



Case Report

1	Case Number	0012/16
2	Advertiser	Australian Insurance Holdings
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Captain Risky is having a dream about his biggest stunt ever the “Jumping The Double Helix Divide” going perfectly and achieving a 94% World Record Score from his adoring fans. He is awoken from his dream with water pouring on to his face as he realizes that his water bed has sprung a leak and he is in full body cast.

THE COMPLAINT

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

The ad was running at 7pm at night while children can view. I find it offensive for myself and it disgusting for children to have to see a full grown man peeing on his face on TV. It is morally wrong.

I don't think this is appropriate for family viewing. Children may be encourage to urinate into their own mouths. It is pretty gross and made me feel sick to watch. I'm not sure it was needed to help sell the product.

This ad shows a man going to the toilet (by urinating in to the air whilst lying on his bed) and has nothing to do with the product. It is offensive and should be removed ASAP.

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 W2J5ZIAA is known as Double Helix. 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) to communicate that because Budget Direct says no to high risk takers and risky circumstances, we are able to keep prices low for the majority of people.

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 complaints 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/encourage urination on oneself. The key points that should be taken into consideration in regard to this complaint are as follows:

- To any reasonable person it is clear that Captain Risky is lying on a water bed and it has sprung a leak. The celebratory champagne spraying Captain Risky in the dream sequence is what transitions him to reality where he is woken up to water spraying him in the face from where his water bed has sprung a leak.*
- The advertisement went through an internal and external compliance approval process and was granted a W rating by CAD and has been scheduled in accordance with the W rating.*
- 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 ("Kick it and Rip it"), his props (the car itself with a jet engine tied with string to the roof) 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 in a full body cast – there is no possible way that he could be urinating through this.*

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 your 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 raises 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 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 complainants' concern that the advertisement depicts a man urinating in to his mouth.

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 depicts Captain Risky waking from a dream to find that his water bed has a leak and is spraying on his face.

The Board noted the complainants' concerns that Captain Risky appears to be urinating. The Board noted that Captain Risky is wearing a full body cast and considered that it is clear from the way the bed is moving underneath him as he tries to escape from the water spraying on his face that the bed is a water bed. The Board noted that it is clear that the water bed has a leak and considered that the complainants' interpretation that Captain Risky is urinating in to his mouth is an interpretation unlikely to be shared by most members of the community.

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

The Board 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 complaints.