



## **CASE REPORT**

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| 1. Complaint reference number | 520/09  |
| 2. Advertiser                 | Department of Justice, Victoria                                   |
| 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 real life survivors of the Black Saturday bushfires in Victoria in 2008. The advertisement shows the scenes and devastation caused to the various areas which were severely burnt out during the February fires. One couple talks about the 200 metre fire balls coming out of the bush and towards their property. Another lady talks about how she covered both of her daughters by laying one on top of the other and then she lying on top of them to make sure that she could protect them to the best of her ability - "I would get burnt but I would save the kids". Another lady says how when she was in the car on the paddock a friend of mine actually rang and asked what is happening. I said that Kinglake is gone, its ablaze. Another man shows the film of his house on fire ... For a free fire ready kit or more information ... go to a CFA website, Prepare, Act, Survive, working together we will be ready, fire ready.

## **THE COMPLAINT**

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

*I lost a family member in the bushfires and I feel this graphic illustration of what my brother went through is detrimental to my grief and therefore my recovery from post traumatic stress disorder. I believe many other victims will feel disrespected in the same way. My way of coping with the loss up to the point of seeing this advert has been to focus on my brother and ignore the pain, sights and fear that he would have gone through, having this shoved in my face has made me stressed and angry and resulted in having to take time off work and seeing my doctor and psychologist again. I can not believe this ad is allowed to be aired when the event of black saturday had such a widespread impact it is just unthoughtful and rather disgusting to victims like myself and my family.*

*These ad are upsetting to anyone who watches them. I lost my best friend and his family in the Black Saturday bushfires and am struggling to cope with it. This ads extremely distresses me and others I know that are experiencing the same and greater a loss. I have not seen the whole ad as it is far too painful, but I understand the purpose of it. However I think the trauma stories and the extent to which they are told is unnecessary, especially this soon! Every day is hard enough, I don't think it's not fair for me and other people to have to deal with these ads everyday as well.*

## **THE ADVERTISER'S RESPONSE**

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

*The Department of Justice advertising campaign encouraging Victorians to be Fire Ready this summer is part of a long-term behavioural change and community engagement campaign.*

*This campaign, which addresses a key recommendation of the 2009 Victorian Bushfires Royal Commission interim report (Recommendation 7.5), aims to:*

- Increase awareness and understanding of what being “fire ready” means, including the necessary actions to make this happen – so that Victorians are better prepared in order to minimise loss of life and property; and*
- Communicate new initiatives to improve Victoria’s fire preparedness this summer, so that Victorians are aware of and in a better position to respond to the changes being introduced for the coming fire season.*

*Considerable thought was given to community sensitivities in developing the creative approach behind Victoria’s Summer Fire Campaign.*

*To inform this thinking, focus groups were held with general public (18-40) and people living in high fire risk areas in the outer suburban fringe of Melbourne. This research also included in-depth interviews with people personally affected by bushfires, as well as interviews with special needs audiences (CALD, young mothers, elderly and disabled).*

*With the 2009 Bushfires still front of mind for Victorians (and in particular those who have been personally affected by the bushfires, who were included in the research), there was an obvious and heightened need to be cognizant of the well-being of research participants.*

*As such the research team, along with the Department, undertook to ensure the minimisation of distress of participants in the following ways:*

- Through research recruitment, it was ensured that those contacted were comfortable and able to contribute to a group which tested advertising around bushfire awareness – potential participants were told upfront of the nature of the research, and were given as much information as possible to allow them to make a decision on their participation or non-involvement.*
- Then, through consultation with the Department of Health, a formalised approach to handling participant distress was formed, involving the provision of personal support on-site, and the offer of psychological support options for those who require any additional assistance.*

*Throughout all of the research conducted, although emotions were still somewhat raw, participants did not show signs of distress upon viewing the campaign or discussing related issues.*

*Based on the findings of this research, the Department developed an emotive TV advertising campaign in order to break through the complacency that (according to research carried out by the Country Fire Authority), still exists with considerable numbers of people in high risk fire areas.*

*We were particularly impressed by the market research respondents who were personally affected by the February 09 bushfires, as well as the case study participants in the advertisements, who were adamant that their stories needed to be told so that other Victorians could learn and be better prepared this year and into the future.*

*Key findings around the emotive approach and using case studies of real bushfire victims from the 2009 bushfires:*

*l The fact that the campaign involved case studies of real bushfire victims from the 2009 bushfires was considered as vital to the overall effectiveness of the campaign. The examples used were found to be especially effective among high-risk and affected respondents, as they have a rural ‘skew’.*

*l Use of real examples was also seen as acting as an enabler in helping deliver key campaign messages around: Prepare, Act, Survive. This approach was particularly supported by those most affected by the bushfires, who said they would prefer to see that the examples used truly expressed and reflected their experience, and their sense of hope in planning for the future.*

*l There was a consistent comment (even among those most affected by bushfires), that the initial campaign creatives they were shown were not strong enough or dramatic enough. Especially for those most personally affected, the Black Saturday bushfires were considered highly dramatic, and it was expected that the advertising tonality should be reflective of the magnitude of the event and*

*their own experiences.*

*The initial response from the campaign has been very positive with an immediate jump in the numbers of Victorians contacting the Victorian Bushfire Information Line and connecting to the CFA website for more information about being FireReady.*

*It should be noted that the television advertisements are supported by a comprehensive community education campaign in partnership with key emergency service organisations including the Country Fire Authority and the Melbourne Fire Brigade, as outlined in the Victorian Government's Implementation Plan, in response to the 2009 Victorian Bushfires Royal Commission Interim Report. The State intends to reach all people in Victoria with this campaign.*

*The tragic events of the 2009 February 7 bushfires have highlighted how important it is to be FireReady. With similar extreme weather conditions expected this summer, fire preparation is vital for all Victorians. An intense effort across government and emergency services has focused on delivering improvements for the season.*

*We strongly believe the research-based approach taken in delivering the TV campaign on a topic of such importance is in the public interest and does not in any way breach any section of the Advertiser Code of Ethics.*

*The Department is working closely with the Department of Health and organisations such as the Victorian Bushfire Reconstruction and Recovery Authority to manage what we recognise is a sensitive issue for some people. We would be more than happy to provide you with contact details that in turn could be provided by you to the two community members who have expressed their concerns about the TV advertisements.*

## **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 is insensitive to the audience because it is too graphic and was insensitive and unthoughtful to those victims and survivors who were suffering from the experience of the bushfires earlier in the year and were still suffering from post traumatic stress disorder.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states: "*Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised*".

The Board noted that clause 2.2 of the Code requires that violence not be presented unless it is justifiable in the context of the product or service advertised. The Board viewed the advertisement and noted the footage of the fire scenes were graphic and that the people interviewed had experienced a high degree of trauma.

The Board noted the comments of the complainants that the advertisement was "insensitive and unthoughtful to those who had lost loved ones" and "too graphic".

The Board agreed that the advertisement was graphic and likely to be upsetting to some people and expressed empathy for those who would be upset by the images. The Board noted its previous decisions relating to public health and safety campaigns, where it accepted that the level of violence shown is justifiable in the context of the important health message being conveyed to the public. The Board considered that this rationale applied also to this advertisement and the expectation that other people's lives may be saved by having viewed and been positively impacted by the advertisement. The Board determined on this basis that the advertisement was not in 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.