



CASE REPORT

1. Complaint reference number	314/04
2. Advertiser	Queensland Transport ('wear it or wear the cost')
3. Product	Community Awareness
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 7 December 2004
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features various scenes of a male in a wheelchair in hospital. He is a T5 paraplegic as a result of not having worn a seatbelt. The voiceover describes the loss of bowel control and sexual function experienced by the male as a result and the tagline is “Wear it. Or wear the cost.”

THE COMPLAINT

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

“In the quest for this advertisement to have maximum impact on its audience, the Transport Department has lost sight of the impact this advertisement will have on community attitudes to persons already suffering from a spinal injury. I believe this advertisement is demeaning of paraplegics and quadriplegics and portrays them in a negative light.”

“I feel that the portrayal of all people with a T5 lesion, as pathetic, worthless creatures is not only inaccurate but highly offensive.”

“I feel that the ad does not promote understanding, tolerance and inclusion for people with disabilities and in this day and age is totally unacceptable.”

THE ADVERTISER’S RESPONSE

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

“This commercial is part of a new campaign which aims to improve awareness of wearing seat belts as a road safety issue and ultimately reduce the number of fatalities and hospitalizations associated with not wearing seat belts.”

“The advertising was never intended to be insensitive to people with paraplegia.”

“I believe that the concept used, while very emotional, is warranted given the aim of the commercial is to save lives and prevent injury on our roads.”

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 that they did not have the necessary expertise to decide whether the consequences described in the advertisement to have been suffered by the T5 paraplegic were medically accurate.

The Board did note that if the medical consequences described in the advertisement were not possible medical symptoms of a T5 paraplegic then the advertiser should give serious consideration to removing reference to them in the advertisement.

The Board was of the view that there was no attempt by the advertiser to vilify people with disabilities and also noted the positive intent of the advertiser to decrease road accident victims.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of people (disability).

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.