



Case Report

1	Case Number	0047/16
2	Advertiser	Youi Car Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A paid actor walks across the view in front of the rig and cables. Located on the rig there are three large screens accompanied by seven smaller screens in the background. The actor is seen to activate a button and explains examples of two peoples' different driving circumstances. This is represented on the smaller screens. As each person's circumstances are discussed, three small screens move towards the right hand side of view. The actor then proceeds to walk across the area unobstructed to finish standing in front of a large screen providing Youi's contact details.

THE COMPLAINT

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

The ad contains an unsafe OH+S working environment and doesn't address the issue that walking on live electrical cables is unsafe. It promotes breaching OH+S in a workplace and being careless with live electrical cable.

THE ADVERTISER'S RESPONSE

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

COMPLAINT RESPONSE – YOUI INSURANCE CAR ADVERTISEMENTS

We refer to above matter and appreciate this opportunity to provide the following response to your letter.

The Advertisement

Youi Pty Ltd ('Youi') is currently airing a series of television advertisements ("TVCs") for our car insurance product. The TVCs depict an industrial looking warehouse with rigging and cables in view.

A paid actor walks across the view in front of the rig and cables. Located on the rig there are three large screens accompanied by seven (7) smaller screens in the background. The actor is seen to activate a button and explains examples of two peoples' different driving circumstances. This is represented on the smaller screens. As each person's circumstances are discussed, three small screens move towards the right hand side of view. The actor then proceeds to walk across the area unobstructed to finish stand in front of a large screen providing Youi's contact details.

This is the TVC, Youi considers is the specific subject of this complaint to the ASB. The complaint appears to focus on the potential risk of injury arising from cables located on the ground.

Compliance with the AANA Code of Ethics

All Youi's advertisements are created by Youi's in-house marketing department. Youi does not use an external advertising agency or media buyer. Youi always takes a considered and compliant approach to the production of all its TVCs. Youi are also cognisant of its obligations under the Australian Association of National Advertisers' Code of Ethics ("the Code") and have a stringent compliance regime to ensure all advertisements we produce not only comply with the Code, but all legal and regulatory requirements. Prior to production,

All TVC scripts and creatives are reviewed by senior executives from Youi's Legal and Compliance department, Actuarial departments and also by the Chief Executive Officer. Youi's TVCs are further reviewed externally by CAD and we often seek external legal advice prior to the TVC's being aired.

The TVC that is the subject of this complaint was created to promote an understanding of the insurance risk characteristics and key rating factors that Youi considers when calculating premium. We do not consider the TVC promotes irresponsible, reckless or unsafe Occupational health and safety (OH&S) standards. The intention of the TVC is to create an understanding of the potential risk factors that form a connection with Youi's competitive insurance premium, and the Youi brand itself.

As an employer, Youi takes its OH&S responsibilities seriously and we do everything reasonably practicable to ensure the safety of our employees and contractors. The behaviour depicted within the TVC is not reckless, irresponsible or careless in any way. The TVC was filmed under controlled conditions in a T.V. studio environment and is neither a workplace; nor does it depict a workplace environment.

While constructing the studio set all OH&S precautions were applied and strictly adhered to. The closed set was overseen by an OH&S officer and risk reports were conducted. Youi is not depicting a normal workplace in the TVC, therefore does not encourage or promote unsafe OH&S standards.

The environment was constructed purely for the purpose of the advertisement. Further, it should be noted that no cables are directly obstructing the actor's path. The actor's path was also fitted with directional markers on where to go for the scene. The cables located on the floor are not linked to any form of live electricity, they include & 300 meters of rope/ black sash cord only that are not electrical. These cables are merely 'props and dressing' made to give the set an industrial look and feel, similar to the controller the actor used. All the 'icons' on the rig were moved by hand by the art director out of shot and off- camera.

The props/cords located on the ground serve no material purpose other than to provide an industrial look and feel to the studio set. We consider the overall impression of the TVC does not encourage or promote unsafe behaviour or working conditions. The actor is not engaging in any behaviour that would be considered contrary to prevailing community standards relating to health and safety.

Conclusion

Youi considers its submission outlines Youi's responsible approach to the production and airing of this TVC; with lawfully acceptable and safe actions exhibited by the actor who have complied with all prevailing community standards of health and safety. Further, we also consider the TVC does not depict or promote an unsafe workplace, because it is a fictional industrial setting only.

For the reasons set out above, Youi submits 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 complainant's concern that the advertisement depicts a man walking over live electrical cables which is unsafe and contrary to safe working practices.

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 there are three versions of this television advertisement and that each one features a presenter highlighting the different insurance needs of two people. The Board noted that each advertisement is set in dark studio with cables strewn across the floor and exposed rigging.

The Board noted the advertiser's response that the cables on the floor of the advertisement's set are not live electrical cables but props designed to dress the set and provide an 'industrial look'. The Board noted that the focus of the advertisement is on the man presenting the information and considered that the overall impression is that the man is in a studio environment for the purposes of presenting the advertisement.

The Board acknowledged that the cables on the floor of the studio could be a trip hazard but considered that there is no suggestion that the man in the advertisement is in any danger and as the set is clearly designed for the purpose of the advertisement there is no suggestion that having loose cables in a normal working environment is acceptable or should be encouraged.

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

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 complaint.