



CASE REPORT

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| 1. Complaint reference number | 432/08 |
| 2. Advertiser | Motor Accident Commission SA |
| 3. Product | Community Awareness |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Other - Causes alarm and distress |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This 30 second TV advertisement for the Motor Accident Commission of South Australia shows three road accident vignettes. The first involves a mother and child being knocked over on a pedestrian crossing by a car, followed by the words "creepers think driving a bit over the speed limit is OK" appearing on the screen. The second shows a graphic car accident scene in which it appears as though a number of people have died or been very seriously injured, followed by the words "creeping is wrong" appearing on the screen. In the third, a healthy young man is driving his car along a suburban street. The young man slowly takes on the appearance of an accident victim, with bruised and bloodied face and then resumes his original healthy appearance. The words "stop creeping" appear on the screen with government logos.

THE COMPLAINT

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

I appreciate the effort in educating the public about an important issue but found the ads to be distasteful. There are better ways to convey the message than to depict people as zombies or whatever they were meant to be (creepers). I do not believe it puts the point across effectively and is more of a joke and a distasteful one at that.

This ad scared the daylights out of me, and my partner - who is 25. I am a 30 year old registered nurse. I can remember when the 'Grim Reaper' ads were on in the eighties, and the nightmares that one glimpse of the bowling ball and human skittles caused me. So I am left to really worry about what effect it will have on the kids who have had chance to catch it while it is on the TV considering it was on during a popular prime time show. Considering it is even scaring adults who are watching it, perhaps if there was some indication of what it is referring to on the ad itself, it may provide a source of 'comfort' and give adults an answer when kids are crying in fear wanting to know what it was on the TV.

That add is scary as hell. It freaked me out and will probably give me nightmares. TV adds should not contain scary images without a warning. This add was completely freaky and I'm scared out of my mind! it should be taken off TV all together.

THE ADVERTISER'S RESPONSE

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

MAC always considers the impact our road safety messages will have on the community but this consideration must primarily take the form of changing community attitudes and behaviours toward road safety in order to reduce fatalities and serious injuries.

The particular campaign referred to focuses on the issue of speeding, South Australia's highest road safety priority, and in particular low level speeding. MAC research indicated that there was a perception amongst the population that creeping a bit over the speed limit was acceptable and not likely to result in casualty crashes. In addition, research conducted by the Centre for Automotive Safety Research showed that eliminating drivers creeping over the speed limit could result in 800 fewer injuries, nearly 500 fewer people treated in hospital and more than 10 fewer fatalities per year. In light of these compelling statistics it was decided to launch an impactful campaign with the key objective of illustrating that exceeding the legal speed limit by even a small amount can have devastating consequences.

With reference to Section 2.2 of the AANA Code of Ethics, (2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised) I note that our commercials do not portray any acts of violence but rather the traumatic outcomes of casualty crashes.

It was not our intention to present the speeding drivers as 'zombies' or horror movie characters but rather, the potential victims of casualty crashes. The 10 second commercials were designed to generate interest and in turn, a greater level of attentiveness to the complete 30 second road safety message. In this regard they certainly appear to have achieved that objective.

With regard to the several comments made regarding the graphic content of the commercial, it is our observation that road safety messages are more likely to rapidly raise awareness of an issue and impact driver's attitudes and behaviours when the realistic portrayal of road trauma is used to communicate messages. This must take priority over maintaining the comfort of viewers.

It was not our intention to give a two year old nightmares, however no commercials were placed in TV programming that could be deemed suitable for a two year old. These advertisements were reviewed and approved for broadcast by Commercial Advice Pty Ltd (CAD). CAD provide classification of commercials under the Commercial Television Industry Code of Practice to ensure that only material which is suitable for a particular classification zone is broadcast in that zone. The 30 second commercial was given an "M" rating and the 10 second commercials a "PG" rating. Our media buyers have abided by this ruling and only placed the commercials in the appropriate, allowable time slots.

In this context, I am sure you will agree that the graphic nature of these advertisements is justifiable and not in violation of Section 2 of the AANA Advertiser Code of Ethics.

We are also sensitive to the needs of the public and can on request, forward a schedule of future media activity, including television programs, that will allow complainants to avoid them.

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 complainants' concerns that the advertisements are scary.

The Board viewed the advertisement. The Board noted that the opening image of the advertisement is that of a car stopping at an intersection and hitting an adult and child. The Board noted that the image is shot from a distance so is not very graphic, but there is some shock to the viewer from the unexpected images. The Board noted that this advertisement is directed to explaining the consequences of drivers travelling over the speed limit, even if only by a few kilometres per hour. The Board noted that this advertisement is rated M and determined that this particular image of the car hitting people was justified by the important public safety message being conveyed.

The Board also considered the 'scariness' of the advertisements. The Board noted that, rather than depicting people as Zombies, the advertisement was depicting the drivers with the injuries they would be likely to incur following an accident. The Board considered that these images were not prolonged, were not excessively graphic, and were justified by the important public safety message being conveyed.

The Board determined that the advertisements did not depict graphic injuries that would breach section 2.2 of the Code, and that although possibly scary to some members of the community, the

advertisements do not breach the Code.

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