



## CASE REPORT

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| 1. Complaint reference number | 516/09  |
| 2. Advertiser                 | Traffic Accident Commission                                       |
| 3. Product                    | Community Awareness   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Violence Other – section 2.2<br>Other - Causes alarm and distress |
| 6. Date of determination      | Wednesday, 25 November 2009                                       |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man wearing a helmet and a backpack gets onto his motorbike. "Motorcyclists have 38 times the risk of death or a serious injury regardless of who's fault it is." The advertisement shows a real life experience of riding a motorcycle on a road and the amount of traffic that a motor cyclist would typically encounter. The advertisement shows the motorcyclist overtaking on a two-lane road and then in a one-way road where a car door is open and the motorcyclist has to dodge out of the way. "Not wearing protective clothing, increases the risk." The advertisement shows a man with a passenger on the back and he is riding down the Esplanade in Melbourne. "Speeding increases the risk". The advertisement cuts to another motorcyclist speeding on a highway. The cyclist overtakes a car and is hit by on-coming traffic and is thrown from his bike to the pathway of a large semitrailer. The ad ends with the caption "it's up to you to reduce the risks."

## THE COMPLAINT

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

*Offensive to motorcyclist, no empathy at all.*

*Why is the bullbar scene included? It is irrelevant as even if the motorcyclist was wearing full protective gear, he/she is certainly dead. That scene is totally unnecessary. And very disturbing. Shock value maybe, but a 'snuff' movie?*

*That is just straight out wrong on so many levels.*

*Stepped way over the mark.*

*Immediate withdrawal from broadcast would be very appropriate.*

## THE ADVERTISER'S RESPONSE

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

*In this response I outline the background to the campaign, key aspects of the extensive market research we conducted and the rationale for the creative approach taken. The confronting nature of the creative was thoroughly market tested and endorsed by the target audience group – male Victorian motorcyclists.*

*Following your review of this material I am confident that you will find that TAC has developed a campaign to tackle the issue of injuries suffered by motorcyclists in a responsible way, that is 'justifiable in the context of the product or service advertised' (i.e. road trauma).*

### **Background**

*Road trauma including death and injury, is a social issue that affects more than the individual*

road users. Families, friends and work colleagues are placed under enormous stress; not to mention the wider impact on our health and compensation systems. Every year TAC provides over \$700 million dollars in benefits and financial support aimed at rehabilitating Victorians injured in road accidents and assisting their families.

In tackling the issue of road safety, the TAC has segmented its approach, looking at aspects like age, sex, type of hazard (such as speeding, drink driving or fatigue) and road user type. Large investments have been made in research – particularly to understand the attitudes and behaviours of specific road user segments, those who self-report specific illegal road use behaviour such as drug driving, drink driving or speeding and the Victorian community at large, to best enable us to influence behaviour change.

Road trauma doesn't just happen – but it is preventable. Consider that the road toll in Victoria for 2008 was 303, the lowest ever recorded in Victorian history, and that over 7,200 Victorians were injured seriously enough to require medical care; you can appreciate why targeted and planned public education campaigns, like the one being reviewed, are an important tool in reducing death and injury on our roads. Many of these injuries are traumatic and suffered by people across our diverse cultural and geographic community. Despite accounting for only 3% of registered vehicles and only 0.7% of kilometers travelled in Victoria, in 2007/08 claims to the Transport Accident Commission relating to motorcyclists, represented over 14% of fatalities and 14% of serious injuries. Over the past 10 years, motorcycle registrations, the number of learner permits issued and new motorcycle sales have notably increased. The TAC's exposure to claims from motorcycling accidents has increased during this period and continues to rise. The overall cost to the TAC is in the order of 4-5 times higher per vehicle for motorcycles than for passenger vehicles. Motorcyclists account for 25% of all the TAC's trauma related costs.

Statistics indicate that the majority of fatal crashes involving motorcycles are single vehicle incidents. In 2008, of the 43 motorcyclists fatally injured on Victorian roads, 58% were single vehicle crashes and at least 50% involved excessive speed.

The Victorian approach to improving road safety, including motorcycle safety, is an integrated one that sees public education as one component of a multifaceted program complementing strong enforcement within a legislative framework.

### **The Risk and Responsibility Campaign – The Creative Approach**

The Risk and Responsibility campaign is the second phase in the strategy to tackle the issue of motorcycle safety on our roads. The first campaign highlighted the importance of protective clothing for riders and provided the incentive to change riding behaviour by encouraging key rider segments to wear appropriate protective clothing every time they ride. Surprisingly, contrary to traditional models, the history of successful road safety interventions strongly suggests that behaviours change first and then attitudes change later - but only if a sufficiently compelling reason is provided to change attitudes. The current motorcycle safety campaign aims to perform this very important function of influencing attitude change, by highlighting the risks associated with motorcycling and the impact that a lack of protective clothing and specifically, speeding, can have in the event of a crash.

Safety research conducted in a number of jurisdictions world-wide over the past decade has pointed to the relationship between average travel speeds and serious trauma outcomes. For example, investigations have variously shown that a 5 km/h increase in speed over a 60 km/h limit doubles the risk of crashing; all types of speeding (low-level, excessive and inappropriate) are dangerous as speeding reduces the time drivers/riders have to avoid crashes, the drivers/riders' ability to control the vehicle and lengthens stopping distances, increasing both the likelihood of crashing and the severity of the crash outcome. In the case of motorcyclists, the injury outcomes are far worse than for car occupants as they are ultimately an unprotected pedestrian travelling at speed.

In developing this campaign, the TAC wanted the target market:

- To understand and internalise the factual, indisputable and realistic consequences of being involved in a crash as a motorcyclist.
- To understand the realistic consequences of serious injury or death when involved in crash while inadequately protected (by inappropriate clothing)

- *To accept, understand and most importantly employ certain behaviour changes that will significantly reduce their level of risk when involved in a crash; protective clothing and visibility.*
- *To ride within their own limits and consider the realistic consequences of personal harm when they speed.*
- *To understand that the majority of motorcycle fatalities are single vehicle crashes.*
- *Begin to internalise and understand the realistic consequences of being involved in a crash as a motorcyclist, in particular at speed.*

*The aim of this campaign is to communicate to the target audience (riders) the level of risk they are exposed to and that it is their responsibility to ensure they are doing everything in their power to reduce their level of risk when riding by modifying their behaviour in two specific areas. Firstly, ride at a safe and legal speed for the conditions and secondly, wear appropriate protective clothing. The campaign aims to reinforce to riders that regardless of who is at fault in a road crash, it will be riders who will come out second best.*

*Key propositions relevant to the campaign include:*

- *Riders are 38 times more likely to be injured on the roads than car drivers (per kilometre travelled).*
- *It is YOUR responsibility to ensure YOU are doing everything in YOUR power to reduce YOUR level of risk when riding on the road.*
- *Regardless of who is at fault in a road crash, it will be YOU who will come out second best as you are simply, an unprotected pedestrian travelling at speed.*
- *The majority of fatal crashes involving motorcycles are single vehicle incidents that only involve the rider. In 2008, 58% of fatally injured motorcyclists were single vehicle crashes, and at least 50% of those involved excessive speed.*

*According to national research conducted by the Australian Institute of Health and Welfare, motorcyclists are 38 times more likely to be injured in a crash compared to motorists. Reducing speed and wearing protective clothing when riding can reduce the severity of a motorcyclist's injuries sustained in a crash. Focus groups were conducted with the target audience to explore reactions to the commercial in concept, first edit and off-line stages. The research indicated that the representation of a variety of rider segments, rider behaviours and riding scenarios appealed to the diverse riding community while strongly communicating that the responsibility of safe riding falls with the motorcyclist.*

*"It's not always your fault but it's always your responsibility - there's no point being right and dead". ('Risk and Responsibility' Campaign Concept Testing, Sweeney Research, August 2009)*

*The TVC concept for this phase of the motorcycle safety campaign continues to reinforce the message that as a rider the level of risk, in regards to sustaining an injury, is considerably higher than that of a car occupant and that it is therefore the rider's responsibility to ensure they do everything in their power to reduce their risk levels. The objectives for this phase of the campaign are to reduce the incidence of self reported speeding behaviour amongst riders and increase the uptake of protective clothing wearing rates.*

### ***Victorian Police – Consultants to TAC on the accident re-creation***

*The accident depicted in this campaign is loosely based on real accidents investigated by Victoria Police. As with all TAC campaigns, the accident depicted in this TAC TVC was reviewed and developed in consultation with Senior Officers from the Victoria Police Major Collision Investigation Unit.*

### ***Research specific to road safety public education campaigns***

*The TAC is an evidence-based organisation and prides itself on being a world leader in road safety public education that is developed as the result of extensive, detailed and insightful research. The TAC in the development of our communications strategy, conducted in-depth analysis of Victorian*

*riders' attitudes and behaviours towards key road safety issues affecting them.*

### **Research specific to the motorcycle safety public education campaign**

*Several rounds of research were conducted on TAC's behalf by Sweeney Research. The ad in question has also been through extensive market research at concept (script) stage, first edit and final off-line stage.*

*A total of 11 focus groups have been conducted in the last 6 months and a total of 18 groups have been held since November 2007: all of which were used specifically to inform the development of this campaign and the protective clothing motorcycle safety campaign launched in March 2008. Key findings were:*

- The Risk and Responsibility TVC concept 'The Ride' was the best of the four tested and a very strong concept.*
- The scenarios depicted are realistic, ones that they could envisage themselves in and regard as quite "everyday" which had the "that could be me" factor.*
- The end scene featuring the crash, was described as powerful, effective and persuasive. The majority of riders accepted the need for this particular scene to be confronting.*
- A key strength of the concept was that it wasn't deemed too "blame the rider" focused and was more in line with the tenet "regardless of whose fault it is, you'll be the one to come off second best."*

*After the TV commercial was filmed but before it went to air, off-line edits were tested amongst the target market of male motorcyclists aged between 18 and 50 years of age. This stage of research again highlighted that a confronting approach was necessary, if not mandatory. Spontaneous reactions in off-line testing are highlighted below:*

*"It's the rider's responsibility to reduce risks."*

*"The ad says you can minimise the risks – that's absolutely true."*

*"You see those things happening all the time – so if you think about it more, if the ad gets you to do that, you'll be less likely to take a risk in the first place."*

*"Hey, that's me, that's what I do, I know it's risky at times."*

*"It's showing real behaviour – you see it everyday, it shows things we all do."*

*"Tells it like it is, doesn't patronise or talk down to riders."*

*The responses highlighted that our target market, of frequent riders, understood and could identify with the communication and successfully depart with the key messages; wear protective clothing and ride at a safe, legal speed. The Ride was incidentally described by several as the "best motorcycle focused commercial ever produced by the TAC."*

### **In Conclusion**

*The TV ad in question was submitted to Free TV Australia (Commercials Advice) for broadcast approval and a rating of PG was assigned as relevant. Care has been taken to place the ads only within the appropriate allowable times and outside of children's programming. We do acknowledge that some members of the public will find this campaign confronting. To ensure we limit the impact on those directly affected, the TAC makes available a copy of the media schedule for members of the public who wish to modify their viewing to avoid seeing the ad.*

*However, since the campaign launched on 20 October 2009, only one person has requested the media schedule. In addition, interest and support has been shown for the campaign by the other road safety experts, the motorcycling community and the media.*

*I hope that the ASB acknowledges that the TAC is acting responsibly in its communications to address the issue of motorcyclists. Further, that the creative style used, while confronting, does not*

*breach acceptable community standards in consideration of the social harm that road trauma can cause.*

*I trust that you will view this response favourably, given these communications are critical to influencing rider behaviour and have played a critical role in helping to save lives and reduce the level of trauma on Victoria's roads over the past 20 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 complainants' concerns that the advertisement was inappropriately graphic and violent and that such level of violence was unacceptably distressing for airing on commercial television.

The Board was sympathetic to the complainants' concerns and agreed that the advertisement was graphic and distressing. The Board noted the advertiser's response and that the main purpose of the graphic depictions in the advertisement was to educate the public of the inherent dangers associated with a combination of dangerous activities, speeding, not wearing protective clothing and the fact that it is an inherently more dangerous activity than driving a vehicle so extra caution is required, especially because there is a higher chance of being killed or injured.

The Board noted that it has consistently stated that a higher level of graphic images and 'violence' is acceptable in public education campaigns because of the important public health and safety messages that are intended to be conveyed and as a result of usually compelling submissions from advertisers that such detail and 'shock' is necessary to be effective.

Some members of the Board, however, were of the view that this particular advertisement had pushed the boundaries of what was considered "acceptable community education", that this type of advertising may have gone too far and that the degree of brutality and hazard depicted in the advertisement was not necessary.

The Board noted its own recent research which showed that the Board's decisions on public health and community advertisements are generally in line with community views about the acceptability of violence in advertising. The majority of the Board considered that this advertisement was shocking but it depicted a foreseeable consequence of the type of accidents that may happen. The Board considered that the violence depicted in the advertisement was relevant to the important public health and safety message that the advertisement is attempting to convey and that the advertisement did not breach section 2.2 of the Code.

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