



## Case Report

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|----------|--------------------------------------|-------------------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0397/11</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</b>                           |
| <b>5</b> | <b>Date of Determination</b>         | <b>26/10/2011</b>                   |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>                    |

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

30 second anti-drink drive road safety TVC depicting the aftermath of a car crash. The drink driver responsible talks to camera, describing those involved as 'only a little bit of grief', 'only a little bit hurt', only a 'little bit dead' and finally himself as 'only a little bit over' the legal BAC. End super states 'Just Over? Just Don't Drive'.

### THE COMPLAINT

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

*I do not believe that people like me should have to survive the trauma of that ad. It should either be not shown again - I am informed that the ad will be shown again on multiple channels during Dec or at least have an initial warning so that one can cover their ears and close their eyes.*

*I understand what the MAC is trying to achieve and I believe it is questionable as to whether that ad will make drinkers rethink their drink driving. But I do not believe they have the right to terrorise me in my own home with very graphic nature of this particular ad. For God's sake, I and many others, have suffered enough.*

### THE ADVERTISER'S RESPONSE

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

*Drink driving is one of the primary issues facing road safety. Drink driving public education, police enforcement, detection technology and fines and penalties have been in place and developing over a period of many years. In spite of this, the statistics remain alarming. In South Australia, generally around 30% of driver/rider fatalities and 20% of serious injuries involve a BAC of 0.05+. In recent years these percentages have risen to 40% and 25% respectively, due to improvements with other road safety factors, but with no reductions in drink driving, leaving the behaviour as a heavier contributor in the changing road safety landscape.*

*It is imperative that road safety agencies continue to fight this issue and reduce avoidable deaths and injuries caused by drink driving.*

*The latest MAC drink drive campaign is the result of an emerging theme from ongoing research conducted by MAC and our research partners. It indicated to us that there were many drinkers who would drive when they knew they were likely just over the legal BAC limit because they thought it was not dangerous and somehow more acceptable than those who drove when very drunk.*

*The commercial in question is intended to send the message that driving when even just over the legal limit is dangerous, unacceptable and can have tragic consequences, hence the line 'she's only a little bit dead' in reference to the depicted fatal victim.*

*MAC recognises the distress and grief the complainant is suffering as a result of a drink driver. That seeing our latest drink driving commercial is further upsetting them is certainly a regrettable outcome from the very real and demonstrated need to target those in the community that are responsible for their situation.*

*It is MAC's position that the TVC should continue to air.*

*- The purpose of the commercial is to prevent other people from being put in this same position.*

*- Removing the commercial will reduce our effectiveness to do this and at worst, increase the potential for further tragedy.*

*- The complainant's very tragic and unfortunate position exemplifies exactly why we should continue to run this commercial.*

*We are also sensitive to the needs of the public and can provide television advertising schedules that will detail when this commercial will air so that those programs can be avoided. It is intended that the TVC will air again in December '11 and March '12.*

## **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 too graphic.

The Board noted the complainant's concern that the advertisement does not contain any warnings regarding the nature and content of the advertisement and considered that whilst a

warning may reduce the trauma to some viewers it is not an issue which falls under the remit of the Board.

The Board viewed 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 the consequences of driving when you are just over the alcohol limits 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 not drive if they are over the legal limit even if it they are only slightly over.

The Board noted that this advertisement has been classified M by CAD and is only shown in allowable timezones and programmes.

Consistent with previous discussions about public health and safety advertisements, the Board considered that a higher degree of graphic detail can be appropriate where necessary to achieve a public health outcome. In this instance the Board considered that the repeated focus on the body lying in the street was very impactful and this part of the advertisement was, in some Board members view, close to the limit of what is acceptable in advertising.

The Board noted that some members of the public, including the complainant, would find the depictions of the aftermath of a road traffic accident disturbing, and considered that these images are relevant to the important public health and safety message that the advertisement is attempting to convey and are not so graphic as to breach the provisions of the Code.

Based on the above the Board considered 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.