



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0005-20</b>
<b>2. Advertiser :</b>	<b>AHM Health Insurance</b>
<b>3. Product :</b>	<b>Insurance</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Pay</b>
<b>5. Date of Determination</b>	<b>22-Jan-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement features former Australian cricketer Andrew Symonds in a television studio holding a cricket bat and rehearsing his lines from a script in his hand.

The scene opens with a television production assistant and director who commence recording of the television advertisement.

As Andrew Symonds reads the script facing the camera, an animated pie chart appears on screen identifying the flexi package product inclusions (which include physio, chiro and dental).

Whilst Andrew Symonds is reading the script, a prop in the background falls, causing the television production assistant to react.

The television production assistant quickly runs towards Andrew Symonds, who bumps him over with his shoulder.

The director and camera assistant both react to the encounter.

Andrew Symonds tells the director to alter the script and increase chiro.



## THE COMPLAINT

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

*Advert makes fun of what is basically an assault in the workplace. The advert were Andrew Symonds shoulders the young guy just trying to do his job in his workplace is disappointing. I understand this relates to an incident in cricket history somewhere, but seriously in 2019 do they really think the target market for private health insurance thinks this is funny?*

*The advert as it stands doesnt reflect well on AHM or Andrew Symonds or the advertising industry.*

## THE ADVERTISER'S RESPONSE

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

*We refer to the Notification of Complaint from Ad Standards dated 6 January 2020 (case reference numbers 0004-20 and 0005-20).*

*The Ad Standards Case Managers have requested that as they have not yet had the opportunity to review the television advertisement in question, all parts of Section 2 of the AANA Code of Ethics ('Code') should be addressed. ahm health insurance respectfully submits that upon reviewing the substance of the complaints, it is apparent that only sections 2.3 and 2.6 are relevant to this matter, and will accordingly limit its comments to these sections of the Code.*

*Please note: In response to the number of complaints, ahm has made a decision to remove the advertisement in question from its current media buy, effective immediately.*

## BACKGROUND

*The television advertisement depicts former Australian cricketer Andrew Symonds re-enacting a famous moment in Australian cricket history where he tackled a naked stalker who took to the field during a cricket match against India at the Gabba.*

*The television advertisement is one of three television advertisements purposefully created for ahm health insurance's sponsorship of the Big Bash League 2019/2020 cricket season. The television advertisements feature Andrew Symonds who is one of the official BBL television commentators for Fox Cricket. These three television advertisements were purposefully created to feature Andrew Symonds and the scripts*



were created to reflect scenarios he is well known in the community for, such as the infamous stalker tackle (which is the subject of these complaints), his fielding abilities and his love for fishing.

#### PURPOSE

The purpose of the television advertisement is to inform consumers that it's important to consider taking out private health insurance for unexpected events. The physical encounter portrayed in the television advertisement is intended to appear far-fetched, unrealistic and hyperbolised in order to playfully emphasise that unexpected things happen. The overall humorous and exaggerated nature of the television advertisement is consistent with ahm health insurance's long history of cheeky, playful and witty advertising which is familiar to consumers.

The television advertisement also explains how ahm health insurance's "flexi packages" work; members can choose how they use their combined annual limit on physio, chiro and dental. In this particular television advertisement, the animated pie chart that appears on screen next to Andrew Symonds demonstrates how you can choose to use most of the combined annual limit on chiro. This highlights the main feature and benefit of this product; members can use their combined annual limit on the services they actually need.

#### ISSUES RAISED

The complainants are concerned that one of the three television advertisements is in breach of sections 2.3 and 2.6 of the AANA Code of Ethics for depictions of violence and bullying.

#### VIOLENCE

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."

In 2008, a naked stalker took to the field during a match between Australia and India at the Gabba. The naked stalker ran directly towards Andrew Symonds, who was batting at the time, who knocked the naked stalker over by bumping him with his right shoulder. The naked stalker was briefly knocked off his feet and fell to the ground, landing on his back. Two security guards then apprehend the naked stalker by pinning him to the ground.

The television advertisement is a re-enactment of this infamous incident. The scene takes place in a television studio and as Andrew Symonds is reading his lines a piece of equipment falls over in the background. The television production assistant then rushes towards Andrew Symonds, who mistakes his hurried movement towards him as a charge. Andrew Symonds instinctively reacts by bumping the television production assistant with his right shoulder in an act of self-defence. The television production



*assistant is briefly knocked off his feet and falls to the ground off screen. The scene then cuts to the director and camera assistant who both overreact to the encounter by jumping backwards and exclaiming “Oh!”. Andrew Symonds then resumes his stance and continues with the script as if nothing has happened, but with a knowing and cheeky grin on his face.*

*While there is physical contact shown on screen, the impact is very mild (which is consistent with the General classification rating) and brief in the in the overall context of the 30 second television advertisement. The physical encounter also primarily takes place off screen and is intended to create an impression or a suggestion of physical contact, rather than any actual image of violence. Andrew Symonds says “We might need to up chiro” which informs the audience that he isn’t badly injured and doesn’t need to go to hospital.*

*The physical interaction is depicted in a humorous and exaggerated manner as the television production assistant’s legs briefly fly into the air in an unrealistic and comical fashion and the bystanders overreact to the encounter by jumping backwards and exclaiming “Oh!”. The overreaction is deliberately intended to lessen the impact of any portrayal of violence and make it appear unrealistic, exaggerated and humorous.*

*Andrew Symonds’ cheeky grin is a knowing interaction with the audience of Australian cricket fans who would recognise the interaction as a humorous and exaggerated re-enactment of the infamous naked stalker incident. The physical interaction is justifiable in the context of the television advertisement being primarily broadcast during the BBL cricket series.*

*This physical interaction demonstrates that things happen in unpredictable and unlikely circumstances and promotes one of the benefits of taking out private health insurance.*

*We note that the Community Panel has generally considered violence to be justifiable where it is mild in impact for the viewer, doesn’t generally depict any person injured or in pain, and the action doesn’t include aggression.*

*ahm health insurance respectfully submits that the television advertisement does not present or portray violence as unjustifiable in the context of the goods and services advertised and that the television advertisement does not breach section 2.3 of the AANA Code of Ethics.*

## **BULLYING**

*Section 2.6 states: “Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.” This includes behaviour which may be considered to be bullying which is described in the AANA Practice Note as follows:*



*“The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker.”*

*The television advertisement depicts interactions between a female director, male television production assistant, male camera assistant and Andrew Symonds. The characters are of a similar age demographic, between the ages of 25 and 45.*

*The overall context is that Andrew Symonds has been hired by ahm health insurance to promote its “flexi packages”, the director is giving him instructions and the television production assistant is assisting the director. This is clear in the opening scene where the director calls “Action!” and the television production assistant marks the start of a new scene with a clapperboard.*

*The television production assistant is deliberately portrayed as being a little goofy and clumsy, which is emphasised by his big toothy grin in the opening scene and his hasty and flustered reaction to the falling equipment. The character emphasises the overall context of the television advertisement, which is that unexpected things happen and taking out private health insurance is an important consideration.*

*The character of the television production assistant also creates a friendly and playful relationship between the director and the television production assistant, and between Andrew Symonds and the television production assistant. This is further emphasised in the reactions of the director and Andrew Symonds towards the television production assistant, which aren’t negative, disapproving or scolding in any way. This playful relationship between the characters is also deliberately intended to lessen the impact of any portrayal of violence when Andrew Symonds bumps the television production assistant. The overall impression of the television advertisement is humorous and exaggerated and this is emphasised through the friendly, playful and comical interactions between the characters.*

*ahm health insurance respectfully submits that the television advertisement does not depict material contrary to the Prevailing Community Standards on health and safety (in particular, bullying) and that the television advertisement does not breach section 2.6 of the AANA Code of Ethics.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concern that the advertisement depicts an assault in the workplace.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisements were 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 Panel noted the complainants' concerns that the advertisement featured a violent attack.

The Panel noted the advertiser's response that the purpose of the campaign was to highlight the message that it is important to have health insurance for unforeseen events, and that this is achieved in a far-fetched, unrealistic and hyperbolised way.

The Panel noted the advertiser features former cricketer Andrew Symonds who is known for shoulder charging a stalker during a cricket game in 2008, and that this advertisement is referencing this incident in a humorous manner

The Panel considered that the advertisement was played often during the cricket coverage and that many members of this audience would be familiar with this incident. However, the Panel considered that not all viewers would recognise the reference to an incident which happened 12 years ago.

The Panel considered that the interaction between Symonds and the production assistant appeared sudden and unexpected. The Panel considered that the production assistant is not seen to get back up and there is a suggestion that he is injured and may need chiropractic help. The Panel considered that this did constitute a depiction of violence.

A minority of the Panel considered that the violence in the advertisement was a light-hearted and slapstick reference to a well-known event and that this low-level of violence was justifiable in the context of humorous advertising of a potential need for health insurance services.

The majority of the Panel considered that the violence in the advertisement was not mild, and that the casual violence shown was inappropriate in the circumstances. The majority of the Panel considered that the humour in the advertisement was dependent on the viewer's recognition and knowledge of the previous incident, and that many viewers would not be aware of this. The majority of the Panel considered that Symonds shows no remorse for the situation, and that the production assistant is not shown to get back up. The majority of the Panel considered that the depiction does not show a resolution to the situation and that the viewer is therefore left with an impression of harm. The majority of the Panel considered that the depiction of



purposefully and unapologetically injuring someone was not justifiable in the context of advertising flexible health insurance cover.

The Panel determined that the advertisement did portray violence that was not justified in the context of the product or service advertised and did breach Section 2.3 of the Code.

The Panel considered whether the advertisement was in breach of 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 Panel noted that workplace bullying is of particular concern to the community, but considered that the conduct depicted in the advertisement is a single interaction and that there is no suggestion of repeated harmful behaviour that would amount to bullying. The Panel noted that this advertisement is one of a series of advertisements in which the production assistant is injured, but that each advertisement is shown on its own and does not amount to bullying. In the Panel’s view the advertisement did not breach Section 2.6 of the Code.

Finding that this advertisement did breach Section 2.3 of the Code the Panel upheld the complaint.

#### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

I would like to confirm in writing that ahm discontinued the advertisement in question on 13 January 2020 for both Seven and Fox Sports.