



Case Report

1	Case Number	0020/17
2	Advertiser	Australian Insurance Holdings
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man standing in shock next to his crashed vehicle. He has driven straight into a lamppost and the hazard lights are flashing. He dials Budget Direct from his smartphone, and relaxes. Captain Risky is then shown dangling upside down from his parachute, he has crashed his gyrocopter and is trying to get help from a kangaroo but the kangaroo hops away.

THE COMPLAINT

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

The vision should not be seen of anyone hanging from a tree, right way up or upside down. Everybody knows someone that has committed suicide. It is voluntarily blanked by reporting news media because of its seriousness on society. I know a mother and children that would be watching a car advertisement on television and have the vision of their husband and father hanging from a tree. This is far too regular an occurrence in today's society.

THE ADVERTISER'S RESPONSE

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

The advertisement in question as identified by the CAD Number W44V11AA is known as Budget Direct – Captain Risky’s Kangaroo. There is a 15 second and 30 second version the advertisement. It is one of a suite of advertisements that use the fictional character “Captain Risky” performing a number of exaggerated and stylised stunts (using CGI technology to achieve some of the effects). The ads communicates that customers ‘Get More’ with Budget Direct as we protect them from the expense of insuring people like “Captain Risky”. We have carefully considered the complaints and the TVC in light of the provisions of the AANA Code of Ethics (“Code”). We note that the nature of the complaint relates to Section 2.6 of the Code (Health and Safety) generally and specifically to the concern that the advertisement in question contains imagery that is alleged to portray a vision of Captain Risky hanging from a tree could be construed as a suicide or may be sensitive to those who have been affected by suicide. The key points that should be taken into consideration in regard to this complaint are as follows:

- To the average person it is clear that Captain Risky has crashed his Gyrocopter and has landed in a tree and is hanging by his parachute harness.*
- The advertisement is clearly targeted at consumers, who are now or may soon be in the market for insurance, and uses humour and exaggerated situations that members of the target audience would easily comprehend.*
- The scenarios are obviously designed to be comedic. The larger than life personality, the characters use of language (“Hey buddy hop over to the farm house” “Are you writing this down”), his props (the gyrocopter, talking to a Kangaroo) and his appearance all clearly point to the satire of the scenario. No reasonable person could suggest that the scenarios in the ads are anything other than over the top and comedic.*
- Captain Risky is shown upside down, in a parachute harness while comfortably asking the Kangaroo for help, he talks in a good natured way throughout the time you see him and he even makes the ‘thumbs up’ sign to the kangaroo while he talks to him.*

In addition to the key points noted above, we are confident that our advertisement meets all relevant standards enforced by the Codes as:

- There is no sexualisation in the advertisement.*
- There is no imagery depicting unsafe use of the product.*
- In response to the complainant’s concern that it might be unsuitable for children, there are no images which are unduly frightening or distressing to children.*
- The advertisement does not undermine parental authority.*

The ASB has indicated that the complaint may raise issues in relation to section 2.6 of the Code of Ethics. It follows by the operation of section 2.4 of the Code of Ethics that the Children’s Code does not apply to the advertisement. For the avoidance of doubt however we do not consider that the Children’s Code applies to the advert as the Children’s Code only applies to advertisements that are “directed primarily to Children”, being persons aged 14 years or younger. Further, our advertisement is not directed to children at all and is scheduled to be broadcast during programmes that are aimed at adults and thus the advertisement would be unlikely to be viewed by children.

For the reasons set out above, we submit that the advertisement does not breach Section 2, or any other section of the Code, and we respectfully request that the two complaints be

dismissed.

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 complainant’s concerns that the advertisement features an image of person hanging from a tree that is suggestive of suicide.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted this television advertisement depicts Captain Risky dangling upside down from a tree following a crash and asking a kangaroo to get help.

The Board noted that when the camera pans back and we see the kangaroo hopping away the man is shown to be hanging from the tree in a distance. The Board expressed sympathy with members of the community who had been affected by suicide but considered that in this instance the advertisement makes it clear from the start that Captain Risky is okay and that he is hanging from the tree as a result of an accident and not because he is suicidal. The Board noted that Captain Risky asks a kangaroo for help and considered that the depiction of Captain Risky dangling from the tree while the kangaroo hops away is intended to be humorous and not a reference to suicide.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards and determined that the advertisement did not breach Section 2.6 of the Code.

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