



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 13/09   |
| 2. Advertiser                 | NIB Health Insurance                            |
| 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, 21 January 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisements for NIB Health Insurance products features a man in a pool on a pool pony which he decides to call Barry and then "Patricia the thoroughbred pool pony". A voice over then says, "The last thing you're thinking about this summer is health cover, but when you do call NIB..." The advertisement ends showing the NIB logo, slogan and contact details.

## **THE COMPLAINT**

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

*Very sexually suggestive, particularly when he strokes the pool pony between his legs.*

*Breaches the AANA guidelines Code of ethics Section 2 (2.3). It has sexual connotations that I find most unnecessary in any advertisement.*

## **THE ADVERTISER'S RESPONSE**

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

*The relevant provision of the AANA Advertiser Code of Ethics is Section 2.3 which provides:*

*2.3 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.*

*We have considered the complaint in full and respond as follows:*

*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 swimming pool in summer with a pool pony, a common swimming pool toy. The advertisement portrays the man as absent minded while he thinks about his pool pony, but, not in a way that would suggest a 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.*

*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*

## **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' concern that the advertisement was sexually suggestive and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board viewed the advertisement and noted the depiction of the man in the pool on a pool toy. The Board considered that most members of the community would not find this advertisement sexually suggestive in any way. The Board agreed that the advertisement depicts a man in a pool, looking slightly ridiculous on the pool toy, but that this depiction is not sexual and is not in 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.