



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0096/18
2	Advertiser	AAMI
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts a man handing a building apprentice a hammer called 'excalibur'. The apprentice drops it off the roof and it is retrieved by a woman from AAMI.

THE COMPLAINT

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

There are fatalities and serious accidents on construction sites caused by falling objects, in fact over the last ten years since 2017, 10% of all fatalities are caused by falling objects; these are deaths not injuries (see <https://www.safeworkaustralia.gov.au/statistics-and-research/statistics/fatalities/fatality-statistics>). This commercial makes light of a serious problem on construction sites. It may also encourage workers or apprentices to imitate the behaviour in the commercial.

I have started a cert IV in Building & Construction and the course takes safety very highly including it is mandatory to have a white card (safety induction) before working on a worksite and serious penalties apply if not carried at all times.



Finally if that's not enough, over the past four years more than 15,500 workers were injured by falling objects in NSW workplaces. Seventeen died and more than 200 are now permanently disabled (see <http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/falling-objects>).

Thank you for your time

THE ADVERTISER'S RESPONSE

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

We would like to address the concerns and provide some commentary relating to our advertising approach in the recent 'Excalibur' execution, in particular section 2.6 of the AANA Code of Ethics.

At your request and to alleviate any other concerns, we will address all of section 2 of the AANA Code of Ethics.

2.1 - Discrimination or vilification

At no point during any AAMI advertising do we portray people or depict material in a way which could be discriminatory, nor do we set out to vilify people or sections of the community.

2.2 - Exploitative and degrading

At no point during this advertisement (or any AAMI content) do we employ sexual appeal in a matter which exploits or degrades individuals or groups of people.

2.3 – Violence

At no point during this advertisement (or any AAMI content) do we depict violent situations, nor do we encourage violence in any shape or form, and this is reflected in our CAD rating for this particular commercial.

2.4 - Sex, sexuality and nudity

AAMI's advertising will never include sex, sexuality or nudity.

2.5 – Language

The advertisement in question has no strong or obscene language and only uses language appropriate to the audience

2.6 - Health and Safety

Whilst we acknowledge the complaint we've received regarding our 'Excalibur' advertisement and the statistics mentioned regarding injuries within the workplace from falling objects, the commercial itself does not set out to make light of situations such as these, and by no means does it encourage this sort of behaviour.



When referring to the first point in this complaint, that this commercial makes light of a serious problem on a construction site. The advertisement doesn't make light of falling objects causing injury, it depicts a situation where a tool or prized possession is damaged and unusable, not a person, which is the clear distinction. This advertisement follows a similar structure to previous AAMI advertising, and a lot of other insurance advertising, where an insurable event occurs through an unexpected and unwanted accident to an object, not a person, ultimately triggering the need for insurance. In previous AAMI advertising these situations were based around car accidents or accidents at home and whilst we can never control how an individual interprets our advertising and the associations they draw from it, we always ensure we distinguish these accidents from personal injury by showing damage to objects relating to that insurance (cars, houses, tools), not people, and we do so in a light-hearted manner.

The second point refers to encouraging workers or apprentices to imitate the behaviour in the commercial. The action depicted in this particular advertisement (a tradie accidentally dropping a hammer in cement) is an accident and certainly not done intentionally. We've paid careful attention to ensure this advertisement highlights the negative and unwanted situation someone would find themselves in if they were to do this (damaging or losing your tool or prized possession), let alone the embarrassment, which is evident in the apprentice during the commercial. Additionally, we've used some creative licence and exaggeration to depict a situation that actually isn't realistic and ultimately not able to be imitated - a hammer would not get stuck in quick dry cement that quickly, allowing you plenty of time to retrieve it.

2.7 – Distinguishable as advertising

The advertisement in question is clearly distinguishable as advertising and there have been no attempts to disguise it as otherwise. This is most evident through the strong presence of the AAMI logo and branded end-frame, brand music, branded characters and the language used.

We take all complaints we receive very seriously so we appreciate you raising the issue with us.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Panel noted the complainant's concern that the advertisement depicted unsafe worksite behaviour.

The Panel reviewed the advertisement and noted the advertiser's response.



The Panel 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 Panel noted the television advertisement depicts an apprentice receiving a hammer named ‘Excalibur’ from his boss. The apprentice drops the hammer while working on a roof into some cement. The boss tries to pull it from the cement before it is retrieved by a woman from AAMI.

The Panel noted the complainant’s concern that falling objects on worksites are responsible for a huge number of workplace deaths in Australia and this advertisement makes light of a serious issue and may cause copy-cat behaviour.

The Panel acknowledged that workplace health and safety is an issue of concern in the community.

The Panel considered the apprentice character in the advertisement does not drop the tool intentionally and that this accidental loss is depicted in the advertisement as a negative action.

The Panel considered that the advertisement was stating that accidents can result in the loss of tools which are essential for a tradesperson to work, and that this implication is unlikely to cause people in the community to copy the behaviour shown in the advertisement.

The Panel considered the light-hearted and fantasy nature of the rescue of the tool in the advertisement and noted the advertiser was comparing the hammer to the ‘sword in the stone’.

The Panel considered that most members of the community would recognise the fantasy elements of this advertisement and that the hammer dropping was clearly an accident, and would be unlikely to consider the advertisement to condone unsafe behaviour on worksites.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.

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

