



Case Report

1	Case Number	0472/16
2	Advertiser	WorkSafe Victoria
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a farmer riding his quad bike. He hits something that is not obvious and his quad bike rolls over. The farmer is shown trapped under the bike struggling to breathe. The camera pans out, showing the isolation of the farmer. A voice-over states 'Quad bikes are Australia's biggest cause of farm deaths. And over half of those deaths are due to quad bikes rolling over, crushing or asphyxiating the rider.' The words 'Quad bikes can take your breath away' appear on a black screen.

THE COMPLAINT

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

No person should have to witness death on a daily basis. The images are very confronting especially for those that have loved ones on farms. The sounds are horrific and cause a great deal of personal distress to me.

It is appalling that this shock campaign continues to show death when we already have so many horrible things on the news.

As a long term sufferer of clinical depression being constantly remind of death makes me think of nothing else. There are many better ways to convey safety messages, such as actually

showing safe behaviour.

THE ADVERTISER'S RESPONSE

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

Thank you for bringing to our attention concerns amongst the community regarding our recent public awareness campaign, 'Quad bikes can take your breath away, which went live 4 September 2016.

*In response to the complaint, which relates to the graphic nature of the ad depicting the death of a farmer due to a quad bike rollover, I would like to outline the background to the campaign, and the responsible and considered approach we took for ensuring it was developed within Australian standards. This includes key aspects of the comprehensive market research, the rationale for the creative approach taken, and approvals sought in the production of the advertising's creative material and placement at various times on television. Following your review of this material I am confident you will find that WorkSafe has developed this campaign in an appropriate and responsible way. It is a campaign which will help prevent quad bike injuries and fatalities and one that is 'justifiable in the context of the product or service advertised' (*section 2.3 AANA Code of Ethics).*

Background (the need for this campaign)

There are 33,000 farms in Victoria which produce a wide variety of plant and animal products. However, while only 3% of Victorians work on farms, almost 30% of workplace deaths occur on farms – making them the most dangerous workplaces in the state. WorkSafe Victoria ran a campaign from 4 April to 30 June in 2016 to educate farmers about the over representation of death in the farming community.

Quad bikes are the leading cause of death on Australian farms. Quad bikes are an vital piece of equipment that allow farmers to perform daily routine tasks. However, quad bikes are not all-terrain vehicles and can roll over in any direction (front, side or rear). This can happen suddenly, even at low speeds, putting the operator at risk of injury or death from being thrown from, trapped or crushed by the bike.

Many farmers work alone and are not able to call for help in the instance they do have accident– adding the danger of using these vehicles.

On 1 March 2016, WorkSafe issued a media release to officially announce its expanded quad bike safety strategy that includes:

- A new risk assessment tool (safety checklist) that is designed to assist duty holders determine the risks associated with their use of quad bikes and whether there is a rollover risk*
- A decision by WorkSafe that it will recognise suitably designed and tested rollover protection devices as an acceptable risk control measure where there is a rollover risk*
- A media and communications campaign to promote the new approach to rollover protection (the current campaign)*

In recent years there has been a strong call Australia-wide for more to be done about quad bike safety, including from researchers, families, communities and rural representative

groups.

On 22 July 2016, the Victorian State Government announced a rebate would be made available for farmers - either \$600 each for up to two quad bikes to fit rollover or \$1200 towards the cost of buying a more appropriate work vehicle.

Our pre-formative research (detailed below) identified that farmers accept there is an inherent risk in farming, making communicating farm safety risks to the audience incredibly challenging. Our research showed any communication to this audience to reach this group needed to be graphic, factual and highly impactful in nature to result in any meaningful cut through.

This campaign needed to educate the farming community about the dangers of quad bikes as well as drive them to find out more information on the available rebates.

Pre-formative research (informing the campaign direction)

A significant amount of research was conducted to inform the creative approach of this campaign, particularly to understand the attitudes and behaviours of farmers to best enable us to influence behaviour and attitude change.

The 'pre-formative' research activities started in late July to early September 2015, through a series of in-depth face to face interviews with 30 participants (15 farmers and their wives) to understand farmers' perceptions of risk and safety.

Insight from these interviews were used to develop the initial farm safety campaign educating farmers about the overrepresentation of death within their industry, and campaign concepts were then tested with the target audience in multiple locations across the state.

The major insights drawn from this research to inform the campaign include:

- 1. Farmers know the risks but see them as just part of the job – farming is a dangerous profession*
- 2. Farmers often have rules in place for others (eg around quad bike use for kids, visitors etc) but don't always follow the rules themselves*
- 3. Think accidents won't happen to them because they use common sense, have grown up farming, have experience etc. Believe accidents happen to other people e.g. hobby farmers, the inexperienced, the 'stupid'.*
- 4. Any campaign concept needs to be simple, clear and direct*
- 5. A strong, blunt, graphic concept is most likely to be effective*
- 6. Message based on a fact/statistic allows minimal opt out, but must be an unexpected and highly impactful fact.*

These insights identified that for this campaign to be successful it needed to have strong cut-through, to be highly impactful, factual and blunt in nature.

Stakeholder consultation

Key external stakeholders provided input to the development of the campaign and supported the use of the graphic nature. It was seen as necessary to ensure penetration of this incredibly tough target audience. Stakeholders consulted included representatives from:

- The Victorian Farmers Federation*
- The Victorian Chamber of Commerce and Industry*
- Federal Chamber of Automotive Industries*
- Victorian Automotive Chamber of Commerce*
- The Police Association*

- *Australian Workers Union.*

Approvals – CAD pre-approval, CAD rating and Department of Premier and Cabinet approval

The appropriateness of using a graphic emotional approach in this campaign was considered throughout the process. Reviews of the material for appropriateness were sought throughout the development process, including early reviews of the concept and television commercial through CAD and the Department of Premier and Cabinet (DPC).

Final approval from CAD (2 August 2016) and the DPC (16 August 2016) was received with time to respond to any issues.

Please note, four versions were given to CAD to review, but only the 45-second and 30 second versions have been aired on television (45 sec key number: VWA102445, CAD NO: M3HF CGOA / 30 sec key number: VWA102430, CAD NO: M3HFDGOA). All variations received a ‘Mature’ (Placement Code ‘M’) rating. The CAD reference number for this application was 1142074.

Time of day media placement

As the television commercial has been granted a Mature rating meaning the ad must be broadcast between 7:30pm-6am and 12noon-3pm (excluding school holidays, whereby it can not be aired during 12-3pm).

It can not be shown:

- *between 5-6am and 7.30-8.30pm*
- *during a sports program, or a program classified G (guidance) or PG (parental guidance).*
- *before 9.30pm during sports programs and films classified G or PG which starts*
- *before 8.30pm and continues after 8.30pm (unless it is a film which is neither promoted to children nor likely to attract a substantial child audience).*

We have had assurance from our media buyer that they purchased and booked advertising according to this direction.

In summary

WorkSafe acknowledges that some members of the public may find this advertisement confronting.

This campaign is designed to have strong cut-through, to make farmers sit up and take notice. This group is notoriously difficult to penetrate, as our background research shows, and to have the best chance of success, this campaign needed to be highly impactful, factual and blunt in nature.

The accident may be confronting to some viewers, but it is an accurate reflection of what can and does happen to Victorian farmers. By highlighting that quadbike rollovers can and do happen in seemingly good conditions and on seemingly harmless terrain, this campaign serves to educate the community on the importance of rollover protection to keep farmers safe.

We have worked within the Australian Standards Bureau guidelines, with the assistance of our media buying professionals, and appropriate industries and regulatory authorities to avoid inappropriate exposure to minors, in the context of our social marketing objectives – and indeed, in the context of WorkSafe’s mandate to protect Victorian workers.

WorkSafe remains absolutely committed to ensuring Victorian workers get home safe.

Victorian farmers are significantly over represented when it comes to workplace fatalities. Only 3% of Victorians work on farms, yet almost 30% of workplace deaths occur on them.

With quad bikes being the leading cause of death for Australian farmers, this campaign aims to make a real difference to this high risk group of workers.

Response to all parts of section 2 of the AANA Code of Ethics 2.1 – Discrimination or vilification There is no discrimination or vilification either portrayed or suggested in the Quad Bike Safety campaign. 2.2 Exploitative and degrading There is no exploitative or degrading content in the Quad Bike Safety campaign. We have shown the potential consequences of quad bike use on farms – consequences that were very real for those killed in the 22 quad bike related deaths in Australia last year. 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service being advertised. This campaign does not depict violence or unacceptable behaviour. It depicts a realistic scene of a quad bike rollover accident – in order to demonstrate the very real consequences of using quad bikes with no rollover protection on farms. The facts are that a rollover can and does happen on seemingly harmless terrain, in seemingly harmless conditions. Our background research with the target audience showed us that a blunt, factual and graphic campaign would be the most effective at getting this tough audience to sit up and take notice. 2.4 – Sex, sexuality and nudity There is no depiction of sex, sexuality or nudity in the Quad Bike Safety campaign. 2.5 – Language There is no inappropriate language depicted in the Quad Bike Safety campaign. 2.6 – Health and Safety This is intended to be a powerful Health and Safety campaign – aimed at preventing quad bike tragedies by sending a powerful message about the very real dangers of using quad bikes on the farm without rollover protection. Farm deaths due to quad bikes rolling over, crushing or asphyxiating the rider happen too frequently on Victorian farms and our research showed us a blunt, factual and graphic campaign would be the most effective at getting this tough audience to sit up and take notice. A senior workplace safety inspector was present on set for the duration of the filming to ensure the filming was undertaken in a safe manner and that the quad bike rollover was an accurate and typical depiction of what unfortunately happens too frequently on Victorian farms.

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 contains distressing sounds and images and that it is too confronting to be shown on television.

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 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 this television advertisement features a farmer riding a quad bike hitting something and rolling the bike, becoming trapped under it. The advertisement then features the sound of a bone breaking and the farmer struggling to breathe. A voice-over states ‘Quad bikes are Australia’s biggest cause of farm deaths. And over half of those deaths are due to quad bikes rolling over, crushing or asphyxiating the rider.’ The words ‘Quad bikes can take your breath away’ appear on a black screen.

The Board noted it had previously dismissed complaints about a similar advertisement in case 0170/12 where:

“The Board noted that the advertisement features a reverse, slow motion depiction of a road accident between a motorbike and a car and that the motorcyclist is shown to break his neck and we hear a snapping sound.

The Board noted that the visual of a man’s neck breaking is accompanied by a sound effect and considered that whilst this may be confronting and alarming to viewers, including children, the community message being delivered in the advertisement was extremely important and that the target audience for this advertisement would relate to the advertisement”

Consistent with the previous determination, the Board considered that while the sound of the farmer’s bone breaking and his struggling to breathe may be confronting and alarming to viewers, the important community message being delivered meant that this level of violence was justifiable.

The Board noted that the advertisement highlighted the very real dangers of using quad bikes and had a clear call to action at the end to access the Quadbike Safety Rebate.

The Board noted that the advertisement did not contain gratuitous violence and does not show the injured man and there is no visible blood.

The Board noted that the current advertisement was given an “M” rating by CAD and was not shown in media targeted at children.

Consistent with the previous determination the Board determined that the advertisement did not breach Section 2.3 of the Code.

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

