



Case Report

1	Case Number	0073/13
2	Advertiser	AAMI
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

A series of visual images from previous AAMI advertisements pieced together to form a montage of minor car accidents demonstrating that AAMI has been turning unlucky into lucky for over 40 years.

THE COMPLAINT

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

In my opinion, the current AAMI car insurance TV advertisement commercials (showing a compilation of AAMI TV commercials over the past 30 years) is a breach of the TV advertising code. The commercials are:

- (1) Making light of car accidents, which kill around 1500 Australians per year and give 1000s of more Australians permanent injuries and disabilities.*
- (2) Promoting the notion that poor or reckless driving is acceptable and even humorous.*
- (3) Promoting the notion that car accidents are funny and entertaining and also will have no serious consequences such as injuries/death and financial hardship for those involved in the car accidents.*
- (4) Influencing community attitudes on road safety that will result in more car accidents and therefore more road deaths and injuries.*

I believe this commercial (and others like it) is breaching the following section of the advertising code because the community has worked tirelessly for decades to raise awareness of road safety and combat the road toll. Further, the government invests millions of dollars

each year to reduce the road toll with various road safety TV commercial campaigns and law enforcement measures e.g. RBT and speed cameras.

"2.6 Advertisements shall not depict material contrary to prevailing community standards on health and safety."

AAMI (and other car insurance companies who use similarly irresponsible TV advertising commercials) is irresponsible and possibly even sinister (i.e. hoping it will result in more car accidents) for producing and using this TV commercial which fails dismally to highlight the seriousness of car accidents. Indeed, it will leave the impressionable drivers in the community thinking that car accidents are not a serious issue. Clearly, the ethics underlying the commercial are questionable. Clearly, the commercial is at odds with community standards on safety and is therefore a breach of the code.

It would be interesting to obtain the opinion from a road accident expert on what sort of injuries the car occupants in the commercial may have received (not stuntmen not dummies).

THE ADVERTISER'S RESPONSE

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

We have carefully reviewed the complainant and provide our detailed responses below.

AAMI has reviewed both the 30 second and 45 second versions of the Advertisements, and does not accept that either advertisement contravenes any part of AANA Advertiser Code of Ethics.

AAMI submits that the Advertisement is designed to show that minor car accidents can and do happen to Australian drivers. AAMI acknowledges that a car accident is a stress causing event. The Advertisement is not in any way intended to dismiss that real-world trauma, however the characters and events are depicted in a light-hearted manner given that:

- *The accidents are minor in nature, given the vehicle types involved; and*
- *None of the participants suffers any injury*

AAMI has additionally reviewed the Voluntary Code of Practice for Motor Vehicle Advertising, insofar as it relates to this Advertisement, given that AAMI is not advertising a motor vehicle. Relevantly, AAMI does not accept that the Advertisement depicts, encourages or condones dangerous, illegal, aggressive or reckless driving. It also does not depict excessive speed, acceleration or handling capabilities of a vehicle.

As a national insurer, and provider of Compulsory Third Party (CTP) insurance in both NSW and QLD, AAMI's staff deal daily with the consequences of serious car accidents. They do so in a fair and compassionate manner. Knowing the first-hand effects of road trauma, AAMI has been committed to road safety and driver skills training for over 30 years. Since 1982 is had conducted its AAMI Skilled Driver Program, designed to teach 18-25 year old drivers real-world car handling. The one day course, today provided in each capital city, teaches young drivers about how crashes occur, and how they can be avoided. The Courses is free for eligible AAMI policyholders, including the children and grandchildren of our comprehensive car insurance customers. To date, almost 100,000 participants have completed the Course. AAMI also issues annual driver crash reports, which compile relevant national road accident statistics and analyse and behaviours leading to accidents and their social costs. Please refer to the 2012 AAMI Crash Index here:

[http://www.aami.com.au/company-information/news-centre/special-](http://www.aami.com.au/company-information/news-centre/special-reports)

[reports"](http://www.aami.com.au/company-information/news-centre/special-reports)

AAMI does not accept that the stylised depiction of a low speed accident, caused only by the

vehicle behind the subject driver, should be regarded as trivialising road safety. Nor does AAMI accept that prevailing community standards, related to the driving of passenger vehicles, have been contravened by its Advertisement. Accordingly, AAMI submits that the Advertisement did not contravene Section 2.6 of the AANA Advertiser Code of Ethics.

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 makes light of, and encourages, dangerous driving.

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 the advertisement features a montage of AAMI advertisements from the past 30 years and that each clip shows a driver involved in an accident which is unlikely albeit not impossible: a dog jumping through a car roof on to the lap of the driver, a wedding party all crashing in to one another, a car’s wheel nuts coming off whilst driving and the tyre hitting a ladder.

The Board noted the complainant’s concerns that the advertisement is promoting bad driving and considered that the most likely interpretation is that the advertisement is promoting the services of an insurance company should you be unfortunate and have an accident and that the depiction of accidents is relevant to the product being advertised.

The Board noted that the accidents shown in the advertisement are depicted as humorous and considered that this light hearted approach is intended to highlight the unusual situations drivers can sometimes get in. The Board noted that some of the accidents are portrayed as stunts and considered that most reasonable members of the community would not be encouraged to try and emulate these stunts as it is clear that they have been filmed under controlled conditions for the purpose of the advertisement.

The Board noted that the advertisement does use humour to advertise a driving insurance product however the Board considered that the advertisement does not encourage, make light of or condone dangerous driving practices.

Based on the above the Board determined that the advertisement did not present material contrary to prevailing community standards on safe driving.

The Board determined that the advertisement did not depict material which would be in

breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.