



CASE REPORT

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| 1. Complaint reference number | 540/09 |
| 2. Advertiser | Transport Accident Commission |
| 3. Product | Community Awareness |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6
Other - Causes alarm and distress |
| 6. Date of determination | Wednesday, 20 January 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This U Tube advertisement depicts a TAC advertisement which portrays parts of TAC advertisements from the past 10 years.

Watch the road toll halve. December 10th marks 20 years since the first TAC public education campaign appeared on television, the start of our long running campaign to help reduce the number of lives affected by road trauma in Victoria. On December 10th 1989 the first TAC campaign went to air. In that year the road toll was 776; by 2008 it had fallen to 303. A three minute retrospective of the campaigns produced by the TAC over the last 20 years has been compiled. This campaign features iconic scenes and images from advertisements that have helped change the way we drive. Tonight is a chance to revisit some of the images that have been engraved on our memories, remember the many thousands of people who have been affected by road trauma and remind us all that for everyone's sake; please, drive safely this Christmas. Remember to share this with your friends and family and other community networks.

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As 1989 drew to a close the road toll was mounting; so too was public outrage at the carnage on Victorian roads. By year end 763 people had lost their lives. On December 10th 1989 the first TAC commercial went to air. The reaction was swift and it triggered an almost immediate change in driving behaviour. More campaigns followed and by the end of 1990 the toll had dropped to 548. Since then a combination of the advertising, legislative change and Police enforcement has seen the figure fall by over half. More than 8000 Victorians are alive today who otherwise might have died. Some 150 commercials have been put to air over the last 20 years. We all have our favourites, with images and words that are burned into our memories. These commercials have created a culture of road safety in Victoria that consistently results in a lower fatality rate than anywhere else in Australia.

THE COMPLAINT

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

Possibly a very appropriate ad for this time of year but it severely distressed my 11 year old daughter. It is still playing on her mind 48 hours later. Clearly a case of missing the target audience and traumatizing a non-driver.

I object to the length and graphic nature of this confronting advert and the fact that no less than 4 channels were advertising it at exactly the same time so that one could not change to a channel that the advert was not on. I do not expect to be confronted with these images when trying to relax in front of the television and they are insulting to me because I drive very responsibly. I also feel that it is very disrespectful of people who may have been touched by the road toll. Please restrict the advert to one channel at a time and to a limited length.

Normal process of one of this road accident ads you may see one or two people injured or die. In

this a it is the combination of 20 years of adds rolled in to a 2.50sec advert. Resulting in many more horrific injuries and deaths. When these ads ran as separate identities the message of the ad was horrific enough but when they are all put together it results in a more than horrific ad. There are more than 10+ deaths shown in this ad.

THE ADVERTISER'S RESPONSE

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

Thank you for notifying the Transport Accident Commission (TAC) of the complaint received by Advertising Standards Bureau in relation to the TV component of our recent 20 Year Christmas Road Safety Public Education Campaign which was titled "Everybody Hurts". The title for campaign was taken from that of the REM song which was used to accompany the campaign. In this response I outline the background to the campaign 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.

Following your review of this material I am confident that you will find that TAC has developed a campaign to tackle the issue of road safety 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, and hazard-type (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 2009 is currently 286, the lowest ever recorded in Victorian history, and that over 7,000 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.

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

The 20 Year Anniversary Christmas Campaign - The Creative Approach

The 20 Year Anniversary Christmas campaign is the fourth part of a five part campaign in the strategy to tackle the issue of road safety in Victoria in the lead up to Christmas. The other four components discussed the issues of enforcement for drink and drug driving and speeding, alternative transport options and the negative outcomes associated with road trauma.

This heavy enforcement campaign highlighted the increased likelihood of being caught breaking the law and provided the incentive to modify road using behaviour as a result of the heavy presence of Police enforcement.

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 police enforcement safety campaign aims to perform this very important function of

influencing attitude change, by highlighting the risks of being caught and potential consequences of license, injury or worse death.½We know the threat of Police enforcement is an effective deterrent for young road users. However, for other road users a message around the issues of road trauma are more effective. It should be noted by the ASB that the TAC undertook an extensive campaign to market the one night only broadcast of the campaign. This included a significant, online, print, radio and outdoor campaign and publicity launch which attracted all five television news networks. The ABC and Channel Seven included segments of the campaign in their news broadcast and promoted the 8.30 broadcast time slot. The TAC took over all advertising opportunities on the Herald Sun and The Age websites on 9 December 2009 to promote the campaign and advertised in all major newspapers through out the state in the lead up to and including 10 December 2009 when the ad went to air. This pre campaign advertising (sample attached) also included the M rating the TVC had been given and a notified people of the specific time slot and channels that ad would be broadcast. You will note the letter of support for the campaign from Road Trauma Support Services Victoria, which featured in our promotional campaign encouraging people to watch but to be aware of the content in question. The TAC went above and beyond to make people aware and to help avoid causing grief.

This is a vital message at a time of year when many people cause far worse grief by their driving behaviour. This is a message that is proven to work and to keep the pressure on aberrant drivers. We have to balance human lives saved with the possible distress caused to a few viewers. And while doing the former we tried to mitigate the latter with the advance publicity.

Victorian Police Consultants to TAC on the accident re-creation

The accidents depicted in this campaign are loosely based on real accidents investigated by Victoria Police. As with all TAC campaigns, the accidents depicted in this TAC campaign were reviewed and developed in consultation with Senior Officers from the Victoria Police Major Collision Investigation Unit at the time of their original production.

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.

In Conclusion

The campaign in question was submitted to Free TV Australia (Commercials Advice) for broadcast approval and a rating of M was assigned as relevant. Care has been taken to place the ads only within the appropriate allowable times and outside of children 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. In this case an extensive pre-campaign publicity exercise was undertaken to make the community aware of the time slot that the campaign would be broadcast.

However, since the campaign launched on 10 December 2009, the organisation has received only one direct complaint. However, the organisation has received thousands of complements and requests from all around the world for the ad to shown in other countries.

A visit to www.youtube.com/tac will give you an idea of the number of people who have viewed the ad from around the world. At the time of writing on 24 December 2009, just 14 days after launch the campaign had been viewed by over 400,000 people on www.youtube.com/tac alone.

I hope that the ASB acknowledges that the TAC is acting responsibly in its communications to address the issue of road safety at this important time in the lead up to Christmas when Police all around the country are desperately trying to keep people safe. 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 road user 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, disrespectful to people who have been touched by the road toll. The Board also noted the complainant's concern that the advertisement was very long and that it was on four channels at the same time. The Board noted that it has no role in commenting on the length of advertisement or on whether advertisers can purchase advertising space on more than one channel for broadcast at the same time.

The Board was sympathetic to the complainants' concerns about the graphic nature of the advertisement. The Board noted the advertiser's response and that the main purpose of the graphic depictions in the advertisement was to educate the public about safe driving in the lead up to the Christmas holidays.

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.

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 foreseeable consequences of unsafe driving. 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.