



Case Report

1	Case Number	0096/17
2	Advertiser	Australian Pensioners Insurance Agency
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/03/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Apia features two sets of protagonists, one being the under fifties whose inexperience and misadventures are featured in the commercials and the other being a musical troupe, 'The 50-Plusers' led by Geoff Morrell who empathetically observe the various relatable human truth scenarios to the song 'ooh la la' by Rod Stewart with the chorus "I wish that I knew what I know now, when I was younger..."

In one scene we see two young men driving down a road pulling a trailer. The passenger is showing the driver something on his mobile phone causing the driver to stop paying attention to his driving and having to swerve suddenly as he starts to leave the road.

THE COMPLAINT

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

It is an accepted fact that distraction and inattention are contributors to many road crashes. One of the 'Fatal Five'. As a road safety advocate of many years, constantly reinforcing to young drivers the dangers of distraction, I feel that this light hearted approach to the

youngsters nearly leaving the road undermines our message. I understand the message from the advert that when we are young we are more of a risk and that their insurance is for older, more experienced, drivers. However, the road safety message is the same for all groups. I feel that this advert breaches the guidelines:

The FCAI supports a responsible approach to advertising for motor vehicles. FCAI asks advertisers to be mindful of the importance of road safety and to ensure that advertising for motor vehicles does not contradict road safety messages or undermine efforts to achieve improved road safety outcomes in Australia.

This is absolutely ridiculous and I can't believe this ad was approved. Not a good look as it is highly illegal to be doing this and then to advertise that it's ok is breaching many road safety laws. I will be contacting A current affair if this ad isn't removed immediately and I would like a personal apology from the company involved stating what they have done wrong and why.. Kind regards

A highly dangerous example to portray to young drivers.

Although no accident happens it just makes young people think they can get away with doing this, just like in the ad.

This behaviour cannot be advertised as acceptable or normal, many cyclists and pedestrians have been killed or maimed this way.

Drivers are being fined for holding a phone whilst the engine is running, it is about distraction , these actions cannot be advertised as acceptable .

Two young drivers towing a trailer taking a selfie. Terrible.

THE ADVERTISER'S RESPONSE

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

Apia (Australian Pensioners Insurance Agency) is a trading name of AAI Limited (ABN 48 005 297 807) 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.

Apia has successfully sold general insurance to older Australians 50+ in Australia for over 30 years since its launch in 1986. Apia's key point of difference and business strategy is that we only insure customers over 50 with insurance products and services that are designed for their life stage. Apia's ambition is to be the champion brand for older Australians through our unique 'understanding' of over 50's and demonstrate to the market that the value of 'life experience' deserves to be recognized and rewarded. Apia's tagline is "Rewarding Experience".

Apia employs a human centred design marketing approach whereby creative concepts and

casting for marketing campaigns are consistently tested with real Apia customers throughout the briefing, concept and execution design process to ensure our communications will be well received and drive consideration and affinity with the Apia target market.

The insight into the new Apia brand campaign is based on the understanding that the life experiences over 50's have accumulated allows them to make better choices/decisions and not take risks – statistical facts show over 50's make less claims and are a better risk – Apia only insure over 50's.

On Sunday 12 February 2017, Apia launched a new television advertisement (“the TVC”), featuring two sets of protagonists, one being the under fifties whose inexperience & misadventures are featured in the commercials and the other being our musical troupe, ‘The 50-Plussers’ led by Geoff Morrell who empathetically observe the various relatable human truth scenarios to the song ‘ooh la la’ by Rod Stewart with the chorus “I wish that I knew what I know now, when I was younger...”

The campaign is designed to highlight that the over 50's have accumulated years of experience during life's journey. They have the benefit of hindsight to navigate life's twists and turns and make better choices. These life lessons have gotten the over 50's where they are today, they truly understand what's important in life and how to get the best out of it.

The 50-Plussers are a troupe of 55-65 year olds, who are a true-blue cross section of Australians over 50, they represent the Apia brand. They see the world through wise eyes, they recognise themselves in the misadventures and inexperience of those younger than them. They are not there to judge, because they would only be judging themselves, they play an empathetic and understanding role, they demonstrate that Apia's customers get it. The path to wisdom is littered with mistakes and ill judgement and the 50-Plussers are no different.

The scenes in the commercial that have attract complaint, are an example of the misadventures of the under 50's. The commercial does not seek to promote these unsafe misadventures, the scenes are designed only to highlight that due to life experience, Apia's audience know and have learnt from these mistakes.

The commercial does not seek to promote unsafe behaviour, but quite the opposite with our ‘knowing’ over 50's empathetically observing and know if they had their time again they would be making better choices whether its understanding what's important in life (family) or making mistakes. It's why Apia exists for over 50's and can provide good value on our products and services.

We have reviewed the complaint and the TVC in light of the provisions of the AANA Code of Ethics (“the Code”) and provide our response below. We note that the nature of the complaint relates to section 2.6 of the Code which states that:

Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The complainant's concerns can generally be described as:

- That the TVC shows two younger Australians displaying risky behaviour while driving a car*

The key points that Apia considers should be taken into consideration by way of response are as follows:

a) As noted, the TVC went through both an internal legal and external compliance approval process. The advertisement received advertising approval from CAD with a “W” rating, and our media agencies have made sure that all our programming is booked in accordance with the W guidelines;

b) The TVC is targeted at the 50+ Australian population with a focus on demonstrating the value of wisdom that this audience have earned from life experiences via a series of relatable scenarios showing the inexperience of under 50’s. The commercial does not seek to promote unsafe behaviour but demonstrate over 50’s know better and are more wise having lived more of life and would not be taking those risks and making the same mistakes.

c) The driving scenario mentioned in the complaints is an example of the under fifties doing something relatable that the over fifties would not do (passenger taking a selfie), given their experience and better driving. In particular, within the scene, it should be noted that it is the passenger of the car that is taking the selfie not the driver. The scene is further mitigated against unsafe driving whereby the driver’s hands do not leave the driving wheel of the car, the car does not leave the road, and there is no person, or building in the shot of the car swerving. In the context of the advertisement and other various scenarios it is clear this behaviour is an example of being unwise and inexperienced and a relatable distraction and not promoting unsafe driving.

We further do not consider that Code sections 2.1, 2.2, 2.3, 2.4, and 2.5 are relevant to the TVC. We do not believe the TVC discriminate against any group, employ sexual appeal in an exploitative or degrading manner, or depict any violence of any type, or inappropriate language. It does not insensitively treat nudity or have offensive language as a part of the TVC.

Apia has always been committed to advertising in a responsible manner. Under no circumstances does Apia condone any form of communication that is contrary to prevailing community standards on health and safety.

Apia does not accept that the TVC contravenes any part of section 2 of the AANA Code of Ethics. We appreciate the level of community concern on the issue of health and safety.

Apia rejects all complainants’ 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 unsafe behaviour

while driving a vehicle.

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 features a group of people "over 50's" singing about wishing they knew what they know now when they were younger. The group appear near various scenes of younger people doing things that they may regret. One scene includes two young men driving along a road while the passenger uses his phone to try and take a picture of them both.

The Board noted the product is an insurance product for people who are 50+ years. The Board noted that the overall message of the advertisement is that we learn from the experiences we had when we were younger and that the advertisement highlights that as older adults we are able to look back at some of the choices we made and wish we could change them.

The Board noted the particular scene in the advertisement that shows two young men driving along a country road with a trailer on the back. They pass the group of older adults singing by the side of the road. The Board noted that the passenger of the vehicle is encouraging the driver to participate in a photo, "a selfie" while the car is still in motion.

The Board noted that the driver does appear to hesitate in taking the picture but does lean in for the photo in the end. The vehicle is seen swerving off the road and being re-corrected by the driver to return on to be fully back on the road.

The Board noted that the issue of driver distraction and the use of mobile phones while driving is a very serious matter and that it is illegal for a driver to use a phone while driving unless it is in an appropriate hands free device. The minority of the Board considered that the depiction of the young men in this scene is an appropriate scenario to use as it is relevant to the product and is clear in its depiction that this is something that is not encouraged. The Board noted that the driver in particular is clearly seen to be shocked by the result of momentarily losing control and he is relieved to regain control of the vehicle.

The majority of the Board however, considered that the driving scene in comparison to the other scenarios shown in the advertisement ie: a missed relationship chance and working too much, is the only one with life threatening consequences and the possible severity of making this choice is much greater.

In the view of the majority of the Board, the issue of driver distraction specifically related to mobile phone use is a very serious matter and the depiction of this in the current advertisement trivialises the impact that this could have on people's lives. The Board considered that the fact that the driver was seen to "get away with it" means that he is unlikely to have learned a lesson about this action being the wrong thing to do.

The Board noted that the use of a mobile phone in this manner while driving is accepted by most members of the community as dangerous behaviour and is a focus of education to

young drivers. On this occasion, the Board determined that the advertisement depicted material that was contrary to Prevailing Community Standards on health and safety relating to safe driving practices and did breach Section 2.6 of the Code.

Finding that the advertisement did breach section 2.6 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thank you for the decision regarding our current Australian Pensioners Insurance Agency (APIA) advertisement.

Whilst disappointed, we understand and respect the decision of the ASB board and will comply with a view to modify the existing TVC(s) that feature the particular scene that drew the complaints - young man in the passenger seat using the mobile phone to take a selfie.

The modification will be a replacement of the same scene which we filmed as an alternative option to use as a back-up.

Modification description

The scene replacement features the same 2 young men in the car singing and laughing together and has no reference of the mobile phone or of any specific driver distraction (no cause). As discussed, we feel this change of scene will alleviate any public concerns around contravening code 2.6 (Health and Safety, Unsafe behaviour). It is essentially a 'low risk' scene that doesn't display any untoward activity or behaviour against road safety. In the context of the overarching storyline it will simply demonstrate 2 excitable young people going on a road trip.

All other scenes have remained the same including the slight 'vehicle correction' scene as all complaints and the board findings specifically related to the mobile phone / camera as the source of distraction of which is completely removed.

We are working with our creative agency and CAD to ensure the new television commercial is ready to go to air ASAP.