



CASE REPORT

1. Complaint reference number	297/09
2. Advertiser	Dept of Health and Ageing
3. Product	Community Awareness
4. Type of advertisement	Cinema
5. Nature of complaint	Violence Community Service advertising – section 2.2
6. Date of determination	Wednesday, 8 July 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

In this cinema advertisement, two scenarios are viewed through the eyes of a person drinking. In the first scenario, a group of girls who are already drinking, approach a party in the early evening. The scene changes a couple of times, indicating the passage of time and continued drinking by all participants. Much later in the night, a girl and boy stumble outside into the garden and appear to prepare for, or engage in sex. It is clear that others at the party have taken a photo and are talking about the event. A graphic reads: “One in two Australians aged 15-17 who get drunk will do something they regret”. The second scenario involves two teenage boys who we see raiding their parent’s drinks cabinet. They say goodnight to the parents and immediately begin to drink once outside. Later in the evening they join mates in a park, all of whom are drinking. The scene changes a couple of times, indicating the passage of time, and it is clear that drinking continues. Much later in the night, the boys are walking along a quiet street, and while skylarking around, one of the boys is hit by a passing car. A graphic reads: “Four Australians under 25 die due to alcohol related injuries in an average week”. The screen fades to black and a graphic appears, also spoken by a voice over: “Don’t turn a night out into a nightmare.”

THE COMPLAINT

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

There is an ad on television where teenage girls are drinking – and this results in the girl lying on the ground with her knickers down (she has had sex or been sexually abused [which is the implication]).

This ad is absolutely disgusting – in that it puts the onus onto a girl to avoid certain behaviours or she might get herself raped! I thought we had passed the middle ages where it was a woman’s fault to be raped. This ad plays on T.V. as well as my visit to the cinema being spoiled. It is insulting and should be removed.

THE ADVERTISER’S RESPONSE

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

The Department of Health and Ageing is confident that the National Binge Drinking Campaign advertising material is consistent with the AANA Advertiser Code of Ethics, particularly in relation to Section 2. In developing this campaign, due care has been taken to present the facts in a responsible and appropriate manner, having regard for the target audiences for whom the advertising is directed. The campaign's primary target audiences are teenagers aged 15-17 years and young adults aged 18-25 years. The secondary target audience is parents and carers of children aged 13-17 years.

The development of the National Binge Drinking Campaign was based on current evidence and best practice in relation to reaching young Australians with a behaviour change message. Evidence shows that a high proportion of the alcohol consumed by both adolescent and young adult drinkers is at risky and high risk levels. For these reasons, 15-17 year olds and 18-25 year olds represent important target audiences for a campaign addressing the harms associated with excessive drinking. Younger people are most susceptible to the short term (acute) harms including injury, accidental death, violence, socially unacceptable behaviour, and other consequences that are regrettable.

The campaign is also designed to engage parents carers of children aged 13-17 years concerning their role in educating their teenage children about the possible consequences of excessive drinking and in setting clear behavioural boundaries.

The campaign materials are intended to contribute, along with the range of existing education, policy and regulatory initiatives, to a reduction in harm associated with drinking to intoxication among young Australians. The key tagline 'Don't turn a night out into a nightmare' is designed to encourage teenagers and young adults to think about the choices they make surrounding alcohol, in particular, the harm and potential negative consequences associated with excessive alcohol consumption.

Alcohol-related harm is a major cause of mortality and morbidity in Australia, causing around 3,000 deaths and 65,000 hospitalisations every year. In 2004-05, the annual cost to the Australian community of alcohol-related social problems was estimated at \$15.3 billion.

After tobacco, alcohol is the second largest contributor to drug-related harm in Australia, causing harmful effects in both the short and longer term. Short term (acute harm) relates to the risk of immediate harms from alcohol such as accidents, injuries and physical harms, often associated with drinking to intoxication, whilst longer term (chronic harm) reflects the detrimental effects on the body of the prolonged use of alcohol.

Television advertisements have been produced for each of the primary target audiences. The advertisements have been designed to depict realistic situations of young people drinking to intoxication. The use of graphic images and striking messages help to convey a powerful health warning message to young Australians and the broader community of the potential harms of drinking to intoxication. The imagery used in the campaign materials is appropriate to communicate an important public health and safety message, and therefore outweighs the fact that a minority of viewers may be offended by the content.

The Department of Health and Ageing has a long history of using powerful imagery and hard-hitting messages to reach young Australians and the community on the harms associated with excessive alcohol consumption, tobacco and illicit drug use. The current campaign draws on the research from these past campaigns as well as the significant testing with the primary and secondary audiences which reinforced this approach and the consequences depicted by the campaign.

The advertisements display young people ranging in age, sex, race, nationality and ethnicity. A mix of behaviour is also displayed to avoid the impression that all people in the scenes are young and intoxicated, or that all of the young people in the advertisements are behaving in a drunken, irresponsible or reckless way. Due care has been taken to ensure that the campaign does not discriminate against young people in suggesting that all drink and/or drink to intoxication.

This testing identified that the imagery used was necessary to convey the seriousness potential consequences associated with drinking to intoxication and, therefore, increased the target audiences' ability to relate to the situations depicted and reconsider their drinking behaviours. The testing also indicated that target audiences felt these scenarios were very realistic and relevant to them.

The advertisement targeting 18-25 year olds displays some violence and injury, such as a girl falling through a glass table, and a pub fight where a male accidentally punches his girlfriend. These scenarios communicate a valid message about the injury and assault that may result from drinking to intoxication. While there is blood displayed as the girl falls through the glass table and also in the pub fight scene, the imagery is not seen by the target audience to be gratuitous.

The advertisement targeting 15-17 year olds suggests that a young male and female have had or

are about to have sex, as the female is shown pulling down her underwear in the backyard of a house party. The advertisement acknowledges the fact that regrettable sex (for either gender) is one consequence of drinking to intoxication which in turn, can place young people either at risk of a sexually transmissible infection or an unwanted pregnancy.

The imagery used is appropriate to clearly communicate the unintended consequences of drinking to intoxication. There is long history of regrettable sex being depicted in anti-alcohol advertising (by both Commonwealth and State Governments) as this a situation which is constantly raised by young people as a negative consequence of drinking to intoxication and potential a motivator for more moderate consumption. It is important to note that the scene depicts consent by both parties and is suggestive rather than showing clear sexual activity. Please note nudity is not depicted in this advertisement.

This advertisement also depicts two young males taking alcohol from the main character's parents' cabinet. The young males are later seen in a park with their friends drinking the alcohol. Language such as 'legend' was not used. The advertisement does not suggest that supplying alcohol to your friends makes you more popular, but is intended to show typical behaviour of many young males in this target group and their attitudes towards alcohol. Research showed that this scene was particularly important in depicting a realistic setting among young males.

The advertisement's central message is delivered in the final scene where the main character is hit by a car. The viewer (from the point of view of the victim) sees the headlights of another oncoming vehicle and hears the horn and screeching tyres of the vehicle that hits the victim. The viewer then sees the victim fall to the road, and hears slurring sounds from the victim and the reactions of the victim's friends. The point of view camera angles intensify the message, without subjecting the viewer to gratuitous imagery such as blood and extreme injury. This scene is important to reflect the range of negative consequences associated with drinking to intoxication.

These advertisements do not 'glamorise' drinking. The four scenarios depicted across the two advertisements portray events that may result in the deaths, injuries and regret that result in the statistics highlighted in the campaign (see below). The classification for the television advertisements is PG and care has been taken to ensure that the advertisements are only placed in PG or M rated programming which excludes meal times. The advertisements should not appear during cartoons or other programs targeting young children or likely to attract a substantial child audience.

It is also important to note that the Alcohol Beverages Advertising Code (ABAC) does not apply to this campaign. Displaying young people drinking is not considered contrary to health and safety standards as the Australian Government is promoting a legitimate health message to the public, and this outweighs the fact that some viewers may be offended or upset by the content.

While it is recognised that not all teenagers drink and/or drink to intoxication, it is important to acknowledge the disturbing statistics relating to alcohol related harm among young Australians:

- Four Australians under 25 die due to alcohol related injuries in an average week;*
- One in two Australians 15-17 who get drunk will do something they regret;*
- 70 Australians under 25 will be hospitalised due to alcohol-caused assault in an average week;*
- and*
- On average, 1 in 4 hospitalisations of people 15-24 happen because of alcohol.*

The communication of these statistics was crucial in conveying the real and serious potential consequences of drinking to intoxication.

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 complainants' concerns that the advertisement depicted that it is a young girl's fault is she is sexually assaulted.

The Board noted that it has previously considered the television version of this advertisement (520/08) and dismissed complaints.

The Board considered the application of Section 2.1 (discrimination and vilification), Section

2.2 (relating to violence), Section 2.3 (relating to sex, sexuality and nudity) and Section 2.6 (relating to prevailing community standards on health and safety) of the Code.

The Board noted that the advertisement attempted to depict realistic scenarios of young people and the potential consequences of drinking. The Board considered the scenes did not suggest outcomes that were gender specific, but rather what could happen to any young person in a similar situation. The Board also considered the advertisement was not condemning young people generally, but attempting to educate those in the target age group about the dangers and unintended consequences of drinking to excess. The Board considered that the advertisement did not suggest that any sexual assault was the fault of either the young woman or the young men - rather that the consumption of alcohol can lead people to make the wrong choices. The Board determined there was no discrimination against, or vilification of, any person or section of the community on the basis of gender or age or on any other basis and that there was no suggestion that sexual assault is the fault of the woman assaulted or the responsibility solely of the woman to avoid. The Board therefore found no breach of Section 2.1 of the Code.

The Board agreed that the young male being hit by a vehicle was confronting and could be regarded by some members of the community as "violent". However, the Board considered the scene was not excessively graphic and that the value of the message contained in the advertisement about the unintended consequences of binge drinking outweighed any distress it may cause to some viewers. The Board therefore considered that the depiction was justified in the context of that message and was not in breach of Section 2.2 of the Code.

The Board noted that the scene showing the young male and female in the backyard was suggestive that the pair had either just had or were about to have sex, although noted that no sexual activity was actually depicted. The Board also noted that no nudity is depicted and considered some complainants' may have mistakenly understood the passing shot of the male's belt hanging down to have been an image of a penis. The Board noted the advertisement has a "PG" classification and considered that the references to sex and sexuality were mild and relevant to the message of the advertisement about the unintended consequences of binge drinking. The Board therefore determined that the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience and found no breach of Section 2.3 of the Code.

The Board noted that some complainants were concerned the advertisement had the opposite effect to its intention, in "glamourising" drinking. The Board did not agree that the scenes of young people drinking with peers and the "nightmare" outcomes that may occur as a result of binge drinking either encouraged or condoned excessive drinking behaviour. The Board considered the message of the advertisement was clearly communicating the unintended consequences of drinking to intoxication. The Board therefore determined that the advertisement was consistent with prevailing community standards on health and safety and found no breach of Section 2.6 of the Code.

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