

Case Report

1. Case Number :	0158-24
2. Advertiser :	Channel Seven (NSW)
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - YouTube
5. Date of Decision:	19-Jun-2024
6. Decision:	Dismissed
7. IR Recommendation:	Panel to Reconsider
8. Date of reviewed decision:	28-Aug-2024
9. Decision on review:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This YouTube advertisement shared to the Seven Network channel features the hosts Sonia Kruger and Dr Chris Brown driving around in a “glitterball” van to collect the stars featured as contestants in the program. The van approaches each of the contestants who react with surprise before they shatter into glitter. At the end of the advertisement the contestants are shown together in a warehouse.



THE COMPLAINT

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

The Australian Road Toll is going through the roof. 165 pedestrians have been killed on our roads over the past 12 months. Up 5% on the same period last year. Over 15 times that number have been seriously injured. We have been doing our best to reduce Road Trauma for over 30 years. Ads like this do not help. Some might argue it's humour. But imagine what it's like for the thousands of families around Australia who see this advertisement and have to re-live the horror experienced by their loved ones. Additionally, it promotes dangerous driving. If this were a motor vehicle ad, AdStandards would ban it immediately as it contravenes the FCAI Code. We ask that the ad be withdrawn from broadcast immediately.
<https://www.youtube.com/watch?v=uJvRbN8uJ2Q>

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 7 June 2024 regarding the above mentioned case to be considered by the Ad Standards Community Panel, which details a complaint received by Ad Standards on 3 June 2024 ("Complaint") alleging that a Seven Network (Operations) Limited ("Seven") promotion for its program 'Dancing With The Stars' ("Promotion") contravenes section 2.6 of the AANA Code of Ethics ("Code").

Application of the Code

The Code expressly states that it is not applicable to promotions for a broadcaster's program or programs aired on that network (television or radio). It is therefore clear that the Promotion does not breach the Code.

Unauthorised use of the Promotion

The Complaint was made in respect of a copy of the Promotion that was uploaded to YouTube by an unauthorised third party under the account name of 'Aus TV Fan'. Seven has removed the Promotion from the third party's YouTube channel on copyright infringement grounds and has applied a copyright protection policy to block additional third parties from posting the Promotion. Seven has only communicated the Promotion on its network.

Section 2.6 of the Code – Health and Safety

The Promotion depicts a fictitious scenario where 'Dancing With The Stars' hosts—Sonia Kruger and Dr Chris Brown—drive around in a 'Star Catcher' van to 'catch' the stars featured in the program. Post-production effects were applied to the Promotion

with the use of Computer Generated Imagery (CGI). These effects were applied to introduce movie-like elements of slapstick, whereby the stars—once ‘caught’ by the hosts—are cartoonishly transported to the ‘Dancing With The Stars’ studio, leaving only glittery star dust behind in the location they were ‘caught’.

The Promotion depicts the ‘Star Catcher’ van travelling in unrealistic locations and far-fetched settings for a motor vehicle, including: a gym; a dressing room; a residential kitchen; an indoor theatre; a woodworking room; the middle of a park; a recording studio; a beach; a seating area in a café; a photography studio; and the middle of a football oval.

The Promotion was shot in a stationary vehicle – save for where it was driven by a stunt driver, exclusively on private property at speeds not exceeding 40 kilometres per hour.

The Promotion is highly exaggerated, unrealistic, fantastical, and does not suggest normal road use. The highly stylised ‘driving’ depicted in the Promotion can be reasonably distinguished from illegal driving behaviours and in no way encouraged or condoned dangerous driving. In the event the Promotion is deemed an advertisement, Seven notes the Code’s Practice Note, which states that: "Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour."

Pursuant to the Practice Note, it is Seven’s view that the Promotion would not be reasonably considered to encourage or condone unsafe behaviour.

Other Parts of Section 2

Seven is satisfied that no other parts of Section 2 are applicable and therefore do not require a response in respect of this Complaint.

Conclusion

Seven is of the firm view that the Code does not apply to the Promotion. However, in the event it is found to be applicable—in keeping with the Ad Standards Panel’s precedent determinations—Seven submits that the Promotion complies with section 2.6 of the Code. Seven requests these points be considered by the Ad Standards Panel when determining the outcome of the case. If any further information is required, please do not hesitate to contact me.

THE ORIGINAL 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 depicted violent and dangerous driving behaviour.

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

The Panel noted the advertiser's response that the video was shared to a third party YouTube channel and was not within their control. The Panel considered that the advertisement had also been shared to the Seven Network YouTube channel and this was within the advertiser's control.

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

Does the advertisement contain violence?

The Panel noted the advertisement contained images of a van swerving towards people, with some reacting fearfully, in surprise or in mock or exaggerated alarm.

The Panel considered that the advertisement was highly stylised and fantastical, and the people were depicted shattering into glitter shards before the van hit them. The Panel considered that many of the contestants were shown indoors and in locations that a van could not realistically drive into. The Panel considered that all of the contestants were shown to be unharmed at the end of the advertisement.

Overall, the Panel considered that the unrealistic, fantastical, nature of the advertisement meant that the advertisement did not depict violence.

Section 2.3 Conclusion

The Panel concluded that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

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

"Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product."

The Panel considered that the advertisement was highly stylised and fantastical. The Panel considered that the "star catcher" vehicle was not a real on-road vehicle and was not intended to be a depiction of realistic driving behaviour.

The Panel considered that the advertisement did not encourage or condone unsafe driving and found that it did not contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

Conclusion

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

REQUEST FOR INDEPENDENT REVIEW

I am writing to urgently appeal the decision made by Ad Standards regarding the "Dancing with the Stars Official Trailer 2024" advertisement. The dismissal of my initial complaint represents a severe failure of Ad Standards to uphold its own code and protect public health and safety.

DANCING WITH THE STARS AUSTRALIA 2024 | Official Trailer - YouTube
Critical Flaws in the Decision and Process

1. Blatant Disregard for Road Safety:

The advertisement flagrantly depicts dangerous driving behaviours, including swerving and simulated "running down" of participants. This is not merely "stylised" or "fantastical" - it's a reckless portrayal that normalises life-threatening behaviours on our roads.

2. Traumatization of Road Trauma Victims:

The Ad Standards Board has callously ignored the severe emotional distress this advertisement causes to victims of road trauma and their families. This oversight is not just an error; it's a moral failing. Please see the emails from:

- The stepfather of a young person who was tragically killed in a road crash, when a drunk and drugged driver mounted the footpath at 130 km/h killing her and her three cousins. He found the advertisement deeply upsetting and triggering. He emphasised that the ad's realistic elements make it highly inappropriate and offensive to those who have lost loved ones in similar circumstances.

<https://www.smh.com.au/national/nsw/drunk-and-drugged-driver-who-killed-four-children-has-jail-time-cut-20220715-p5b1ww.html>

- A man who lost his son to a dangerous driver, expressed that the advertisement is disturbing and normalises running down people with a vehicle. He stated that it is highly irresponsible and insensitive, particularly to those who have experienced such devastating losses.

<https://www.dailytelegraph.com.au/truecrimeaustralia/police-courts-nsw/opinion->

[grieving-father-says-we-need-to-change-the-way-we-think-and-drive/news-story/2bec2d67a4e151d0f2e2db1206a8787a](https://www.roadtraumasupportnsw.org/)

These two parents have subsequently set up the NSW Road Trauma Support Group:
<https://www.roadtraumasupportnsw.org/>

3. Utter Disregard for Expert Opinions and Trauma Impact:

The Ad Standards Board's decision shows a shocking disregard for the professional judgement of road safety experts and medical professionals. Transport for NSW has explicitly stated that this advertisement depicts reckless driving and is insensitive to families of road trauma victims. The Royal Australasian College of Surgeons Trauma Committee has gone further, expressing deep dissatisfaction with the advertisement's cavalier attitude towards road safety. They have rightfully demanded a formal apology, recognising the potential trauma this advertisement could inflict on grieving relatives of those killed or injured in road crashes. When road safety authorities and trauma surgeons are united in their condemnation, Ad Standards' dismissal is not just wrong - it's a dangerous abdication of responsibility that could have lethal consequences. This blatant disregard for expert opinion undermines public trust in advertising standards and trivialises the very real and devastating impact of road trauma.

4. Pattern of Failing to Uphold Standards:

This case is not an isolated incident. In a previous appeal, the Independent Reviewer was scathing in her critique of the Ad Standards Board, highlighting systemic failures to uphold standards. See BMW Appeal. Despite the then Deputy Prime Minister's intervention requesting a review of the FCAI Code, Ad Standards has taken no action. This demonstrates a chronic, institutional failure to fulfil its mandate and shows utter contempt for the standards it should be upholding. It proves the ancient axiom that self-regulation is to regulation as self-importance is to importance.

5. Inconsistency with FCAI Code:

It is crucial to note that had this been a motor vehicle advertisement, it would have automatically been disqualified under the existing FCAI Code. The fact that this advertisement is allowed to depict such dangerous driving behaviours simply because it's not directly advertising a vehicle is a glaring inconsistency that must be addressed. (eg) "GENERAL PROVISIONS - 6 - Advertisers should ensure that advertisements for motor vehicles do not portray any of the following: (a) Unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement. [Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]"

Demand for Action

1. Immediate Reversal of Decision:

Given the overwhelming evidence, expert opinions, and the heart-wrenching testimonies of those directly affected by road trauma, the original decision must be overturned immediately.

2. Comprehensive Review of Ad Standards Processes:

This case exposes fundamental flaws in how Ad Standards interprets and applies its own code. A thorough, independent review of these processes is urgently needed.

3. Strengthening of the Code:

The repeated failures to address dangerous content in advertising necessitate a strengthening of the Code. We call for explicit prohibitions on depictions of reckless driving, regardless of claims of "fantasy" or "stylisation," and regardless of whether the ad is directly for a motor vehicle or not.

4. Public Accountability:

Ad Standards must publicly acknowledge its failings in this and previous cases, and commit to concrete steps to prevent such oversights in the future.

Conclusion:

The decision to dismiss the complaint against the "Dancing with the Stars Official Trailer 2024" advertisement is not merely an error - it's a catastrophic failure that jeopardises public safety and mocks the anguish of countless Australians who have lost loved ones to road crashes. This decision sets a perilous precedent, effectively valuing entertainment and profit over human lives and limbs. Ad Standards' claim to uphold community standards is rendered utterly hollow by the dismissal of legitimate complaints such as this. This decision exposes a systemic failure within the organisation and raises serious questions about its ability to fulfil its mandate.

As the Independent Reviewer, you stand at a critical juncture. Your decision will either perpetuate a dangerous status quo or mark a turning point in prioritising public safety over corporate interests. The power to correct this egregious mistake lies in your hands, and with it, the responsibility to protect Australian lives. I implore you to act with the utmost urgency and decisiveness. Overturn this misguided decision not just in the interest of public safety, but as a clear message that the integrity of advertising standards in Australia is paramount. Show respect for the thousands of Australian families who have endured the unimaginable trauma of losing loved ones to dangerous driving.

The death toll on Australian roads is up 12% on the previous 12 months. Failure to act decisively now will only further erode public trust in Ad Standards and potentially contribute to more road tragedies. The time for half-measures and weak compromises is long past. Australia deserves an advertising watchdog that truly prioritises community safety over commercial interests.

Your decision here will resonate far beyond this single case. It will set the tone for how seriously road safety is taken in Australian advertising for years to come. I urge you to make the right choice - one that honours the lives lost, respects the pain of survivors, and commits unequivocally to a safer future for all Australians.
Relevant documents attached

INDEPENDENT REVIEWER'S RECOMMENDATION

Description of advertisement

The YouTube advertisement shared to the Seven Network channel features the hosts of 'Dancing with the Stars' program, Sonia Kruger and Dr Chris Brown, driving in a 'Star Catcher' van to 'collect' the stars featured as contestants in the program. The van approaches each of the contestants separately. They appear to be located in different locations, some indoors; others outdoors. The stars react with simulated surprise or alarm at the approach of the van before their images are depicted shattering into glittering stars at what would have been the point of contact. At the end of the advertisement all the contestants are shown, fully alive and unhurt, in a warehouse. They are introduced by the hosts with words to the effect 'It is not a game – it is 'Dancing with the Stars'.

Complaint

The complaints of the individuals, the Chief Executive Officer of the Pedestrian Council of Australia, and of the Royal Australasian College of Surgeons Trauma Committee have a common theme. The theme is that the scenes of 'a van driving recklessly, using unnecessary acceleration and braking' and apparently 'running down' participants depicts unsafe driving behaviours. In light of the number of lives lost and the high number of people experiencing serious injuries in the past year due to road accidents in NSW, the depiction is 'highly insensitive and retraumatizing for families of victims or who have witnessed or experienced road trauma'. They request the reversal of the decision of the Community Panel that the advertisement did not breach any section of the Code.

Role of reviewer

The Independent Reviewer has a limited but important role. Having decided to accept the complaint for review, the Reviewer considers the decision of the Panel and makes a recommendation. In doing so, the Independent Reviewer's opinion is to decide according to the relevant test for this case:

Whether there was a substantial flaw in the Community Panel's determination (determination clearly in error having regard to the provisions of the Codes or Initiatives, or clearly made against the weight of evidence).

The test depends on a finding of a 'substantial' or serious flaw in the Panel's reasoning. The outcome of the review may be to uphold the Panel's decision or, if the Independent Reviewer finds such a flaw, the complaint is remitted to the Panel for reconsideration.

Advertiser's response

Channel Seven's response was to reiterate the findings of the Community Panel and to reject the call for the decision to be changed.

Panel's reasons

The first finding of the Community Panel was that there was no 'violence' as required for a breach of by the Code of Ethics, section 2.3. The advertisement was shot in locations which would not be entered by a van; the images were 'highly stylised and fantastical; no-one was actually injured since all contestants 'collected' shattered into stars before being hit; and all were shown unharmed at the end of the clip.

The second finding related to whether the advertisement breached the Code of Ethics because it was contrary to Prevailing Community Standards on health and safety. The reasoning of the Community Panel was the advertisement was 'highly stylised and fantastical' as the van 'was not a real on-road vehicle and the advertisement was not intended to be a depiction of realistic driving behaviour'. As a result, the advertisement 'did not encourage or condone unsafe driving' and hence did not breach section 2.6 of the Code.

Consideration by reviewer

(1) **Code of Ethics section 2.3** states

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

'Violence' is not defined in the Code. Turning to other acceptable sources 'violence' is defined variously as:

- 'rough or injurious action or treatment' (*Macquarie Concise Dictionary*, 1407)
- 'any behaviour that threatens or actually harms or injures the individual or others' (<https://myhealth.canada.ca>)

The guidance provided by the Practice Note to the Code of Ethics for section 2 notes that 'there is no one test of Prevailing Community Standards'; and that the test will 'differ in relation to health and safety, ... [and] violence'. Accepting this is the case, the elements I take from these definitions are that violence can involve behaviours that threaten as well as actually harm or injure another.

The reasoning of the Community Panel that there was no 'violence' because there was no actual harm or injury. The van being driven at each contestant did not result in actual injury or harm, as those to whom the vehicle is aimed are clearly unharmed at the conclusion of the advertisement indicated. Nonetheless, I suggest there are two omissions in the reasoning of the Community Panel.

Accepting that 'violence' can include the 'threat' of injury or harm, when the van is being driven directly at the first contestant the intention is to create anxiety that there will be contact. The reaction of the contestant, of alarm, supports this response. Sonia Kruger saying to Dr Brown "Let's get 'em", an aggressive comment, coupled with the apparently reckless and fast driving, is designed to heighten that anxiety. The effect could be perceived as threatening, when the relevant audience is taken into account (see below).

That brings me to the second omission. The guidance provided by the Practice Note to the Code of Ethics for Section 2 states that the Community Panel may have regard to the audience of the advertisement. This advertisement appeared on YouTube, so the audience is general in composition and may include children. Had the Community Panel taken the relevant audience into account it might not so easily have concluded the 'violence' point. Children are not as experienced as adults in distinguishing between fact and fantasy and the impact on a child or young person of that first momentary potential collision, could have been fear. The contestants are all well-known and it can be assumed, recognised celebrities. The potential for harm to such a person, particularly in the case of youngsters, is highly likely. For a young person to see a favourite public figure about to be run into is likely to engender fear/anxiety. It would be perceived as threatening.

The anxiety would be momentary since it is defused by the outcome of that first encounter – the disappearance of the contestant into a cone of stars – and the same anxiety is unlikely to be experienced for the van driving directly at later contestants, given the known outcome of that first encounter. Nonetheless, the possibility of that threat of violence from the first encounter, particularly for children, should have been considered by the Community Panel. There is no substantial flaw from that finding, in light of the entire clip, but the reasons should not have rejected the possibility of violence without consideration of this factor.

(2) **Code of Ethics section 2.6** states:

Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

'Prevailing community standards' means the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time in relation to Advertising or Marketing Communication.

Since such standards continually evolve, there is an understandable reluctance of the AANA to define 'Prevailing Community Standards'. Deciding what are those standards does, however, create a dilemma for the advertiser faced with identifying what are prevailing community standards. Most advertisers would make that assessment without recourse to the suggested AANA research material and precedents. Some help is provided by the Practice Note to section 2.6 which states that:

Images of unsafe driving ... are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.

By contrast, the Practice Note also states:

Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.

Section 2.6 is the provision of most relevance to the complaints. It is the impact on members of the community who have lost or experienced injury to family, neighbours or close friends due to road trauma that is their principal concern. The issue is whether the 'stylised and fantastical' aspects of the depiction trumps the potential for an adverse health or safety finding.

The Panel's reasoning on this section arguably is flawed. The Panel's arguments are twofold: as the vehicle is not being driven on a public road, it is not 'a real on-road vehicle'; and the advertisement did not condone unsafe driving.

The Panel did not explain why it reached the conclusion on the first argument. I have assumed that the missing links are that as depiction of the driving is apparently off-road, the vehicle must not be an on-road vehicle. The second does not follow. That assumption is in my view unsustainable in the circumstances of this advertisement. The vehicle as it emerges from the garage appears to the viewer to be an 'on-road' vehicle. The intention of the clip is also to portray the driving as a continuum; all the 'captures' occur in daylight, and the intended impression from the 'hunt' is that it occurred on a single occasion, its denouement being the final image showing all the contestants together.

It is true that the pretended collisions do arise in either private property (kitchen, warehouse, workshop), or in public spaces to some of which vehicles are generally not permitted (football fields, public parks). Nonetheless, to achieve its 'captures' the vehicle would have been required to use public roads to reach these locations, particularly in a continuous journey during daytime. The van would accordingly need to be a roadworthy vehicle. The perception is that it is therefore a 'real on-road vehicle'.

The second justification for the finding of no breach is that ‘the advertisement did not encourage or condone unsafe driving’. The driving is clearly erratic, and its unpredictability has an obvious impact on Sonia Kruger as passenger. She is seen to react to the swerving and sudden braking of the van.

The comments and behaviours of the hosts do suggest that the driving is unsafe. The swaying of the passenger and driver in response to the rapid driving manoeuvres, the noise of the vehicle, the rapid changes of direction, and the sudden braking so indicate. While the overall context of the advertisement may be fantastical, the Panel should give consideration to these elements in determining whether they are unrealistic and fantastical, or realistic driving behaviours.

As a consequence, the unsafe driving style may be perceived as being condoned by the advertisement. To ‘condone’ is to pardon or overlook something. The unsafe driving by two respected and well-known TV personalities for the purposes of creating a widely available advertisement publicising one of their organisation’s programs implicitly authorises the style of driving. The tenor of the advertisement which is a ‘chase’ supports this perception.

The Panel should give further consideration to whether the humorous, ‘stylistic’ or ‘fantastical’ elements of the advertisement are enough to detract from the representation of the driving as reckless or unsafe and whether this would amount to a breach of the health and safety aspects of section 2.6. Given, too, that the ‘captures’ occur in public spaces in which some vehicles are able to access, such as the beach, or a public park, it is understandable that the driving reactivated responses of those affected by road trauma and is a consequence which should have been considered.

Conclusion

In summary, I suggest that the Community Panel reconsider its findings on section 2.3 by taking into account whether the behaviour involved a ‘threat’ of harm or injury, and the impact of this on the audience, on the first encounter with a contestant.

In relation to section 2.6, given the substance of the complaints about insensitivity to the impact of the advertisement on those suffering the effects of road trauma, and the rough handling of the vehicle during the chase, the Community Panel may wish to reconsider whether the depiction did condone unsafe driving contrary to prevailing community standards relating to health and safety. In particular whether the unsafe driving was *condoned* as an element of the ‘chase’.

In my view there is a substantial flaw in the reasoning based on the evidence. The evidence indicates this was an ‘on-road vehicle’. In addition, there is nothing to suggest that the driving did not occur on public roads on the way to ‘zap’ the celebrity contestants in non-public road locations as they are collected for ‘Dancing with the Stars’.

THE DECISION ON REVIEW

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 Independent Reviewer's recommendation that the Panel reconsider the case, specifically looking at:

- whether the advertisement contains violence, considering that the definition of violence can include the threat of injury and harm
- who the audience of the advertisement is and whether they would think the advertisement contained violence
- the impact of the advertisement on members of the community who have lost or experienced injury to family or friends due to road trauma should be considered
- giving more consideration to whether this is a depiction of a real on-road vehicle
- the driving behaviours which are shown in the advertisement (swerving, braking etc) and whether these are depicting and condoning unsafe behaviour
- whether the humorous, stylistic or fantastical elements of the advertisement are enough to detract from the representation of the driving as reckless or unsafe.

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

Does the advertisement contain violence?

The Panel noted that there is no definition of violence in the Code, and considered that its role was to assess whether the general community would consider the advertisement to contain violence. The Panel considered that threatening or menacing advertising could meet this threshold, even if no actual harm was depicted.

The Panel noted that the advertisement appeared on the Channel 7 YouTube channel. The Panel considered that the audience of the advertisement was likely to be adults familiar with Channel 7's programming. The Panel noted that while children often watch videos on YouTube, this was not a sponsored advertisement and would only likely appear as suggested videos for people interested in or familiar with Channel 7's programming.

The Panel considered that this audience would be unlikely to view the advertisement as distressing or threatening, particularly considering that no-one was hit by the van, they are shown turning into glitter, and all the contestants were shown to be unharmed at the end of the advertisement. While the start of the advertisement may

cause momentary concern, this would be resolved as soon as the first contestant turns to glitter.

Overall, the Panel considered that the unrealistic, fantastical, nature of the advertisement meant that the advertisement did not depict violence.

Section 2.3 Conclusion

The Panel concluded that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

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

“Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.

Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour”

The Panel acknowledged that people who have experienced road trauma, or who have lost a loved one to road trauma, may find the content of the advertisement distressing. However, the Panel considered that its role is to determine whether the behaviour shown in the advertisement was against prevailing community standards on health and safety. The impact the advertisement may have on a particular person or group of people may be relevant to that consideration.

The Panel considered whether the advertisement was depicting a real on-road vehicle, and if the advertisement encouraged or condoned unsafe behaviour. The Panel considered that some scenes in the advertisement did appear to take place on a road, and the reactions of the two hosts in the vehicle (moving as the vehicle swerves or brakes) does appear realistic. However, the Panel considered that these sequences are interplayed with sequences of driving in locations where the van could not have entered, such as studios and kitchens.

The Panel considered that the overall interpretation of an average community member would be that the advertisement features exaggerated and fantastical elements and is not a depiction of unsafe driving. The Panel considered that as the

driving behaviour was fantastical and not realistic the advertisement did not encourage or condone unsafe driving.

The Panel considered that the advertisement did not encourage or condone unsafe driving and found that it did not contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

Conclusion

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