driver drug testing was introduced in South Australia in 2006 and the apparent rate of detections suggests that drug driving may be more prevalent than drink driving. Market research amongst the core offending group showed that the prevailing attitude toward drugs and driving was that it was not dangerous, not a road safety consideration and could even improve driving ability. In light of these disturbing facts, MAC developed a drug driving campaign in the interests of reducing drug related casualty crashes in South Australia. With regard to the sections of the codes we have been asked to address (Sections 2.4 and 2.6), I offer the following comments.

Section 2.4 concerns communications that are directed primarily to Children. Our advertisement is directed primarily toward 20-40 year old males who use illegal recreational drugs, not children. The themes, visuals and language used are consistent with communications directed primarily toward young males.

Section 2.6 concerns depiction of materials contrary to prevailing community standards on health and safety and is relevant to the complainant's concern that we show drug paraphernalia in the commercial that may be seen by children.

In developing this campaign, MAC was concerned with the sensitivities of depicting drug use but was also aware of the need to stay focused on our agenda to educate on the dangers of taking drugs and driving. It was also imperative to engage and retain the attention of a highly cynical and difficult to reach audience typically resistant to Government messages. Concept testing of the work amongst confessed drug drivers indicated that the campaign would be well received and have a positive impact. For this reason, we felt it necessary to put the campaign to market in the form it has been seen by the complainant.

MAC undertook extensive consultation to ensure that the depiction of drug use abided by the relevant codes governing advertising and was consistent with the sensibilities of relevant stakeholders. This included the Crown Solicitor's Office, The Australian Medical Association, Drug and Alcohol Services of South Australia and the Advertising Federation of Australia. The campaign abides by advice received.

The key issues of concern in the depiction of drug use in advertising are:

- 1) Instruction. We can show drug paraphernalia but we cannot show how it is used. The commercial depicts a bong. It does not show anyone using it or how to use it.*
- 2) Enticement. We cannot show or imply a positive outcome from consuming drugs. All of the drugged characters in the commercial are deliberately depicted as a potential danger to those they are responsible for.*

The advertisement was reviewed and approved for broadcast by Commercials Advice Pty Ltd and given a 'P' rating, directing our media buyers to place the commercial in appropriately rated programs and time slots so as not to inadvertently expose a challenging message to minors. While we understand that this does not ensure those outside of our target audience

will not be exposed to the commercial, we do reasonably expect that if a child is watching a PG rated program prevailing standards of parenting are at play.

This campaign has been running since August 2009. In that time, our market research tracking has shown significant improvements amongst the target audience in awareness that drug driving is dangerous and improvements in actually reducing incidents of drug driving. While this is pleasing, we are aware that we must continue to impress this message upon drug drivers.

I hope you will agree that MAC has taken due care in the development of this campaign and that the positive contribution it is making in changing attitudes and behaviours warrants its continued airplay.

We are also sensitive to the needs of the public and can on request, forward a schedule of future media activity, including television programs, which will allow complainants to avoid them.

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 is offensive because it shows drug paraphernalia and normalises drug taking to children.

The Board reviewed the advertisement and noted the advertiser’s response.

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 main purpose of the advertisement was to educate the public of the potential repercussions of taking drugs and trying to perform daily routines, and that the images shown related directly to the message of the advertisement.

The Board noted the advertiser’s response that this advertisement is aimed at males aged between 20 and 40 years, and not at children. The Board noted that although the advertisement showed drug paraphernalia, there was nothing in the advertisement to indicate how it should be used. The Board considered that the advertisement did not normalise drug taking to children and that young children would not recognise the drug paraphernalia shown in the advertisement.

The Board noted that this advertisement has been classified PG by CAD which means that any children watching the advertisement should be supervised by adults.

The Board noted that whilst the advertisement shows people supposedly under the influence of drugs, the taking of drugs is not condoned and is portrayed in a negative light. The Board considered that the message of the advertisement is clear that taking drugs affects you in an adverse way.

Based on the above, the Board considered that although some members of the public, including the complainant, could find the advertisement offensive in its portrayal of drugs paraphernalia, they determined that the images depicted in the advertisement were relevant to the important public health and safety message that the advertisement is attempting to convey.

The Board determined that the advertisement 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.