



## Case Report

1	Case Number	0011/12
2	Advertiser	Compare Insurance
3	Product	Insurance
4	Type of Advertisement / media	Cinema
5	Date of Determination	08/02/2012
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.3 - Violence Bullying

2.3 - Violence Violence

2.1 - Discrimination or Vilification Physical Characteristics

### DESCRIPTION OF THE ADVERTISEMENT

Insurance geek extraordinaire character 'Eugene', heads off on holiday without travel insurance. He is featured in various holiday scenarios being menaced by a big guy representing 'Big Risk' – holidaying without travel insurance. Eugene cuts risk down to size in a comical Benny Hill way by chasing him across a field with a chainsaw. The same holiday scenarios are then featured as a more pleasurable holiday experience with a smaller guy representing 'Little Risk' – holidaying with travel insurance.

### THE COMPLAINT

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

*There was a large obese man who was in a towel getting a massage with oil being rubbed into his body with close ups. The man was very over weight and hairy and this image should not be shown prior to a PG movie as it is inappropriate.*

*A midget was used in a way that was degrading, trying to be funny.*

*The whole ad was complete bad taste.*

*If the market is for people who travel it should be aimed at older people most of the cinema was filled with kids under 10 and their parents*

*Know only is this offensive to obese people and dwarf/little people. The violence is over the top and unwarranted.*

*This clip promotes BULLYING and gives the impression to children that you can push people around.*

## **THE ADVERTISER'S RESPONSE**

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

*For the record we would like to mention that we regret any offence taken to our ad campaign. It was intended to take a light hearted, comedic approach to demonstrating cutting risk down to size by taking out travel insurance. It was never intended to upset or offend anyone. We are taking all complaints received seriously.*

*It is also worthwhile pointing out that the Compare Travel Insurance brand has positioned itself as 'quirky' and 'entertaining' from the launch of its public campaign in 2010. Since then, the brand has stood in stark contrast to most brands within the industry and its light-hearted approach has successfully highlighted the need for travel insurance.*

*Given we have invested quite a lot of time and money into producing the ad it would be a great disappointment and loss to have it banned. We would like to work with the Advertising Standards Bureau to address any concerns and continue to run the campaign or a revised version if required.*

### *Section 2.1 Discrimination*

*Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.*

*The extremities in sizes of 'Big Risk' and 'Little Risk' were meant for visual representation, certainly not to discriminate against anyone. It was an obvious choice to use a big guy to represent 'Big Risk' and a little guy to represent 'Little Risk'.*

*The close-up shots of the Thai massage scene seem to have sparked concern over discrimination on physical characteristics. Having read the complaints, the only shot that could be perceived as discriminatory is the close-up shot of Big Risk's back, followed by the Thai Masseuse's expression.*

*To eliminate this concern, we could remove the close-up visuals.*

### *Section 2.2 Violence*

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

*The scene of Eugene running across the field with a chainsaw is more 'Benny Hill' than violent. This was crucial to the script as a visual representation of cutting risk down to size. The closest element of violence shown is when 'Big Risk' is on the ground. This is followed by a shot of 'Eugene' holding the chainsaw however 'Big Risk' and the chainsaw are never in shot together.*

*Whilst we do not believe this ad promotes violence in any way, the close-up of Eugene with the chainsaw could be removed if push came to shove.*

*We do not see any grounds for concern of violence in the ending scene where both characters (Eugene and 'Little Risk') are poking and bumping into each other whilst continuously*

*laughing. However, we have alternative endings on file if the complaint is upheld and a replacement is required.*

*Two of the complaints received are in relation to the presence of children. We acknowledge that the campaign may have had some inappropriate scheduling and address this under Media Placement below.*

#### **MEDIA PLACEMENT**

*The media campaign covered both Cinema and TV.*

*The Cinema activity was active from 8th December through to 26th January across Sydney, Melbourne and Perth. Only 76 screens were used across these three markets each week given we wanted to be as targeted as possible with selected film titles. Our request to Val Morgan was that only films with a 'M' or 'MA' rating were to be used and we did not want to target children, art house or documentary titles. We understood that some offence might be interpreted by audiences if we were to use these titles so focussed on comedies and major releases. Across two weeks there were issues with the placement and the film 'Adventures of Tin Tin' was used which had a PG rating. Once we were alerted to this issue we instructed Val Morgan that our preference would be to under deliver on our weekly allocations than have the Compare Travel Insurance ad played to young audiences. They complied with this request but there was some unforeseen exposure to a younger audience that we regret.*

*The TV campaign was active for 4 weeks starting w/c 25th December in Sydney only. We used Channels 10, 11 and One exclusively and through our media buying agency (Mitchells Queensland) alerted them to the PG rating obtained by CAD. Channel 10 responded with a schedule that took into account the PG rating of the TVC. Programming such as 'An Idiot Abroad' which has a similar type of humour was sponsored across the 4 weeks. While some younger viewing would be inevitable our agency and Channel 10 ensured the CAD restrictions were taken into account when scheduling the activity.*

*If this campaign is to be used again we would follow similar stringent processes that ensured only relevant adult audiences are exposed to the advertisement.*

*We hope that we have satisfactorily responded to all concerns and look forward to hearing back from the Advertising Board on how we can progress with this campaign.*

#### **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 discriminates against overweight people and small people, and depicts violence.

The Board viewed the advertisement and noted the advertiser's response. The Board noted that the advertisement depicts a man being followed at various stages by men wearing a t-shirt with 'Risk' written across the front. The Board noted that the man representing risk starts out as a tall and overweight man and is then replaced by a man of short stature whilst the voiceover talks about cutting risk down to size.

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the complainants' concerns that the advertisement mocks people with dwarfism. The Board noted previous decisions (Solo 410/08 and 522/08) where the Board had upheld complaints on the basis that an advertisement discriminated against people of short stature. In that advertisement however the Board considered that the advertisement clearly represented the man of short stature as being only half a man. In the present advertisement the Board considered that the man of small stature is clearly presented as representing 'risk' and that this is presented as a desirable attribute for the advertised product. The board considered that the advertisement did not demean people of short stature and did not breach section 2.1 in its depiction of a person of short stature in the advertisement.

The Board also noted concern that the advertisement demeaned overweight people in its depiction of the larger man as the undesirable 'big risk'. The minority of the Board considered again that the man is presented as representing 'big risk' and that most people would consider the reference to significant risk was appropriate given the product advertised. The majority of the Board however considered that the image of the man representing 'big risk' being massaged was demeaning to overweight people. The Board considered that the woman's reaction to massaging this man is a reaction to his physique and physical attributes, rather than to the concept of 'risk'.

The majority of the Board considered that the woman's reaction demeaned overweight people and that the advertisement therefore depicted material which discriminated against people on account of being overweight and therefore breached section 2.1 of the Code.

Based on the above the Board determined that, in this instance, the advertisement did depict material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states:

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

The Board noted that the advertisement shows the overweight man being chased by the main character with a chainsaw and that when we next see 'risk' he is a person of short stature.

The minority of the Board considered that the image of the man representing 'big risk' being chased with a chainsaw and 'cut down to size' was suggestive of violence and in breach of the Code.

The majority of the Board considered that the overall tone of the advertisement is lighthearted and comedic and that the background music and sound effects used throughout give the

advertisement an exaggerated and humorous tone and that the advertisement depicts 'slapstick' humour.

The Board noted that the final scene depicts the main character 'risk' hitting one another and considered that most members of the community would consider this scene to be slapstick, reminiscent of The Three Stooges and not unacceptably violent.

The Board noted the advertisement had been rated PG by CAD and that the advertiser had requested that the advertisement only be shown in M and MA rated movies. The Board noted that the advertisement had been shown before a PG rated film but considered that the fantasy element and humour of the advertisement would be understood by, or easily explained to, a PG audience.

Based on the above the Board considered that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement breached Section 2.1 of the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

The Compare Insurance ad last screened in cinema on 26th January and we do not currently have any booked placements. It is our intention to modify the ad prior to any future screening.