



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 496/08 |
| 2. Advertiser | ANCAP Australia |
| 3. Product | Community Awareness |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Community Service advertising – section 2.2 |
| 6. Date of determination | Wednesday, 10 December 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from ANCAP Australia introduces John, who has bought a new car. It shows him driving it in several settings. He picks up his son from football training. They are shown driving and chatting happily. Another car then crashes into their car and viewers see John and his son thrown around in the car. The other car is shown and is badly damaged. During the advertisement a voice over tells the story of John and his new car. The voice over says John would not have a clue about how his car rates, but that he should. At this point the crash occurs and the voice over says, "Anything less than a four star rating means less chance of surviving in a crash". Another voice then tells viewers they can get more information from ANCAP. The contact details are screened at the end of the advertisement.

THE COMPLAINT

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

Showing a horrible car accident, it is completely unnecessary. While I object to using scare tactics in advertising in any form, there is no reason whatsoever for Ancap to use them. There is no impending doom for the majority of people that we need to be alerted to urgently like drink driving. We simply need to consider the Ancap accident rating when we buy a new car, for most people that would be years off. The accident and its consequences could have been implied without subjecting me to this horror.

THE ADVERTISER'S RESPONSE

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

We have considered the complaint with the Advertising Standards Bureau and noted the complaint's concerns.

It may assist you if we initially set out some background on ANCAP and on the reasons for producing this advertisement.

ANCAP was established in 1992 as an initiative of the Australian Automobile Association (AAA), Australian motoring clubs and various state government road safety agencies. It was incorporated in 2006 as a not-for-profit Australian public company and has a membership now comprising AAA, Australian and New Zealand motoring club, Australian State and New Zealand road safety agencies, the Victorian Transport Accident Commission, NRMA Insurance and the FIA Foundation.

ANCAP conducts Australia's only independent crash tests on new cars. Awards a star rating for safety and promotes the results to a range of stakeholders and the motoring public. ANCAP'S methodology and crash testing protocols are developed in line with similar international protocols

implemented by new car assessment programs (NCAP) around the world. These NCAP testing regimes are largely harmonized and allow for consistent star ratings to be applied to vehicles across global markets.

We are Australia's leading independent consumer advocate on vehicle safety issues and our role is acknowledged by government and the automotive industry. Over recent years, there has been a substantial improvement in vehicle safety, for which ANCAP can at least claim part credit – we encourage manufactures to make safe cars through consumer demand.

Urged on by ANCAP, Australian and international vehicle manufacture have increasingly taken up leading edge safety technologies such as advanced braking systems, electronic stability control and side curtain air bags, In addition to making substantial structural improvements in new vehicles. ANCAP is now testing far more 4 and 5 star cars than it was even 5 years ago.

However, more can be done, as many new cars do not meet such standards. Five people die on average everyday on Australian roads and a further 80 people are seriously Injured. This is a true national tragedy - yet the Australian population appears desensitised to this high rate of fatalities and injury.

The economic cost of road trauma is \$17 billion a year In 2005 dollars (Australian Centre for Economic Research on Health, University of Queensland) This figure alone should lead government and industry in developing safer vehicles and lowering this unnecessarily high trauma rate Of course this economic cost does not begin to measure the huge emotional, social and human cost of road trauma.

The Australian Transport Council's (ATC) National Road Safety Strategy (NRSS) which covers the decade from 2001 to 2010, is lagging well behind in meeting its targets for reducing death and road trauma. The aim of the NRSS is to cut the 2001 rates by 40 per cent over this period, but it is not likely to achieve that target without a much greater effort. Of that figure, the NRSS indicated some 350 lives a year could be saved through the development of safer vehicles.

In late 2008 the ATC resolved to implement a national Stars on Cars''' program whereby the results of ANCAP crash testing would be made available to consumers at the point of sale through a labelling device. Consumers will be encouraged to look for the label and select 4 or 5 Star vehicles (ie those with the highest safety rating).

In addition to this consumer focus ANCAP is working with government and private sector fleet buyers (which make up more than 50% of all new car purchases) with a view to them purchasing only 4 or 5 star vehicles. These vehicles in turn would be available to the public 2 or 3 years later as used vehicles.

In light of all this, the commercial is designed to increase the public awareness regarding the Importance of safe cars, and having regard to safety features when making a purchase. It has been shown, in various States in Australia over the last 18 months and no previous complaints have been received.

The advertisement does not depict graphic injuries or blood. While focusing on the car crash, the level of violent imagery is kept to a minimum. The car crash itself is 'Justifiable in the context of the service advertised, given the strong public safety message it is trying to promote.

The advertisement was reviewed and approved for commercial broadcast by Commercial Advice (CAD). This advertisement was given a "PG" rating. This classification has been observed and the advertisement has been placed in the allowable time slot.

In this context, ANCAP submits that the commercial does not breach Section 2 of the AANA Advertiser Code of Ethics.

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 advertisement uses unnecessary "scare tactics".

The Board considered the application of Section 2.2 of the Code, relating to violence. The Board noted that the advertisement intends to promote a public awareness about understanding safety features when purchasing vehicles.

The Board considered that the accident scene depicted in the advertisement was shocking, but was not excessively graphic, with no blood or serious injuries depicted. The Board considered that most members of the community would not consider the scene to be a depiction of “violence”. In any case, the Board considered that public awareness about vehicle safety was a reasonable message that outweighed any distress the advertisement may cause to some viewers and the depiction was justified in the context of that message. The Board therefore found no breach of Section 2.2 of the Code.

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