



Case Report

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| 1 | Case Number | 0378/10 |
| 2 | Advertiser | Transport Accident Commission |
| 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 man describes how his impaired vision makes his life difficult and is especially hard for his mum as he struggles to do things for himself.

He then says that the one thing he can still see is the accident he had where he removed his seatbelt for a few seconds so that he could reach something. He describes the accident and we hear the sound of a car crashing. The man describes how he took his hands away from his face and saw they were covered in blood, and we see this happening.

He then removes the glasses he had been wearing and we see that one of his eyes is almost completely white.

The screen then goes black and the following text appears in white: "40 years of seatbelts. Belt up, or suffer the pain. TAC."

THE COMPLAINT

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

There is a group of people in our community who we must keep in mind when showing advertisement such as this, this group being the children. I can of course only speak from my daughter's perspective. She is 10 years old. I will teach her that she is responsible for her actions once she gets to the age where she can drive or be in other people's cars. However at age 10 the graphic nature of the latest 'TAC Belt Up or Suffer the Pain' ad showing a young man who has suffered eye damage I believe needs review. It's not so much the eye that is shown as I explained that to my daughter but the graphic clip of the blood all over his hands.

This ad was shown at 7.30pm on Friday night. I am writing to ask if the ad could be edited for this timeslot. I am not asking for it to be removed from TV.

THE ADVERTISER'S RESPONSE

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

Background

Road trauma including death and injury is a social issue that affects more than the individual road users. Families, friends and work colleagues are placed under enormous stress; not to mention the wider impact on our health and compensation systems. Every year TAC provides over \$700 million dollars in benefits and financial support aimed at rehabilitating Victorians injured in road accidents and assisting their families.

In tackling the issue of road safety, the TAC has segmented its approach, looking at aspects like age, sex, type of hazard (such as speeding, drink driving or seatbelt wearing rates) and road user type. Large investments have been made in research – particularly to understand the attitudes and behaviours of specific road user segments, those who self-report specific illegal road use behaviour such as drug driving, seatbelt wearing or speeding and the Victorian community at large, to best enable us to influence behaviour change.

Road trauma doesn't just happen – but it is preventable. Consider that the road toll in Victoria for 2009 was 290, the lowest ever recorded in Victorian history, and that over 7,000 Victorians were injured seriously enough to require medical care; you can appreciate why targeted and planned public education campaigns, like the one being reviewed, are an important tool in reducing death and injury on our roads. Many of these injuries are traumatic and suffered by people across our diverse cultural and geographic community.

Despite achieving the lowest road toll ever Victoria still lost 42 drivers/passengers who were not wearing a seatbelt. That equates to 22% of all drivers/passengers killed in 2009.

The Victorian approach to improving road safety is an integrated one that sees public education as one component of a multifaceted program complementing strong enforcement within a legislative framework.

The Seatbelt Campaign – The Creative Approach

The 2010 Seatbelt campaign included three ads, all of which had been produced in the early to mid 1990's and had been shown extensively in Victoria and around Australia on numerous occasions over the past 17 years. A check of our records indicates that the ad in question was made in 1993 and that no records of a complaint exist relating to previous flights of this element of the seatbelt campaign.

Victorian Police – Consultants to TAC on the accident re-creation

The accident depicted in this campaign is loosely based on real accidents investigated by Victoria Police. As with all TAC campaigns, the accident(s) depicted in this TAC campaign were reviewed and developed in consultation with Senior Officers from the Victoria Police Major Collision Investigation Unit.

Research specific to road safety public education campaigns

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. The TAC in the development of our communications strategy, conducted in-depth

analysis of Victorian road user attitudes and behaviours towards key road safety issues affecting them.

In Conclusion

The TV ad in question was submitted to Free TV Australia (Commercials Advice) for broadcast approval and a rating of PG was assigned as relevant. Care has been taken to place the ads only within the appropriate allowable times and outside of children's programming.

We do acknowledge that some members of the public will find this campaign confronting. To ensure we limit the impact on those directly affected, the TAC makes available a copy of the media schedule for members of the public who wish to modify their viewing to avoid seeing the ad.

However, since the campaign launched on 2 August 2010, there have been no requests for the media schedule. In addition, interest and support has been shown for the campaign by the other road safety experts, the media and the community at large.

I hope that the ASB acknowledges that the TAC is acting responsibly in its communications to address the issue of Victorian road users. Further, that the creative style used, while confronting, does not breach acceptable community standards in consideration of the social harm that road trauma can cause.

I trust that you will view this response favourably, given these communications are critical to influencing rider behaviour and have played a critical role in helping to save lives and reduce the level of trauma on Victoria's roads over the past 20 years.

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 features a graphic clip of blood over a man's hands and is upsetting for children to view.

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements 'shall not present violence unless it is justifiable in the context of the product or service advertised.'

The Board noted that the main purpose of the advertisement was to educate the public on wearing a seat belt when driving, 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 preventing unnecessary road trauma by encouraging people to wear a seat belt when travelling in a vehicle, and that this advertisement is based on real accidents.

The Board noted that this advertisement has been classified PG by CAD and that care has been taken to place the advertisement outside of children's programming.

The Board noted that although some blood was shown in the advertisement, it was not gratuitous or graphic. The Board noted that although you could hear the sound of a car crash, only fleeting images of the accident can be seen. The Board considered that the content of the advertisement was relevant to the message and that consistent with previous discussions about public health and safety advertisements, the Board considered that a higher degree of graphic detail is appropriate given the important message of this advertisement.

The Board considered that although some members of the public, including the complainant, could find the depiction of blood in the advertisement upsetting, 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, and that the advertisement did not breach section 2.2 of the Code.

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