



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 376/07 |
| 2. Advertiser | Transport Accident Commission (Vice Versa) |
| 3. Product | Community Awareness |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Monday, 19 November 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is initially a situation filmed from a car driver's perspective as he travels a busy road. Espying a motorcyclist coming up behind him he thinks "Blasted bikes", and as the rider disappears from view in his side mirror "Now where's he gone...?" The car and motorcycle pull over together and swap vehicles as a male voiceover exhorts "Why not look at it from a motorcyclist's point of view?" The new motorcyclist adjusts his riding to the conditions, thinking as he does so "'Busy road..Truck behind...Road surface is changing" and looking ahead calculates "Car turning ahead....is he going to pull out?" as he has to swerve to avoid hitting the front of the car jutting out into his lane. As a cement truck comes alongside and hovers over the edge of the motorcyclist's lane he judges cautiously "Give him room..." Continuing on, he comments "Traffic's slow...Nah my lanes clear...plenty of room..." Just then, the car in the lane to his right swerves in front of the motorcyclist causing the cyclist to exclaim "Shit!", lose his balance and screech to a crash on his bike. The driver of the car then changes back to the one seen at the beginning of the advertisement, wondering where the cyclist went. Text on screen reads "Put yourself in their shoes."

THE COMPLAINT

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

As the motorcyclist is run off the road, he loudly (and clearly) exclaims "Shit!". This was verifiable by the subtitles attached to the advertisement. While the message behind the ad is relevant and important, I would disagree as to whether this profane exclamation is necessary to achieve the effect of engaging the public to consider the presence of motorcyclists on the road. The language is strong, and was particularly surprising considering the timeslot of the program context, which was PG-rated. The effect of the car driver's actions were clear: the motorcyclist's life was put in danger. I don't think that it is necessary to add the "shit!" exclamation voiceover to make that point. A scream or shout could arguably be even more effective in engaging the audience's attention. Furthermore, it would be relatively simple to remove the remark to make the advertisement more suitable for broadcast in the relevant timeslot, as opposed to during non-primetime viewing, where it may be more suited.

THE ADVERTISER'S RESPONSE

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

The TAC public education campaign continues to focus on accident prevention, with the intention of reducing fatal, serious and minor casualty crashes on Victoria's roads. Motorcycle Safety is a key issue for the TAC as motorcyclists account for less than 1% of the vehicle kilometres travelled, but account for 14% of all road deaths on Victorian roads. The 'Put Yourself in Their Shoes' campaign was developed in 2002 to assist motorists in understanding the vulnerability of

motorcyclists whilst highlighting to motorcyclists the realistic risks associated with riding.

The television commercial, 'Vice Versa' features a car and a motorcycle in heavy urban traffic. For a moment the driver sees the bike in his mirror then the bike disappears from view. The motorcyclist is doing the right thing but the driver gets frustrated because he can't always see him. The scene freezes and we see the driver swap places with the motorcyclist. We hear the thoughts running through the motorcyclist's head and realise the huge amount of information he has to process when riding a motorbike. An unexpected change in the traffic conditions results in the rider braking and falling off his bike at which he exclaims "Shit" as he is falling to the road, at speed, in congested traffic.

The complaint received in relation to the advertisement 'Vice Versa', states the commercial breaches Section 2.5 of the AANA Code for Advertising with respect to the language used. Section 2.5 of the code makes reference to "Advertising should only use language which is appropriate in the circumstances".

I feel the language used in the circumstances depicted in the commercial are appropriate due to the potentially fatal situation the motorcyclist faced.

This commercial achieved a P rating (Parental Guidance) and thus can be scheduled in PG rated programs. This allowed placement within the program in question, 'The Simpsons', which carries a PG rating.

Years of research show that road safety messages are more likely to impact drivers' attitudes and behaviours when the realistic portrayal of road trauma is utilised to communicate messages. Social marketing campaigns can cause contention, however, unlike product advertising, this is often necessary when the benefit to consumers is not initially apparent.

I trust that you will view this response favourably given these communications are critical to influencing road user behaviour and have played a critical role in helping to reduce the level of trauma on Victoria's roads over the past 17 years.

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 concern about the use of the word 'shit' in this advertisement and considered whether it breached section 2.5 of the Code by using inappropriate, strong or obscene language.

The Board considered that 'shit' is a word that is in relatively common use for adults in Australia. The Board noted that the term is used by the motorcyclist as he swerves to miss being hit by a car and is thrown from his motorbike. The Board considered that most people would find the use of this word in this situation as appropriate. The Board also considered that the term 'shit' in this context is not strong or obscene language. In addition the Board considered that the positive social and road safety message of this advertisement and the scenes depicted justified the use of the word. The Board determined that the advertisement did not breach section 2.5 of the Code.

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