



## **CASE REPORT**

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 66/08                                  |
| 2. Advertiser                 | Motor Accident Commission SA (Belt Up) |
| 3. Product                    | Community Awareness                    |
| 4. Type of advertisement      | TV                                     |
| 5. Nature of complaint        | Violence Other – section 2.2           |
| 6. Date of determination      | Wednesday, 12 March 2008               |
| 7. DETERMINATION              | Dismissed                              |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on a car parked on the side of the road with a mother in the driver's seat, her daughter in the passenger seat and her son in the back seat behind the mother. She drives off down the street and passes a white van that turns onto the road behind her. Looking in the rear view mirror, the mother seems apprehensive that the van is following her as a female voiceover relates "Like most victims, Julie knew her killer." In the rear view mirror, the mother notices the van turn into a side road, and smiles, relieved. Only then do we realise that she has been sufficiently distracted to smash into a car in front of her. The impact throws her son, who was not wearing his seat belt, forward - to force forward his mother's seat. The voiceover continues "It was her son. He wasn't wearing his seatbelt. After crushing her to death, he sat back down." The son is thrown back into his seat as the car stops, looking around dazed and confused, his face covered in blood. His sister looks at the mother now motionless and bloody from the accident and lets out piercing scream. The voiceover concludes "Think about wearing a seatbelt."

## **THE COMPLAINT**

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

*It's late timeslot does not justify the decision to show this incredibly violent ad. The scenario is highly unlikely and appallingly horrific. As a viewer, I know I can choose TV shows and movies with simulated death scenes. I don't have a choice when such graphic images appear during a commercial break.*

*Considering myself desensitized to most things that come my way I was greatly shocked and offended that I was put through watching that commercial without prior warning of the realistic gore involved. While aware of the importance of the message I do not believe the community should have to watch such an ad. While it is effective in its message it is greatly disturbing and should not be shown further. I have a guttural upset from this commercial - which is lingering - which I do not think that should be passed on to anyone uninvited regardless of the 'message'. Common decency should prevail as in this instance the means most certainly not justify the ends.*

*It is unnecessarily horrifying. The narrator's words made it seem like a senseless act of murder, which accentuates the distress the viewer feels. People watching TV should not be made to feel ill and distraught when they are trying to relax. This ad had no prior warning of horror, so the viewer had no choice whether to watch it or not. I wasn't given this choice and hence have seen something very upsetting without consent. "Shock advertising" has gone too far.*

## **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 impact must primarily take the form of changing community attitudes and behaviours toward road safety in order to reduce road trauma.*

*Preliminary statistics from the SA Police show that last year alone 18 people died and a further 89 were seriously injured as a result of not wearing a seatbelt. Since 2002, 149 people have died on our roads from not wearing a seatbelt. In the face of such evidence it was decided to launch a strong campaign to reinforce the dangers of not wearing a seatbelt.*

*With reference to the several comments made regarding the violent nature of the commercial, research informs us that road safety messages are more likely to impact drivers' attitudes and behaviours when the realistic portrayal of road trauma is used to communicate messages. As one complainant notes, the commercial "is effective in its message" and this must take priority over maintaining the comfort of viewers.*

*The reference to a 'killer', or as one complainant suggested a 'murder', was intentional to raise awareness of the possible devastating impact on other people that could result from the irresponsible decision to not wear a seatbelt. In this context, I am sure you will agree that the graphic nature of the advertisement is justifiable under Section 2 of the AANA Advertiser Code of Ethics.*

*Further, the advertisement was reviewed and approved for broadcast by Commercials 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. This commercial was given an "M" rated classification meaning it can only be broadcast in time zones where it is unlikely to be seen by children and where the content of the programs airing at the time will be most likely of a similar classification.*

*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 viewed the advertisement and noted that the advertisement is an attempt to demonstrate the consequences of passengers not wearing their seatbelts. The Board noted that the image of the mother being struck by her son would be distressing particularly to people who have witnessed or suffered such tragedies in their lives and the lives of their families. The Board expressed understanding of the impact of these advertisements on such members of the community.

However the Board considered that the social message of this advertisement relating to the need for people to wear seatbelts was a very high priority. Consistent with previous decisions, the Board determined that a higher level of violent imagery is permissible in advertisements where there is a strong public health or safety message.

The Board noted that this television advertisement had been given an M rating and as such can only be broadcast in time zones when children are unlikely to be watching and during programs with a similar classification. The Board determined that it was important that advertisements such as this be conveyed in the right setting to the general and target population. The Board determined that the violent image in the advertisement was justified by the important public health and safety message of the advertisement 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.