



Case Report

1	Case Number	0020/15
2	Advertiser	Bingle Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.3 - Violence Cruelty to animals
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a computer generated chimp. The chimp is blindfolded and we see it jump out of a plane whilst operating a lap-top computer. The voiceover explains that it is so easy to get an online quote from Bingle that even a blind-folded chimp could do it whilst sky-diving. As soon as the chimp has obtained the quote his parachute opens. The lap-top is dropped and we see the chimp land in a parked convertible vehicle and drive off.

THE COMPLAINT

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

I was so disgusted and felt sick after seeing this ad. A beautiful big ape was the star of the cruel ad.

I was horrified when the ape appeared to be pushed out of the plane one arm tied and blindfolded!! Whether it was really falling out of a plane or not, it looked terrified and a very upsetting situation especially when the voice over said to the terrified ape "not yet! Wait till you have finished".

Really a very unsettling and upsetting ad for myself and my children.

As much as I understand that they are trying to advertise how 'easy it is' and that it's not a real monkey they've chucked out of a plane - the advert makes me feel ill and uncomfortable.

There is no evidence provided to show that the animals used for filming the ad were treated humanely.

The ad promotes cruelty to animals (throwing a blindfolded chimp out of an aircraft)

The ad promotes unsafe driving behaviour (a chimpanzee driving a vehicle).

I believe that it is demeaning to animals and might encourage unscrupulous types to use animals in a cruel fashion. I actually find this ad very distressing to the point of tears.

I find it highly offensive. The monkey uses a parachute with very similar colours to the Jamaican flag. I find it appalling that we have ads depicting monkeys seeking insurance in this colour combination and the Jamaican National Cricket Team is due to arrive for the World Cup of Cricket within weeks. Very covert, sleazy branding and exposure. Highly offensive.

THE ADVERTISER'S RESPONSE

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

Bingle Insurance's response to the Advertising Standards Bureau complaint no. 0020/15

Description of the Advertisement

Bingle Insurance ("Bingle") is the trading name of AAI Limited (ABN 005 297 807) which is an ASIC and APRA licensed Australian general insurer within the Suncorp Group of companies, Suncorp Group Limited being the ASX-listed parent entity.

Bingle has successfully sold car insurance in Australia since its launch in 2007. Bingle sells only car insurance and has over 100,000 customers. Bingle's key business strategy is making things simple for our customers, so that they can get on with doing the things they would prefer to do. We have a simple 'no frills' car insurance cover, and our website matches that experience. The ability to obtain a Bingle car insurance quote quickly is therefore a central tenet to the Bingle customer proposition.

On 18 January 2015 Bingle launched a new television advertisement ("the TVC"), featuring our very personable fully computer generated image ("CGI") chimpanzee named Joni. The TVC shows how simple and fast it is to get a quote with Bingle. This is dramatised by the concept of being so easy that 'even a chimp' could get a Bingle quote while blindfolded and skydiving. The TVC is designed to advertise the fact that Australian drivers can get readily get a quote in under 2 minutes with Bingle, so no matter what people might prefer to be doing, they don't need their car insurance to get in the way.

Bingle developed both a 30 second (the TVC) and 15 second television commercials to advertise the simple nature of Bingle's quote process. The 15 second advertisement is due to air from 2 Feb 2015.

The creative involves a fictional entirely CGI chimp, named Joni, who the viewer first sees in a room in front of a computer filling out a Bingle quote. The camera then cuts to Joni filling out her online quote, with one arm tied behind her back, and later blindfolded. Joni clearly takes it all in her stride and continues to fill out the quote in a happy and inquisitive way, completing the task with ease. It's at that point that the camera pulls back to show that Joni's been in a cargo-type aircraft the whole time. Joni then skydives from the plane and continues to fill out the quote while freefalling with her parachute on. She's instructed by the voiceover to not pull the ripcord until she's finished. Given Bingle quotes are so quick and easy, Joni finishes her quote with time to spare, deploys her parachute, and gently floats down to earth landing in a green convertible, in a desert (non roadway or road related area) setting. She is then pictured driving off into the distance very excited and happy about her achievement.

The TVC was classified by CAD as "W", allowing it to screen nationally at any time of day apart from "C" and "P" periods, or adjacent to P or C periods.

Bingle's detailed response to the complaints

We have reviewed each of the seventeen complaints and provide our responses below.

Given the similarity across most of the complaints, we consider these complaints fall within the following three sub types, which we will address individually:

- 1. Complaints in relation to animal cruelty*
- 2. Complaints in relation to animal cruelty, with additional focus on children watching the TVC*
- 3. One allegation of implied racial discrimination (or similar) in relation to persons of Jamaican nationality.*

Our specific responses are as follows.

Complaints in relation to animal cruelty

Fourteen of the complaints tendered allege the inappropriate depiction of a chimpanzee (per se) in the TVC. Concerns can generally be described as:

- Acknowledging Joni is CGI yet being concerned that a representation of a monkey, or animal generally, is used in the manner depicted;*
- Concern as to the 'fearful' noises Joni makes as she's told she must complete her quote before deploying her parachute;*
- The suggestion that the TVC depicts animal cruelty;*
- The suggestion that the TVC makes light of an animal and uses it unnecessarily for*

commercial purposes.

Given the common theme in these fourteen complaints, Bingle provides the following common response.

In all of these complaints it is expressly or impliedly evident that the viewer understood that Joni was not a real chimpanzee. This is important as Bingle would never participate in, or condone, the mistreatment of animals for the purposes of advertising. Joni was developed by a specialised CGI studio, being the same studio that worked on the 'Planet of the Apes' movies and the anti-animal cruelty commercial by the US-based organisation PETA. See: <http://vimeo.com/66902579>

PETA strongly advocates for the use of CGI animals in advertising, or other fields of commerce, rather than what have sometimes been poor practices, particularly in the use of Great Apes in early television and film.

We additionally refer to you the following video, showing the making of PETA's commercial: <http://vimeo.com/66902579>

By way of comparison only, we submit that the advocacy-based advertisement used by PETA is materially different in nature, and we accept that some of its viewers may find it concerning, given the suicide theme it carries. Notwithstanding, the CGI use and quality of CGI found in the PETA commercial is representative of the animation used by Bingle in the TVC. We put this forward as the present 'gold' standard in relation to the possible CGI effects, in and of themselves.

In relation to the depiction of Joni within the TVC, Bingle rejects that any advertiser obligation under the AANA Code of Ethics has been contravened. Specifically, we respectfully do not accept that any obligation under that Code's section 2 has not been met.

We note that Code sections 2.1, 2.2, 2.4 are not relevant to the TVC. The TVC does not discriminate against any person based on any regulated reason, nor does it employ sexual appeal in an exploitative or degrading manner, nor does it insensitively treat nudity given its permitted audience.

In relation to section 2.4 we submit that the depiction of a CGI chimpanzee not wearing clothing (and not depicting anything 'below its belt') is legitimate under the Code and commensurate to the wide ranging depiction of heightened fantasy in the form of 'humanised' animals. Such animals are routinely found in children's animations, Disney/Pixar movies, for example Cats & Dogs, Dr Doolittle or Narnia movies, or educational television programs such as Play School or Sesame Street. We submit that the use of a CGI animal in the TVC sits in the same general genre as the above.

In relation to Code section 2.3 Bingle does not accept that Joni's skydive, coupled with the entirely fictionalised instructions by the male voiceover, either present or portray violence. We do however concede that at the point of Joni exiting the aircraft, she is not given a choice – albeit the preconditions added to her jump are clearly self-evidently and highly fictionalised, e.g. the blindfold, the tied hand, the need to obtain a quote.

Similarly, Bingle does not accept that the language used in the TVC is inappropriate,

pursuant to section 2.5 of the Code, given the animation sequence and the happy ending that ensues. Bingle submits that the skydiving sequence is entirely fictionalised, given a chimpanzee is clearly not capable of solo skydiving and deploying its own ripcord. As such this fictionalised depiction does accord with prevailing community standards in relation to health and safety, as no real person or animal is exposed to any skydiving risk. This is on par with fictionalised animals doing similar extraordinary activities in cartoons or movies or other TV commercials (e.g. jumping inordinate distances, driving cars, speaking, singing etc.).

Moreover, the noises which Joni makes during the TVC are those of an excited and otherwise happy chimp, which is demonstrated by her continuing to fill out the online quote. Upon landing, Joni is again clearly happy, jumping with joy in the driver's seat as she drives away. It should be evident to any viewer of the TVC that Joni is both safe and content as she continues her journey by car in the fictional world created for her. The highly stylised nature of the advertisement needs to necessarily be recognised in such an analysis.

In further submission, Bingle would also like to make clear that in no way does the TVC exploit chimpanzees or otherwise undermine the positive international work done promoting the conservation of the Great Apes and their natural environments.

Bingle is concerned about the plight of the Great Apes and before developing this advertising campaign conducted research into the use of primates in advertising and the inappropriate practices they are sometimes (more often historically) subjected to for entertainment in film and TV. It was for this reason we embarked on a project with our agency to produce an advertisement that didn't require a real animal in it at all. We worked with our media agency to create a computer generated chimp, the whole process taking some four months. As 'lifelike' as Joni looks, she clearly did not dive from a plane at 20,000 feet, nor require any animals to be used in her development or design. A human actor was used in the filming process, to electronically 'map' Joni's movements. Post production, the CGI then fully replaced the actor's image.

This TVC has been discussed with Ms Natalie Houghton, CEO of the Jane Goodall Institute Australia. The Institute oversees the conservation and animal welfare work founded by Dame Jane Goodall (DBE), the renowned English primatologist and anthropologist. The Institute recently made contact with Bingle to better understand how the TVC was developed, concerned that real animals may have been used at some point in its production. We have assured Ms Houghton that that was not the case, and as a further gesture of our good faith, will be donating \$5,000 towards the Institute.

Bingle wishes to stress the fact that current CGI technology today permits commercial advertisers and movie-makers to produce such amazing reproductions of animals, and that this should be considered a positive development as compared to the use of live animals. Whilst we accept that the use of Joni in a more realistic setting, for example sitting quietly on a chair and responding as a real chimp might to some type of interaction, could be confused by an advertiser's audience as using a real chimpanzee, we would reject any assertion that that is the case with respect to the TVC.

With respect to section 2.6 of the AANA Code, we do not accept that any health or safety standards were contravened or misleading applied. As submitted above, the highly fictionalised nature of the parachute jump is self-evident, and as such the CGI character does

not need to display the same safety protocols or gear, that a real sky diver might if real film footage showing persons skydiving was shown or acted.

Bingle confirms that the TVC received a CAD classification of W, meaning it is permitted to screen at any broadcasting time except for designated “C” and “P” periods and Bingle has adhered to that classification.

I further confirm that Bingle has responded to a small number of direct enquiries via its commercial Facebook page, where people queried whether Joni was a real animal. We promptly responded to each query, and these persons responded positively in kind, either congratulating us on the realistic CGI used, or otherwise being satisfied with the fact that no real animal was involved. We would be happy to supply these responses (de-identified) should you additionally wish to consider them. Given the subject matter, and the novel and extraordinary acts that Joni completes in the TVC, we do not consider that the broader population would be confused as to whether Joni is CGI or not. Indeed, none of the complaints addressed to your Office have suggested same.

In conclusion, Bingle does not accept that the TVC, nor its 15 second edited version, contravenes section 2 of the AANA Code of Ethics. Whilst we acknowledge that a small portion of the viewing population, who may be hyper sensitive to the depiction of any animals, whether fictionalised, CGI or otherwise, may take some type of offence with the TVC, we do not consider that any such offence is genuinely warranted or prohibited by the fair application of the AANA Code or other relevant regulation.

Complaints in relation to animal cruelty, with additional focus on children watching the TVC

In relation to these two complaints, Bingle confirms its above submission with respect to not depicting animal cruelty. In addition we confirm that the TVC received a CAD classification of W and has only been screened within the relevant W timeslots. We would expect that any young children who view the TVC and raise questions or concerns with their caregiver would be advised that the TVC is entirely fictional, which we submit is evident to any older viewer. The TVC does not air in either the “C” or “P” classification periods.

Allegation of implied racial discrimination in relation to persons of Jamaican nationality.

We note that one complaint (confidential, 20 Jan) alleges that the TVC is in some way parodying people of Jamaican nationality, by use of certain colours in Joni’s parachute that align with the Jamaican flag. The implication – as we understand it – being that Joni’s image is in some way intended to offend or otherwise vilify Jamaicans.

Bingle refutes such an allegation or implication in the strongest possible terms. We strongly submit that:

- the parachute used in the filming of the TVC (a real parachutist jumped, and landed, before CGI imagery was used to replace him with Joni), contains four colours: green, black, white and blue;*
- the Jamaican flag does not contain white, and any similarity by use of sectional striped colouring of the parachute is refuted. No part of the parachute depicts the Jamaican flag;*

• *green has always been Bingle's main branding colour, and its use in the parachute accords with that branding;*

• *in our view there is no credible interpretation of the TVC which would lead multiple viewers (excepting this complainant) from forming the view they have expressed; and*

• *we cannot reconcile the complainant's statement as to the Jamaican national cricket team. No consideration to such team or its participation in pending cricket events was contemplated by Bingle in the production of the TVC.*

Neither Bingle or any part of the Suncorp Group would ever tolerate any conduct within its in commercial activities that would illegally discriminate or vilify any nationality or ethnic group.

Bingle therefore rejects this complainant's allegations in full.

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 depicts cruelty to animals in its portrayal of a blind-folded chimp sky-diving.

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 that the advertisement depicts the ease of seeking an insurance quotation online by using a blind-folded chimpanzee submitting a quotation request with one arm tied behind its back whilst parachuting.

The Board noted the complainant's concern that the parachute has similar colours to the Jamaican flag and that is offensive.

The Board noted the advertiser's response that the parachute contains four colours, unlike the Jamaican flag which has three, and considered that there was nothing in the design of the flag or the overall theme of the advertisement that could be interpreted as being a reference to Jamaica.

The Board considered that the complainant's interpretation of the colours used in the parachute is an interpretation unlikely to be shared by the broader community.

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

The Board determined that the advertisement did not 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 the advertiser's response that the chimp is a computer generated image and considered that most members of the community would understand that a real chimp was not used in the advertisement. The Board noted that the chimp makes noises as it is sky-diving and considered that whilst the animation and the noises made are realistic there is no suggestion that the (CGI) chimp is traumatised. The Board noted that the chimp safely lands in a parked convertible which it then drives away and considered that the overall tone of the advertisement is clearly fantastical and unrealistic and that most reasonable members of the community would recognise that it is not a real chimp parachuting or driving a motor vehicle.

The Board acknowledged that due to the realistic nature of the computer generated chimp some members of the community could find the advertisement to be disturbing but considered that overall the advertisement does not depict, encourage or condone cruelty to computer generated animals.

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

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