



# Case Report

1	Case Number	0584/16
2	Advertiser	Road Safety Commission WA
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a man named Paul refusing drinks before playing soccer, but drinking after the game and then driving. The advertisement cuts between him playing soccer sober, and driving under the influence. Paul is shown being pulled over and being breathalysed by police, then being put in the back of a police car.

## THE COMPLAINT

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

*The advertisement is incredibly offensive as it trivialises an extremely serious issue, namely drink driving. It unsuccessfully and irrationally attempts to make the idea of a person drink driving humorous. It is an unguided attempt to appeal to a non-existent viewing base that will be swayed by making a joke out of an act that indirectly and directly destroys the lives of thousands every year. I can only imagine the absolute disgust that families viewing the advertisement who have been impacted by a drunken driving death would experience. As a Police Officer witnessing the effects of drink driving first hand I also find it incredibly insensitive. I understand that not all drink drivers do it intentionally and this advertisement is attempting to appeal to that somewhat 'casual' offending crowd, countless lives have been lost by people having a few beers after sports and driving home drunk. How it passed vetting requirements and was funded by the government is beyond me and it is an absolute joke.*

## THE ADVERTISER'S RESPONSE

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

*Firstly, on behalf of the Road Safety Commission WA, we would like to apologise for any upset caused by the TV advertisement that has been running on free to air TV channels. This was not our intention and we treat any complaints received with the utmost seriousness.*

*To fully address the complaints received we have responded in line with each of the points detailed under Section 2 of the Consumer Complaints Code of Ethics.*

*Please see our responses below.*

*2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*We do not believe that the ad in question discriminates or vilifies a person or section of the community on account of the specifics detailed above. Paul is depicted as a little over the top in his behaviour when in goal (it's just an amateur soccer match, after all), but that was our intention. We wanted to show how Paul's priorities are wrong – he declines a drink before the game to stay focussed in goal, but before his drive home he has a few beers which could affect his focus. We wanted our audience to find Paul endearing, amusing and even relatable. But none of the humour in the ad uses race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief to get the message across.*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*We do not believe that the ad in question employs sexual appeal in a manner which is exploitative and/or degrading to the individuals portrayed in the ad or other individuals/groups of people in the general community. Humour is employed in the ad to engage the audience, and create an ad with novelty and memorability, but none of the humour is of a sexual nature. In addition to this, as the ad ends with a depiction of the negative consequence i.e. being pulled over by police, breathalysed and blowing over the legal limit, the message is emphasised that the situation is anything but humorous.*

*2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*We do not believe that the ad in question presents or portrays violence in any way.*

*2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*As per our response to 2.2, we do not believe that the ad in question references sexuality in*

*any way and as such treats sex, sexuality and nudity in a way that would be insensitive to the relevant audience.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*The ad in question does not utilise strong language that is outside the accepted guidelines as set out by the Advertising Standards Bureau.*

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*The ad in question depicts a scenario that could likely happen in the 'real world' so people can relate to what they are seeing and understand the serious consequences of their behaviour. That is, the character Paul is celebrating his soccer win by having a few beers before his drive home where he is then breathalysed and taken away by the police (depicting the negative consequence). The ad addresses the seemingly harmless behaviour of having 'just a few drinks' is STILL risky behaviour and will result in you getting caught.*

#### *Relevant Precedence - Previous Board Findings*

*I. Alcohol: While there are significant community concerns regarding the anti-social and violent effects of alcohol, in the context of a product which is legally allowed to be consumed, advertising which suggests that you should drink responsibly does not depict material contrary to prevailing community standards on health and safety.*

*II. Unsafe driving: Depicting a person driving a car while talking on a mobile phone will not be considered a breach of the Code, if the negative consequences of this action are also depicted in the advertisement.*

*In light of this, we believe that the scenario includes material that adheres to prevailing community standards on health and safety as it is a scenario that could manifest in everyday life.*

#### *Complaint Specifics - Campaign Rationale*

##### *Complaint 1: Why trivialise a serious issue?*

*The approach and strategy behind this campaign was highly researched and based on the following key insights:*

- Drink drivers are predominantly male, aged 25-39*
- Around half of West Australians are not convinced that low-range drink driving i.e. driving with a Blood Alcohol Concentration (BAC) level between 0.05 and 0.079, is risky behaviour*
- 19% think it is acceptable to drive if you feel sober*
- 14% drink and drive over the legal limit at least irregularly*

*These sentiments still exist despite 20 years of community education campaigns raising awareness on the dangers of drinking and driving. So, the need was identified to create*

*advertisements that challenged the ambivalence of low range drink driving.*

*By setting the ad in an everyday scenario; portraying the key character as an 'average bloke' and using humour to engage – the ad is more relatable, emphasising that a seemingly harmless situation still resulted in the character blowing over 0.05 when breathalysed.*

*The 'tone' of the ad did not make light of the issue however – but rather it demonstrated that this seemingly harmless behaviour can still be an offence as outlined in the super: Blow .05 and you blow over.*

#### *Complaint 2: Depicting drink driving as humorous*

*One of the key pillars of effective advertising is its ability to sustain interest and resonate with the audience. In this instance our key audience is males aged under 39 – who notably reject advertising.*

*To communicate and ultimately change behaviour we needed an innovative solution which challenged this segment and gave them new motivation. So, we used humour to engage the audience, and create an ad with novelty and memorability.*

*But as the ad ends with a depiction of the negative consequence i.e. being taken away by police due to blowing over the 0.05 BAC, this emphasises that the situation is anything but humorous.*

*Further adding to the seriousness of the message was this creation of the juxtaposition of the character's 'bravado' when playing soccer/driving, versus his 'shame' when he's breathalysed and taken away by police.*

#### *Complaint 3: Non-existent viewing base*

*The complaint identified that the advertisement was addressing a non-existent viewing base. In-fact our statistics identify a notable demographic trend with those who are killed or seriously injured (KSI) where alcohol was a factor. That is:*

- 82% of KSI's with an illegal BAC are male*
- Of KSI's, the highest proportions of drivers/riders with illegal BACs are males in the 17-24 age range followed by males 25-29 and then males 30-39*

#### *Complaint 4: Insensitive*

*The complaint noted the tone of the advertisement to be insensitive, considering the seriousness of the subject matter.*

*Research shows that 'shocking or graphic' images fail to resonate because (a) Australian audiences have become desensitised to shock and (b) Low relatability due to the low likelihood of the behaviour leading to a catastrophic outcome.*

*It was therefore a deliberate strategy to avoid the 'blood and gore' approach and present a more realistic scenario – that if you drink and drive you will get caught.*

## **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 trivialises the serious issue of drink driving which is offensive given the serious nature of this behaviour.

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 that this television advertisement features a man called Paul who is shown playing football while sober then driving his car after drinking alcohol.

The Board noted the complainant’s concern that the advertisement trivialises drink driving. The Board noted the advertiser’s response that the intention was to depict an average bloke in an everyday scenario and use humour to get the message across to their target audience of men aged 25-39, as drink drivers predominantly fall in this age group.

The Board noted that the voiceover in the advertisement makes it very clear that the man’s behaviour when drinking alcohol prior to driving a motor vehicle is not appropriate behaviour and considered that the scenarios depicted in the advertisement are relatable to the relevant audience and in the Board’s view using humour to increase the impact of the important community safety message does not trivialise the issue of drink driving.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and determined that the advertisement 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 complaint.