



CASE REPORT

1. Complaint reference number	200/06
2. Advertiser	Transport Accident Commission (Haunted)
3. Product	Community Awareness
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2 Other - Causes alarm and distress
6. Date of determination	Tuesday, 13 June 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man in various scenarios during his life, constantly seeing images of an eight year old boy. The boy stands beside him at a football match; seen on the street as the man drives by in a bus; watching him at his workplace; lying in bed between him and his wife and reflected in a mirror as the man prepares for his daughter's wedding. The final shot is of the man much older, looking onto a sports field and flashing back to the day in his youth when he knocked the boy down in his car, and was told by police that the boy was dead. His excuse had been that he'd "only had a couple of beers" as the police show his breathalyser reading is 6.2. The young man looks over to see the boy lying dead on the road. Returning to the older man, he holds his head in his hands and cries as he relives the memory. A warning appears on screen "You don't have to be drunk to be a drink driver" and "Only a little bit over? You bloody idiot".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Seeing a toddler lying dead on the pavement is not the way I wish to be entertained. Whilst the message is of course important, the methods seem over the top and I think counter-productive.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The strength of this execution comes for the everlasting impact that killing somebody can have on your life, and the depiction of the child as dead is used sparingly. It is the image of the child after the crash that stays with the driver, and in fact the boy stays "alive" in the driver's mind and forever young.

Social marketing campaigns can cause contention however...this is often necessary when the benefit to consumers is not initially apparent.

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 complaints made in relation to the advertisement. The Board agreed that the advertisement was graphic and likely to be distressing to some people. The Board noted that clause 2.2 of the Code requires that violence not be presented unless it is justifiable in the context of the product or service advertised.

Consistent with previous decisions in relation to public safety campaigns, the Board considered that the level of violence and distress shown is justifiable in the context of the important safety message being conveyed to the public and the message that a moment of behaviour will have lifelong consequences.

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