

Case Report

1. Case Number :	0009-24
2. Advertiser :	SA Police
3. Product :	Community Awareness
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	7-Feb-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

There are four versions of this billboard advertisement which all feature the text, "no one's driving if you're distracted".

The first depicts a man with a sandwich in front of his eyes. The second depicts a woman with lipstick in front of her eyes. The third depicts a woman with a baby bottle in front of her eyes. The fourth depicts a man with a phone in front of his eyes.



THE COMPLAINT

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

These billboards are demeaning and perpetuate outdated gender stereotypes. Using a baby's bottle and lipstick to block only the eyes of the women is condescending and uses old fashioned views that parenting and makeup is only for women. To then compare that to the use of a ham sandwich to obscure the man's face is insulting. Men and women can be distracted by the same things. It is entirely unnecessary to link objects that cause distractions with gender, so this issue could easily have been avoided. My view is that these billboards are not in line with current community standards

THE ADVERTISER'S RESPONSE

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

Distraction is a key issue impacting road safety and is one of the 'Fatal 5' factors contributing to lives lost on South Australian roads each year.

Between 2017 and 2021 police reports have attributed 'Inattention/Due Care' to 44% of fatalities and 33% of serious injuries.

Between 2018 and 2022 an average of 6,995 mobile phone expiations were issued by SAPOL each year.

In spite of increased commentary and communication in the area, investigative behavioural research indicates that a significant number of drivers engage in a distracting behaviour while driving on a daily basis.

In light of this it was seen as prudent to develop a campaign to discourage behaviour that divides attention between driving and non-essential tasks.

You have told us the complaint falls under:

AANA Code of Ethics\2.1 Discrimination or Vilification\Gender

Section 2.1 prohibits the discrimination or vilification of any individual or group of people on the basis of certain defined attributes.

Your advice also asks us to address all other sections of the code.

The complaint is not relevant to the AANA Code for Advertising and Marketing Communications to Children, the AANA Food and Beverages Marketing and

Communications Code or the AANA Wagering and Advertising and Marketing Communications Code.

With regard to the remaining sections of Section 2 of the Advertiser Code of Ethics:

2.2 - Exploitative and degrading

- *The commercial does not employ sexual appeal in any manner.*

2.3 – Violence

- *There is no depiction of violence in the commercial.*

2.4 - Sex, sexuality and nudity

- *There is no depiction of sex, sexuality or nudity in the commercial.*

2.5 – Language

- *No language is displayed that could be considered strong or obscene.*

2.6 - Health and Safety

- *The commercial does not depict any unsafe behaviour, other than the obscuration of vision, relevant to the issue being addressed.*

2.7 – Distinguishable as advertising

- *The billboard artwork is portrayed in a traditional commercial format, and branded with the SA Government logo and our current ‘Think! Road Safety’ logo.*

With regard to 2.1 Discrimination or Vilification\Gender, we make the following comments.

Road safety encompasses many demographic groups and behaviours. Each year we address those most implicated in crashes, lives lost and serious injuries. These will typically include:

- *Drink Driving*
- *Drug Driving*
- *Non seatbelt use*
- *Inattention*
- *Speeding*
- *Senior Drivers*
- *Motorcyclists*
- *Cyclists*
- *Regional Drivers*

A broad variety of demographics, including factors such as age and gender, will present themselves in casualty data within these issues that we tailor messages to.

Messages are targeted on the basis of this data, not assumption or prejudice.

In the issue of Distraction, both males and females are represented.

Prior to campaign development, we undertook attitudinal research amongst road users to determine the most common behaviours undertaken while driving that distract from driving.

The most common distracted behaviours, nominated by those surveyed, were:

- 1. Using the mobile phone*
- 2. Eating*
- 3. Grooming*
- 4. Attending to children*

As a result of this, each of these behaviours were depicted across a multi-media campaign that included the outdoor execution that is the subject of this complaint.

This particular outdoor execution is displayed on a network of 56 double-sided roadside billboards across high-speed country roads in South Australia. Messages on these billboards need to be simple, clear and easily understood.

In the interests of this, items that clearly represent these four activities were depicted obscuring the eyes of actors and demonstrating their distracting nature.

It was also necessary to ensure both genders were represented, as presented in casualty data. Given that we are depicting these four behaviours in a negative light and the need to assign them to a representative of both a female and male audience, it is difficult to guard against unintended offence.

Make-up and baby bottles may be traditionally associated with females but this match-up was not done to demean or insult females but to deliver a message obviously. In addition, the research in which audiences nominated the distracted behaviours they engage in reflected that females identify as multi-taskers that "more often admitted to eating, personal grooming, attending to children and pets, searching for lost items, listening to music/radio/podcasts" and were more likely to admit to using their mobile phone. It would be inappropriate and offensive to present females in all four creative executions so an even representation was chosen, using the data provided to assign the behaviours noting that it may also be inadvertently inferred that we are suggesting males are more likely to eat or use their phones, an increasingly maligned action.

Concept testing of the overall campaign identified that it performed strongly, with the potential to create consideration amongst audiences regarding their in-car behaviours. While all concept testing highlights areas where improvements can be made, it is worth noting that gender stereotypes and potential offence were not raised. Further, this particular execution was first put to market in 2020 and this is the first complaint of its kind across any avenue.

Additionally, the post campaign evaluation research results indicate that the campaign has been successful in reaching its objectives, with particular high performance noted in the 'attending to children/bottle' variant.

Objective: Reach or exceed awareness benchmark against Target Audience of 57%
Achieved: 71% (+14%)

Objective: Reach or exceed maintenance targets for avoiding specific distractions:
Mobiles: 42%
Achieved: 54% (+12%)

Personal grooming: 53%
Achieved: 59% (+6%)

Attending to children: 16%
Achieved: 78% (+62%)

Eating/drinking: 16%
Achieved: 20% (+4%)

We believe that this campaign is not in contravention of AANA Code of Ethics\2.1 Discrimination or Vilification\Gender.

In light of the seriousness of this issue, the robust process of research and data used and the positive results achieved, we hope you agree that this campaign has been carefully crafted and not based on prejudice or outdated stereotypes. We also hope you recognise that we target a broad cross section of the community that have an impact on road trauma, but more importantly we hope you agree this campaign has the potential to positively improve the safety of drivers in South Australia.

THE DECISION

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 uses gender stereotypes.

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 considered the advertiser’s response that the advertisement reflects the four most common reasons that people are distracted while driving, and that the advertisements were designed to draw attention to this important message.

The Panel noted that the messaging of the versions of the advertisement featuring a lipstick and baby bottle, is that women can be distracted from driving by putting on makeup and looking after children. The Panel considered that while these depictions may be suggestive of gender stereotypes, the advertiser has provided data to support why they have made these particular representations, so as to convey an important community message.

The Panel also noted that the advertisement does not state or suggest that men cannot also be distracted by these things, as it does not suggest that women cannot be distracted by eating or looking at their phone.

The Panel considered that the women in the advertisements are not treated unfairly or less favourably nor do the advertisements humiliate, intimidate or incite hatred, contempt or ridicule of the women because of their 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.