

Case Report

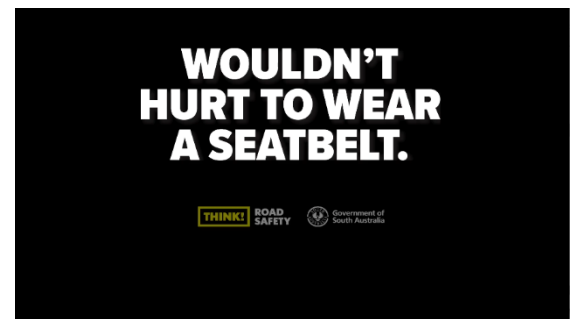
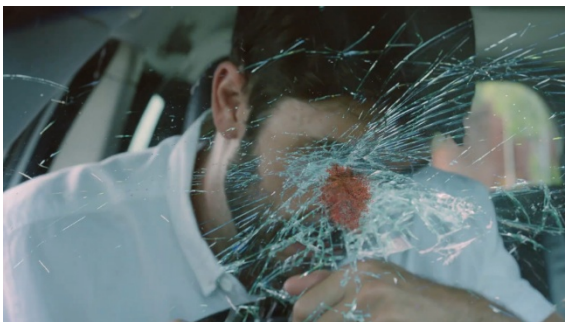
1. Case Number :	0066-24
2. Advertiser :	SA Police
3. Product :	Community Awareness
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	20-Mar-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a driver's head hitting the windscreen during a car accident, as well as showing blood and hair on the windscreen. The advertisement ends with the message, "wouldn't hurt to wear a seatbelt".



THE COMPLAINT

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

showing these ads of major crashes is like twisting the knife in the wound for some one that has just been on the receiving end of a red light driver. may cause mental problems.

It's way to graphic..left me feeling very upset and had a panic attack..I was in accident and also..my grandson seen it..he's 9 was very upset,blood ect..not happy it's upsetting.

THE ADVERTISER'S RESPONSE

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

With regard to your recent communication regarding a complaint against our recent Seatbelt campaign under:

AANA Code of Ethics\2.3 Violence\Community awareness

2.3 Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

You have asked us to first 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:

2.1 Discrimination or Vilification\Age

- The commercial does not discriminate against any group or individual.*

2.2 - Exploitative and degrading

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

2.4 - Sex, sexuality and nudity

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

2.5 – Language

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

2.6 - Health and Safety

- The commercial does not depict any unsafe behaviour, other than that which is seeks to address, nor does it encourage any unsafe behaviour.*

2.7 – Distinguishable as advertising

- *Each element of the campaign is in traditional commercial formats, and branded with the SA Government logo and our current 'Think! Road Safety' logo.*

With regard to 2.3 Violence we make the following comments noting that as a new campaign, evaluation research has not yet occurred and we are unable to provide specific campaign results.

The reasons that Governments put to market road safety public education campaigns is because of the profound impact road trauma has not only on loss of life and serious injuries but also the impact on families, communities, first responders, economic costs and pressure on health and emergency systems.

As such it is difficult to disseminate messaging in a way that will not ever be exposed to those people who have become victims of the unacceptable situation we are trying to correct. It is never our intention to upset or cause distress to people such as the complainant but it is our intention to capture the attention of road users, challenge their attitudes, change their behaviours and ultimately reduce road trauma so that these campaigns become less necessary.

Seatbelts are a persistent concern for the road safety community.

Surveys indicate that compliance is high with around 95% of drivers/passengers using them.

Yet over the prior 5 years, seatbelt non-compliance was involved in 70 (24%) of driver/passenger lives lost and 150 (7%) of driver/passenger serious Injuries. Seatbelt non-compliance is therefore more likely to result in a fatality than a serious injury. At the same time, an average of nearly 4,000 expiations per year was issued to divers/passengers not wearing a seatbelt.

The small group that persist in not wearing seatbelts feature prominently in the population of crash trauma and have proven difficult to shift. In light of this it is necessary to continue to deliver seatbelt safety messaging to improve safety and to do so in a candid manner that cuts through, is clear and unequivocal.

There has been much research and debate concerning the best method of delivering road safety messages in order to gain the most traction. While there is no definitive answer, that the realistic depiction of road trauma motivates audiences to consider the reality of their actions is one popular view. South Australia road safety campaigns have used a variety of methods, including humour, statistics, enforcement, real life case studies, social shaming and the realistic imagery that has been used here.

The decision for choosing a confrontational style for this campaign was not taken lightly and was made for the following reasons;

1. Since 2015, South Australian seatbelt campaigns have been driven by humour and a different approach was considered appropriate.
2. As discussed above, the non-restraint using audience are dismissive and have proven difficult to shift, suggesting a harder messaging tactic should be trialled
3. Recent research with audiences across a range of issues has identified a preference for messaging that expresses the reality of road safety and potential outcomes.

With regard to point 3 above, a more confronting approach has similarly been taken with other recent campaigns such as Motorcycling and Drink Driving. The resulting awareness has been much stronger for these campaigns than what had become a standard of c. 65% with Drink Driving yielding 85% and Motorcycling yielding an unprecedented 97%, virtually saturation.

On this basis the use of graphic imagery to get the attention of the seatbelt audience was considered both necessary and likely to yield positive results.

Section 2.3 of the Code states that the violence needs to be “justifiable in the context of the product or service being advertised”.

The graphic imagery depicted in this commercial is not what could be reasonably called gratuitous, exploitative, entertaining or shocking for its own sake. Its purpose is to challenge complacency and improve community well-being; an outcome that we believe is eminently justifiable. A brief analysis of the dismissed complaints submitted to Ad Standards under section 2.2 and relating to road safety provide both precedent and support for this position, including those listed below,

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| 1. | Case Number 0264/18 | Transport for NSW |
| 2. | Case Number 0183/18 | Transport Accident Commission |
| 3. | Case Number 0410/17 | Transport for NSW |
| 4. | Case Number 0160/17 | Queensland Transport |
| 5. | Case Number 0153/16 | Road Safety Advisory Council |
| 6. | Case Number 0286/15 | Buckle Me Up |
| 7. | Case Number 0152/15 | Transport for NSW |
| 8. | Case Number 0088/14 | Transport Accident Commission |
| 9. | Case Number 0397/11 | Motor Accident Commission SA |
| 10. | Case Number 66/08 | Motor Accident Commission SA (Belt Up) |

Further, the advertisement was reviewed and approved for broadcast by ClearAds and given an "MA" rated classification meaning it can only be broadcast in similarly rated programs recommended for audiences aged 15+ and time zones (2030 - 0530) where it is unlikely to be seen by children. Our media agency has abided by these guidelines and the commercial has only appeared in appropriate programming, including the one in which a 9 year old boy was unfortunately exposed to it.

We accept that not everyone will have a positive view toward our campaigns but it is worth noting that other members of the public have expressed support for its confrontational nature. While neither the complaint nor this sampling quantifies the prevailing community view, it demonstrates that there are varying views and the view of one should not result in ceasing this important community message. We hope you will agree that the graphic nature of the advertisement is justifiable by the important public health and safety message and does not breach Section 2.3 of the AANA Advertiser Code of Ethics.

We are also sensitive to the needs of the public and can on request, publish a forward schedule of activity, including television programs, which will allow complainants to avoid them.

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 complainants' concerns that the advertisement includes graphic violence which is distressing and is inappropriate for younger viewers.

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

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

The Panel noted the Practice Note for this section of the Code which states:

"The results or consequences of violence (e.g. a black eye) and audio representations of violence may also be prohibited. However, graphic depictions of violence or the consequences of violence may be justified by the community safety message involved".

Does the advertisement contain violence?

The Panel noted that the advertisement depicts a person being injured in a car accident, and included depictions of blood and injuries.

The Panel considered that the advertisement contained a high level of graphic violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted the advertisement is for an important road safety message. The Panel noted the advertiser's response that humorous advertisements were not

getting this message through clearly enough, and more confronting imagery was needed for this message to reach its intended audience.

The Panel considered that the important community message being delivered in the advertisement was a critical message that justified the use of themes that would grab the attention of the audience and would lead to increased awareness and consideration of the serious issue. The Panel considered that although the advertisement was impactful it was relevant to the product (the advertisement's message).

The Panel noted the advertiser's response that the advertisement was not played before 8:30pm, and considered that most young children would not be watching television at this time.

The Panel acknowledged that the content and subject matter of the advertisement may be upsetting to some viewers, including children, but considered that the advertisement is raising awareness of an important issue. The Panel considered that the imagery used in the advertisement was justifiable in the context of the safety message being advertised.

Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence which was unjustifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.

Conclusion

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

