



Case Report

1	Case Number	0062/17
2	Advertiser	Hollard Insurance Company
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

Hollard is currently promoting Real Insurance Pay As You Drive Car Insurance through a series of television advertisements (TVCs). The Advertisement that is the subject of this complaint is comprised of both a 15 second and 30 second TVC. In the TVC we see a woman sitting in a restaurant wanting to order a partial meal for half the price, then at a newsagency purchasing a part of the newspaper for a part of the price. The actor then asks "Why isn't everything in life like Real Pay As You Drive Insurance?". The woman explains the Real Pay As You Drive Insurance product, while driving her car. The woman is seen driving her car down the road while talking to the viewer and switching her gaze between the camera and the road.

THE COMPLAINT

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

In the ad for the last 15 seconds or so, the presenter barely glances at the road while driving. Now I know it was probably filmed with the car on a trailer so the presenter doesn't need to drive. But a lot of people wouldn't know this. This is not a good message.

THE ADVERTISER'S RESPONSE

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

The Hollard Insurance Company Pty Ltd ('Hollard') has carefully considered the complaint made about its Real Pay As You Drive Car Insurance ('Real PAYD Insurance') television commercial ('Advertisement') and appreciates the opportunity to respond to that complaint as follows.

The Advertisement that is the subject of this complaint was created with the purpose of promoting our Real PAYD Insurance product. Customers who choose to tell us of the kilometres they plan to drive in the policy period may save on their Comprehensive Car Insurance premiums, with distance being a rating factor. The Advertisement consists of three scenes, including the scene in issue where the actor drives a car, while talking about Real PAYD Insurance. The Complainant's implied concern is that the actor's attention to the road, while driving, was inadequate, thereby exhibiting poor driving behaviour or sending an inappropriate message to viewers.

As a first principle, Hollard has extensive experience in dealing with motor vehicle accidents through our claims team. Through firsthand experience, we are cognisant of driver behaviours which lead to accidents. Encouraging dangerous or poor driving behaviours is clearly contrary to our commercial interests as a car insurer. Therefore, our approach in the copyrighting and design of our advertising is to take a conservative view of appropriate driving behaviour and ensure this is communicated through suitable visualisation.

Hollard is acutely aware of its legal and regulatory obligations when producing advertisements, including its compliance with the Australian Association of National Advertisers' Code of Ethics ('the Code'). As such, Hollard follows rigorous Compliance processes during the production of all TVCs. Hollard's Compliance Department works closely with its internal Marketing department and external creative agencies to review and approve concepts, scripts, filming and editing of footage prior to advertisements being aired, including seeking external legal advice when required. Filming is always conducted within a controlled environment and in safe locations. Moreover, as the majority of our advertisements are aired on 'Free-to-Air' TV, they must also be reviewed and rated by Commercials Advice ('CAD').

Hollard submits that the Advertisement does not promote, condone or depict the unsafe or unhealthy operation of a motor vehicle, nor does it contravene any part of the Code. As much of section 2 of the Code relates to advertisements containing or portraying discrimination, exploitative or degrading sexual appeal, violence, nudity or offensive language, Hollard considers sections 2.1 to 2.5 to be irrelevant in this instance and as such believe no further commentary is required with respect to these sections. Furthermore, Hollard rejects that the Advertisement contravenes section 2.6 of the Code which states that 'Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety'.

While Hollard understands that 'Prevailing Community Standards' are determined by the Advertising Standards Board on a case by case basis, previous cases that depicted unsafe driving practices involved acts such as using mobile phones while driving, not wearing seatbelts, speeding or similar unlawful behaviour. Throughout the Advertisement, the Actor does not exhibit any unlawful behaviour in violation of the Australian Road Rules, as set out in the Road Traffic Act 1961.

In the Advertisement, the actor is filmed through the front window of the vehicle to indicate that she is looking at the road ahead of her and maintaining full control of the vehicle at all

times. The actor is wearing a seatbelt and driving with both hands firmly placed on the steering wheel, without any distractions inside or outside of the vehicle. Hollard takes great care to produce Advertisements that are compliant with all road rules and are consistent with community standards of health and safety.

Accordingly, Hollard rejects that the Advertisement contravenes the Code and does not consider the Advertisement, or the conduct of the actor, to be promoting irresponsible, reckless or unsafe driving by any means. We respectfully request that the complaint 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 depicts a woman driving a car but barely glancing at the road which is not a good message.

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 that this television advertisement features a woman asking to pay half price for various items – a meal without chips, a newspaper with only the section she wants to read – before we see her driving a car and explaining that Real Insurance offer pay as you drive insurance so you only pay relative to how you plan to drive.

The Board noted the complainant’s concern that when driving the woman barely glances at the road. The Board noted that the positioning of the camera in this scene implies the woman still has full visibility of the road in front of her and considered that we do see the woman’s eyes move around and look directly in front of her which suggests she is fully aware of her surroundings.

The Board noted the advertiser is promoting car insurance and considered that it would be contrary to the advertiser’s interests to promote dangerous driving. The Board noted that the focus of the advertisement is on the product and considered that the driving scene is clearly a staged scenario for the purposes of the message and in the Board’s view the advertisement does not depict, encourage or condone unsafe driving.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety 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.

