

Case Report

1. Case Number :	0035-23
2. Advertiser :	Department of Transport Victoria
3. Product :	Community Awareness
4. Type of Advertisement/Media :	Transport
5. Date of Determination	8-Mar-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This transport advertisement features images of people about to step off trams, and the wording:

"Stop. Someone's child could be stepping off the tram today. When a tram stops, you stop.

Stop. Your gran could be stepping off the tram today. When a tram stops, you stop.

Stop. Someone's mum could be stepping off the tram today. When a tram stops, you stop.

Stop. Your sister could be stepping off the tram today. When a tram stops, you stop."



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The campaign explicitly refers exclusively to protecting women - 'your sister, gran, mum' might be stepping off a tram.

Why isn't there the same respect to 'brother, grandad, father?' The advert seems to imply that women are the only passengers that should be cared about. Another example of men being the disposable gender. It seems sexist and misandrist in the extreme. As a male commuter paying PTV as much as female commuters, am I seen as less important or less worthy of the same duty of care given to female passengers. It's a dangerously exclusionary message to young men and elderly men alike. Why the lack of equality?

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Campaign Overview:

The Tram Stops You Stop campaign aims to reduce risky behaviour from drivers who fail to stop for trams at roadside stops. Victorian road rules say that drivers need to stop for passengers, but statistics show the road rules are being ignored, forgotten or not understood.

When drivers are in a rush to pass a tram, they forget that real people who really matter are about to get off it. The creative reminds drivers that people they love and connect with could be stepping off the tram today.

The campaign creative seeks to create an emotional reaction by making drivers think about who may be getting off the tram (someone's sister, mum, grandma or child), and providing a very clear and prescriptive call-to-action 'When a tram stops, you stop'.

The campaign featured on Facebook, Instagram, display, radio, Spotify, regional press, on tram panels, tram stop posters and billboards.

Response:

The Tram Stops You Stop campaign aims to help reduce risky behaviour from drivers who fail to stop for trams at roadside stops and ultimately to contribute to a decrease in the number of incidents. Tram wayside safety has been a key focus of public transport safety campaigns for the past 10 years, featuring a range of different creative executions. DTP values the safety of all passengers, drivers and the community as a whole, regardless of gender, and develops campaigns like this to improve safety for all.

At roadside tram stops, drivers are required to stop for trams. However, research commissioned by the Department of Transport and Planning revealed that these road rules, which are intended to ensure the safety of tram passengers in a vulnerable road environment, are too often forgotten, ignored, or simply not understood/known, with 2,632 'roadside near misses' recorded in 2021. According to Yarra Trams data, in the period November 2021 - February 2022, pedestrian knockdown incidents were up

200% compared to the same period in the previous year as people return to the roads and public transport after the lockdowns.

The campaign aims to improve the safety of all passengers, with the creative concept based around reminding drivers that people they love and connect with could be stepping off the tram.

With this in mind, the creative depicted close relatives to increase the emotional connection and prompt drivers to undertake safe behaviours while in a 'hot zone' mindset (when rushing, late for work etc) and therefore impact behaviour of this audience.

While some of the tram panels reference female characters (gran, mum, sister), there are also executions that feature a child (male) and there is gender diversity represented in the broader creative across the tram wrap with both male and female legs included in the illustrations of passengers exiting the tram.

There is also gender diversity across the other creative assets within the campaign. The campaign radio ads feature a range of male characters (son, Zan, Ramesh, Paul, Kim, Trang) and are voiced by a male voice over.

The campaign advertisements use animation and safety messages that in no way could be misconstrued as being discriminatory, exploitative, offensive or obscene. It does not portray violence, nudity, offensive language or material that is contrary to health and safety standards.

The campaign creative concepts were tested by a research organisation and with Victorian drivers through focus groups. Concepts were optimised to ensure they conveyed the right messages to influence behaviour.

The concept testing revealed that the message of the campaign was clearly conveyed and easy for drivers to grasp even if they were quickly passing by. It evoked an emotional reaction, by making drivers think about others, particularly those most important to them. The tagline 'When a tram stops, you stop' stood out and was deemed to be an important reminder for all drivers.

A post campaign evaluation survey was also conducted with over 400 Victorian drivers. The report showed that younger drivers were more likely to spontaneously recall tram advertising and that the specific message of 'allowing tram passengers to exit / board' was strongly communicated.

The static ads were seen as appealing, and the message take-out was strong. Drivers said that when listening to the radio ad, they were picturing real people, which likely contributed to engagement and cut through of the campaign.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is sexist.

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

Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences.

The Panel noted that the Practice Note also includes:

“Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man...”

Advertisements should take care to avoid suggesting that skills, interests, roles or characteristics are:

- *always uniquely associated with one gender (eg. family members creating a mess while a woman has sole responsibility for cleaning it up);*
- *the only options available to one gender; or*
- *never carried out or displayed by another gender, as this may amount to discrimination on the basis of gender.”*

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the advertiser's response that the advertisement did not state what gender the child was, and the transport advertisements were only part of a larger campaign that included men.

The Panel noted that an advertisement must be discriminatory or vilifying of a person or a group of people in order to breach the Code. The Panel considered that by omission the content of the advertisement excluded some segments of the community, but that the advertisement did not depict material which humiliates, intimidates, incites hatred, contempt or ridicule of other races or genders nor depicts

them receiving unfair or less favourable treatment, and therefore did not breach the Code.

The Panel noted in particular Section 2.1 of the Code, which states “advertisements must not *portray or depict* material...”[emphasis added]. The Panel considered that unless a segment of the population is actually shown or referred to in the advertisement in a proscribed way, an advertisement cannot without more be found to breach the Code only on the basis of excluding that segment of the community (ie, not appearing/referred to in the advertisement at all).

The Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.