



Case Report

1	Case Number	0014/15
2	Advertiser	Travel insurance direct
3	Product	Insurance
4	Type of Advertisement / media	Transport
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a bus wrap featuring a picture of various people, luggage and an animal as though hanging on to the actual bus. The text reads, "Because foreign public transport can be just a TID precarious".

THE COMPLAINT

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

It may be true, transport in some parts of the world may be a little precarious (but not only in brown countries) but it's clear these disadvantaged people have been used for a sales pitch. This bus, rides up and down Bondi showing the world how we Australians can not connect to the reality of the poor, the less fortunate and those risking their lives to get an education, go to work and earn a dollar to feed their loved ones.

One of our favourite sayings here in Australia is "we make them tough" (in reference to the Aussie character) but our children do not have to hold on for dear life on the back of a bus to receive their education, the majority of tragedies on this ride will be woman and children the old and the weak who find it hard to hold on, yet the CEO of TRAVEL INSURANCE DIRECT commented "we are trying to put a fun spin on the situation" what a perverted, unsophisticated view on reality and how unfair on the good Australian people, who are force fed this rubbish. I also find it intriguing how other people who live in poverty in places like

*Eastern Europe would not be used in such a disgraceful manner.
Do you think they deliberately wanted to use people of colour?
As an American Christian I believe in what the Bible says: "Bless-ed are the poor, they shall be rewarded"...*

THE ADVERTISER'S RESPONSE

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

The ad highlights the reality of public transport in foreign countries and has been created from real life photographs of very crowded public transport in Asia. It's not exaggerated in any way. Many Australian travellers use local transport when they are overseas and while it's a great way to discover a country, it's not without risks. The TID bus wrap is designed to show that TID travel insurance can be there for you on your holiday. The words 'foreign public transport' have been highlighted in white font to make it very clear this is public transport overseas, not in Australia, and we have included a disclaimer on the creative that it is illegal to travel on the outside of a bus in Australia. The creative was reviewed and approved by the OMA Advertising Standards Board and also by the Transit Authorities prior to the creative being placed on the bus.

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 is inappropriate in its depiction of people hanging on to the outside of public transport as a means of traveling.

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

The Board 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this advertisement features on the outside of a bus and features a picture of various people, luggage and an animal as though hanging on to the actual bus.

The Board noted it had recently considered a similar complaint in case 0332/14 where:

“The Board noted the advertisement features an image of a vehicle with people sitting on its roof, bonnet and hanging from the sides and rear with the accompanying text, “Not enough space?” The Board noted that the people appear to be of an unspecified ethnic group but is like images commonly seen in many Asian countries.

The Board noted the advertiser’s response that the image was intended to be light-hearted and humorous.

The Board noted that the image of the Holden Colorado Ute below the image of the vehicle laden with people is empty and does not feature any people either in, on or near the vehicle.

The Board considered that the image that is inclusive of the people in and on the vehicle is indicative of transportation methods in many countries outside of Australia and the depiction is a realistic one. The Board noted that the intention of the advertisement is to show the optimal space and features of the Colorado and that the comparison between the two was done so with extreme contrast so as to increase the perception of space in the image below.

The Board noted that image is not a negative depiction and does not vilify a person or section of the community on account of their race or ethnicity.”

In the current advertisement the Board noted that the accompanying text reads, “Because foreign public transport can be just a TID precarious” and considered that the image is clearly indicative of transportation methods outside of Australia. Consistent with its previous determination the Board considered that the depiction of people overseas using a vehicle in this manner is realistic and that whilst the advertisement is highlighting a difference in public transport usage between Australia and some countries overseas it is not suggesting that the people overseas are inferior or should be thought of in a negative manner. Overall the Board considered that the advertisement is reflective of an (unspecified) overseas public transportation system rather than the people themselves and that this depiction is not negative or demeaning.

The Board noted the complainant’s concern that using disadvantaged people in an advertisement is not appropriate. The Board considered that the advertisement does not depict the people in the advertisement as disadvantaged but rather as using their public transport system in a different manner to how public transport is used in Australia. The Board noted that advertisers are free to use images of any person or group of people in an advertisement provided they do not present those people in a discriminatory or vilifying manner which is in breach of the Code.

The Board considered overall that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their race, ethnicity or nationality.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

