



Case Report

1	Case Number	0547/14
2	Advertiser	Motor Accident Commission SA
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man drinking beer in a bar. He finishes his drink, slams it down on the counter and grabs his car keys. We then see the man transformed in to a young boy. He jumps off the bar stool and says to the camera, "It's not like I'm off my face." We then see various other adults, transformed to children, as they offer excuses as to why they believe they are okay to drive after consuming alcohol. The final text on screen reads, "Drink driving? Grow up."

THE COMPLAINT

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

I feel it is condoning children to drink or make them feel that they are allowed to drink! It's wrong to have a young girl who is no older than 7 say "I haven't had that much champagne" and then play it at 2:00pm in the afternoon when my daughter is watching television.

I believe this is giving kids the idea that they can get in the car and drive and also that they can just get in the car when they are old enough to drive, or also the fact a child is saying that they have had 'drinks' is a very bad role model for children to look at!!

I is the one where the kids are walking to the cars and get in. The other night it came on and my five year old son said see kids can drive. It isn't half obvious where the key goes to start a

car. So how many other kids will think the same and possibly kill someone.

It's an ad that may encourage kids to drink.

THE ADVERTISER'S RESPONSE

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

Drink driving public education, police enforcement, detection technology, fines and penalties have been in place and developing over a period of many years. In spite of this, the statistics remain alarming.

Driving under the influence of alcohol remains one of the main causes of road deaths in South Australia. Over the last five years, between 2009 and 2013, 108 lives in South Australia were lost to drink driving representing 27% of road crash fatalities. 63% of these were in regional South Australia. Over the same period 16% of serious injuries were the result of drink driving. Over the same period SA Police detected in excess of 31,000 drivers and riders with a BAC over .05. Currently South Australia is seeing an increasing trend of older drivers being detected for drink driving.

As such, it is MAC's position that advertising that cuts through, engages with and confronts our key target audiences in an effort to change their attitudes and behaviours is both appropriate and necessary. Unfortunately in order to deliver strong messages to relevant audiences, the comfort of law-abiding citizens may sometimes be impacted.

Your advice states that the complaint falls under Section 2 of the Advertiser Code of Ethics, specifically 2.6 - Health and Safety. Your advice also asks us to address all other sections of the code.

With regard to the AANA Code for Advertising and Marketing Communications to Children:

- The commercial does not target children under the age of 14. It targets 20- 40 and 40-50 year old drink drivers with a skew to older males within this range.*

With regard to the remaining sections of Section 2 of the Advertiser Code of Ethics:

2.1 - Discrimination or vilification

- There is no content in the commercial that discriminates on the basis of race or other demographic characteristics. It vilifies the dangerous behaviour of drink driving.*

2.2 - Exploitative and degrading

- The commercial does not employ sexual appeal in any manner.*

2.3 - Violence

- There is no depiction of road trauma or other violence in the commercial.*

2.4 - Sex, sexuality and nudity

- *There is no depiction of sex, sexuality or nudity in the commercial.*

2.5 – Language

- *There is no language that could be considered strong or obscene in the commercial.*

2.6 - Health and Safety

The complainant’s opinion is that the “ad that may encourage kids to drink.”

It was not our intention to encourage drinking amongst children and do not believe the commercial does so nor do we believe prevailing public opinion would agree. No child is depicted drinking or holding a drink.

We did anticipate that some people may express concern over the use of child actors in a mature commercial so appropriate advice was sought to ensure concepts were not in breach of any advertising or ethical considerations.

- *The Crown Solicitor’s Office have considered the concepts and advised that there is no legal impediment to the publishing of the material in reference to the Commercial Television Industry Code of Practice and the Australian Association of National Advertisers Code of Ethics.*

- *The Communications Council reviewed the concepts against the Code of Ethics, Marketing to Children and Managing Images of Children and advised that there was no impediment to publishing the material.*

- *Commercials Advice reviewed the commercial prior it going to air and approved it for broadcast, allocating it a “PG” rating. Our media buyers have abided by this and have restricted the placement of the commercial to programs where we can reasonably assume parental guidance is taking place.*

Importantly, the process that arrived at this choice of concept was robust and not driven by a superficial tactic to simply shock.

Research conducted in campaign development identified a sub-set of drink drivers who recognise that their behaviour is no longer accepted by prevailing community standards yet continue to do so, not without some feelings of remorse when sober.

The research identified that an approach that reinforced social disapproval and triggered discomfort and self-reflection by drink drivers had the potential to create change.

The “Grow Up” campaign depicts children representing various key demographics of interest parroting the excuses often heard in research to justify the behaviour. In combination with the call to action “Grow Up” the behaviour is positioned as immature.

Concept testing of the creative amongst drink drivers demonstrated the potential to create

change. Key points from our research agency's report follow:

- The concepts were particularly effective amongst older drink drivers who identify that they had not considered drink driving in the context of their character and immature behaviour.*
- Despite being known for denying consequences and reacting adversely to shock ads, the "Grow Up" concept was well received amongst this group and led to admissions that their current drink driving behaviour and decision making is "childish" and irresponsible.*
- This new angle on drink driving was in general thought to be clever and attention grabbing. One of the strengths of the campaign concept was thought that a range of drivers were shown, allowing different age groups, genders and subgroups in the community to personally relate to a picture or scene.*
- The "Grow Up" concept is effective in making older drink drivers reconsider their behaviour and may have the potential to change the drink driving behaviour of this group.*
- The concept prompted consideration amongst older drink drivers of the example they may be setting for children.*

The campaign launched on 7 December and will continue for the month of December. As such, post campaign tracking results are not yet available.

Given the seriousness of the issue and the potential impact we have demonstrated the campaign may have on drink driving, we hope you will agree that its continued broadcast is eminently justified and not in contravention of Section 2.6 of the Advertiser Code of Ethics.

Advertiser's Response to Further Complaint

The additional complaint falling under Section 2.6 Health and Safety, raises the concern that that the depiction of a child in the driver's seat of a car may encourage children to drive and potentially kill someone.

Please see the above information, submitted in response to the original complaint, as to:

- why we believe the complaint is not relevant to any other sections falling under Section 2 of the Advertiser Code of Ethics*
- why it is imperative that MAC addresses the issue of drink driving*
- why we have taken this approach*
- why we believe, based on research amongst our target audience of drink drivers, this approach has the potential to impact attitudes toward drink driving*

With regard to the concern that the commercial will encourage a child to drive, we make the following comments:

- It was not our intention to encourage children to drive and we do not believe that the*

commercial does so.

- *Commercials Advice reviewed the commercial prior it going to air and approved it for broadcast, allocating it a “PG” rating. Our media buyers have abided by this and have restricted the placement of the commercial to programs where we can reasonably assume parental guidance is taking place.*

- *Children are unlikely to gain access to a car unattended.*

- *Children are unlikely to be left in the driver’s seat of a car both unattended and with access to car keys.*

- *In the unlikely event that a child gained access to a car with car keys and without supervision, they would be unable to engage the pedals or have the necessary skills to put the car in motion.*

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 complainants’ concern that the advertisement may encourage children to drink alcohol and may encourage children to try and drive a car.

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

The Board considered 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 the advertisement features adults transformed to children as they give their excuses as to why they are okay to drive a vehicle after drinking alcohol.

The Board considered the tone and message of the advertisement and agreed that it is clear that the depiction is a parody of adult behaviour and a reinforcement for adults to not behave like children and is not a suggestion for children to act in this way.

The Board noted the advertisement had been rated ‘PG’ by CAD and that it was aired in the appropriate timeslots for the rating.

The Board noted that generally cars and alcohol are not accessible to children and that the behaviour depicted in the advertisement is not likely to be copied by children.

A minority of the Board felt that the use of children mimicking adult behaviour in advertising to convey messages to adults is potentially a problem. The Board noted that they had previously dismissed complaints for a Drink Wise campaign (ref: 0274/08 that used a similar method showing children taking on the behaviours they have seen by parents and adults and in that case the Board determined that “the images in the advertisement were appropriate to the public health message being conveyed and in that sense were appropriate to the product or service being advertised.”

Similar to the decision above, the majority of the Board however, felt that the important public message that is being conveyed about not drinking and driving was cleverly shown and did not create confusion for the viewer or suggest the behaviour should be adopted by children and that it was appropriate to the product being advertised.

The Board noted the final scene shows a child sitting in the driver’s seat of a stationary vehicle. The Board noted that we see the seat from the view of the rear seat passenger and that we do not see the child putting a key in the ignition or the vehicle being driven. The

Board noted the complainant's concern that children could try and drive a vehicle after watching the advertisement but considered that the advertisement does not show a child driving a vehicle and does not encourage children to drive a vehicle.

The Board considered that the advertisement did not depict material contrary to prevailing community standards and 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 complaints.