



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0476/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Road Safety Task Force</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>24/11/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.2 - Violence Other

## DESCRIPTION OF THE ADVERTISEMENT

Road Safety advertisement featuring a young girl, with a voice-over that confronts the listener by asking what possible excuse they would have for injuring her. The potential injuries that could be sustained in a car crash are detailed to build a picture of the harm that can be caused, and to challenge some of the commonly held beliefs around speeding and excuses made by drivers when they speed.

## THE COMPLAINT

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

*This is suggested violence toward children repeated over and over and over again. I do not want to think about smashing little girls faces in and the message about slowing down is lost or minimal because the only thing I see about driving is the 60 in a red circle symbol. I am so tired of this commercial please take it down I find it extremely offensive and have so since the first time I saw it.*

## THE ADVERTISER'S RESPONSE

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

*The following detailed information is provided in relation to the complaint.*

*1. Policy rationale and public benefit*

- Speed has a critical impact on the likelihood of a crash occurring, and to increase the chances of surviving a crash. Internationally accepted research has established a clear relationship between changes in traffic speed and crash outcomes. A 5 per cent speed increase leads to around a 15 per cent increase in serious injury crashes and a 22 per cent increase in fatal crashes.*
- Non-compliance with speed limits contributes directly to a large proportion of serious casualty crashes. Across Australia, speeding is identified as a major causal factor in 34% per cent of fatalities and 13% of serious injuries.*
- For these reasons, a key goal of the Tasmanian Road Safety Strategy is to reduce the incidence of speeding and excessive speeding.*
- Recent national research indicates that many Australian drivers still do not see a link between their speeding and their likelihood of being in a serious crash. Therefore, an important part of the Strategy is to address driver attitudes toward speeding.*

*2. Creative rationale*

- Clemenger Tasmania was commissioned by the Road Safety Taskforce (RSTF) (now the Road Safety Advisory Council) to develop the current road safety campaign to target speeding. This advertisement forms a central part of that campaign. The creative rationale is provided below:*

*“Would you kill this child?”*

*Having addressed Core Fears and Low Level Speeding, it is time to turn attention to personal excuses.*

*The current campaigns have seriously explored the emotional and rational reasons of why drivers should stay within the limit.*

*But even sensible, normally law-abiding drivers still seem to display an irrational tendency to “cop out” – to excuse their own behaviour.*

*They tend to believe that stretching the limits of the law is socially acceptable.*

*This tendency needs to be identified, and strongly vilified for the false logic that it is.*

*This phase of the campaign identifies a number of the more common excuses motorists use for speeding “just a little over the limit”, and puts them into true context by starkly revealing the possible outcome of their actions. It will unambiguously deposit this behaviour into the “unacceptable” category.*

*Once again, we use emotional and rational reasoning to get the idea across.*

*The 30 second spot gives the emotional jolt of reality, while the 15 second spot proceeds to outline the rational argument.*

*Why use a child?*

*We need to shock people into realising that driving outside the limit is absolutely unacceptable – no excuses.*

*Children are our most vulnerable citizens. They bring out the protective side of our nature.*

*Whether you are young, old, a parent, grandparent, single, childless – any person with a normal moral compass will agree that putting a child at risk is unacceptable.*

*What we need them to realise is that speeding virtually equates to child abuse.*

*It doesn't matter whether or not the child is in your care. The car coming the other way is just as likely to be carrying a child.*

*Yes. This campaign is unashamedly confronting. We need to be unequivocal in our condemnation of so called “unintentional” speeding.*

*The impact of these ads comes from their disturbing and uncomfortable nature.*

*An ad cannot be hard-hitting and “safe” at the same time.  
It is time that people stop making excuses for unacceptable behaviour.”*

### *3. Due Diligence*

*The RSTF exercised due diligence in developing this advertisement, to ensure that relevant standards were met. This included:*

- reviewing the Advertising Code of Ethics during development;*
- submitting the advertisement for review and approval for commercial broadcast by Commercials Advice (CAD). (Title: “Excuses”, Key No: RST/0159/30A, CAD: PRKCJGOA). The CAD requirements were observed and the advertisement is only run in the allowable time periods; and*
- consulting with the Tasmanian Commissioner for Children (an independent office reporting to the Tasmanian Parliament), on the format, content and underlying philosophy of the advertisement prior to deciding whether to proceed with the campaign.*

### *4. Advertiser Code of Ethics*

*The Advertiser submits that the advertisement does not breach Section 2 of the Advertiser Code of Ethics (the ‘Code’), for the following reasons:*

- The portrayal of violence (by verbal reference, not visual images) is not excessively graphic, although it could be disturbing for some viewers;*
- The advertisement clearly affirms that violence is unacceptable;*
- The advertisement makes it clear that it is a road safety message. It engages key target audiences and confronts them with the notion that speeding virtually equates to child abuse. This is a ‘cut through’ message intended to challenge the attitude, held by some drivers, that their speeding is harmless;*
- The value of the road safety message contained in the advertisement outweighs any distress it may cause to some viewers, and the depiction is therefore justified in the context of that message.*

*The Advertiser acknowledges the complainant’s genuine reaction to this advertisement. The Advertiser offers to provide the complainant with the forward schedule of dates and times when the advertisement will be shown on television, so that he has the choice to avoid viewing it in the future.*

## **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 suggests violence against a young girl repeatedly and is distressing.

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 the consequences of speeding and 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 drive at a safe speed.

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

The Board considered that the content of the advertisement was relevant to the message and, consistent with previous discussions about public health and safety advertisements, 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 would find the suggestion of harm to the young girl upsetting, the images depicted in the advertisement and the suggestion of violence to the girl are relevant to the important public health and safety message the advertisement is attempting to convey, and 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.