



CASE REPORT

- | | |
|-------------------------------|---|
| 1. Complaint reference number | 44/09 |
| 2. Advertiser | NIB Health Funds Limited |
| 3. Product | Insurance |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 11 February 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from NIB for its health insurance products features a man cooking sausages on a barbecue in a backyard. Viewers hear his thoughts about how many sausages he might eat and whether he should turn them. A voice over then states: "The last thing you're thinking about this summer is about health cover. But when you do call NIB". The advertisement ends with the NIB logo, phone number, web address and slogan appearing on a green background.

THE COMPLAINT

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

It is disgusting because it is suggestive of him contemplating nothing but his "penis".

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We submit that the commercial in question does not contain material that breaches the above section, nor is the hero character behaving in a way that is sexually suggestive in the advertisement. The advertisement in question draws no reference to sex, sexuality or nudity. It is a light-hearted and humorous portrayal of a man and his mundane thoughts as he relaxes in his backyard while barbecuing sausages for his family. The advertisement portrays the man as absent minded while he thinks about cooking sausages for his family with no sexual connotation of any kind. The advertisement is one of a series of three advertisements intended to be a portrayal of the relaxed thoughts of Australians as they enjoy the Australian summer and could be forgiven for not thinking about Private Health Insurance. There are two variations of the advertisement. The scripts of both versions are attached. We do not believe that the commercial portrays sex, sexuality or nudity in any way and, therefore, is not in violation of Code 2.3. For these reasons we maintain that the commercial does not breach the AANA Advertiser Code of Ethics.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement contained sexual innuendo and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board viewed the advertisement and did not agree that there was anything sexually suggestive in the advertisement. Rather, the Board considered most reasonable people would agree that the man

was simply focused on the task of cooking the sausages on the barbecue and lost in his thoughts about that. The Board therefore found no breach of Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.