Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	**Case Number**	**0114/18**
2	**Advertiser**	**iSelect Pty Ltd**
3	**Product**	**Insurance**
4	**Type of Advertisement / media**	**TV - Pay**
5	**Date of Determination**	**21/03/2018**
6	**DETERMINATION**	**Upheld - Modified or Discontinued**

ISSUES RAISED

2.3 - Violence Violence
2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Pay-TV advertisement depicts a woman at a child's birthday party. The woman receives a notification on her phone about a health insurance rate rise. She becomes angry and starts beating a pinata aggressively while the children watch.

THE COMPLAINT

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

The advertisement promotes that if you're not happy with something you can act violent and everything will be okay. That women attacks the cardboard animal with the stick. The children look horrified. Not a good release of anger.

I believe the violence and the loss of control of the adult female in the presence of children at what looks like a child's birthday party is inappropriate.

The image of the boy who fearfully flinches at the first wack of the pinata is very disturbing. The other children also look on in fright. Violence is an extremely serious problem in Australian society and to depict a mother at a party acting in such an extreme way is completely shocking and totally unnecessary. This ad is not funny and portrays that it is acceptable to act in this way when we don't get what we want. Any depiction of violent or aggressive behaviour to advertise a product is not acceptable.

THE ADVERTISER'S RESPONSE

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

Advertisement Description

A mother is enjoying a children's birthday party in her backyard when she receives a text message on her mobile phone advising her that health insurance premiums have increased by an average of more than 30% in the last five years. Frustrated at another household bill increase, she takes to the piñata that is hanging in the garden. As the children look on surprised, the woman completes the act of opening the piñata as the children run forward in joy to collect the chocolates and lollies that have been released. The woman, feeling a little sheepish, is then handed a phone from a knowing friend with iSelect's phone number ready to dial. She proceeds to call the number in hope of finding some help.

iSelect's comments in relation to the complaint

While we sympathise with the personal experiences of the complainants, we are confident that there is nothing about the advertisements that contravenes anything in relation to Section 2 of the AANA Code of Ethics, in particular relation to section 2.3 (Violence causes alarm and distress (to children)) and section 2.6 (Health and Safety Within prevailing Community Standards), to which the complaints received allude.

iSelect has a long-standing tradition of humorous and irreverent advertising. Our comical and witty approach to advertising is widely known and loved by many Australians.

Purpose of the ad

The purpose of this ad is to encourage people to review their Private Health Insurance policy ahead of the rate rise coming into effect in April, in order to ensure they're not paying too much.

In keeping with our tradition of insightful and humorous advertising, our latest

advertisement is designed to be cheeky and light-hearted. It depicts an intentionally far-fetched but relatable scenario of an everyday mum at a children's party reacting to another frustrating bill rate-rise. Piñata was developed from findings gleaned out of customer research (Kantar TNS, 2017):

- *86% of people feel that Australians are suffering because of the increasing cost of household bills and expenses*

- *80% of Australians feel their household bills are increasing quicker than their household income*

- *59% of Australians feel the high costs of bills are negatively impacting their lives*

- *51% of Australians feel the high cost of bills stops them from living life to the fullest*

- *1 in 5 Australians feels disgusted by their household bills or expenses (source; Kantar TNS, 2017)*

While we have used light-hearted humour, the ad taps into a genuine and widespread feeling of frustration around the rising cost of living in Australia (Kantar TNS, 2017).

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised, and;

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

iSelect submits that the advertisement in question does not endorse or encourage violence but demonstrates a character feeling frustrated at the rising cost of bills (refer research findings as detailed above). iSelect does not tolerate domestic violence or condone any sort of violent behaviour, which is clear as the children run happily towards the open piñata to grab the lollies and chocolates that have been released and we hear the line "Don't get mad get even – call iSelect..". No person or animal is harmed or endangered in any way during the action or as a result of the action. Piñata received a 'G' classification from the Commercial Television Industry Code of Practice prior to broadcast.

The far-fetched and exaggerated nature of the advertisement is highlighted by the following elements:

- *The advertisement is obviously unrealistic, as demonstrated by the*

surprised faces of the children and the sheepish expression of the mother when she is finished.

- *The children are bemused but not afraid as they leap gleefully towards the mother once the piñata is open and chocolates and lollies have been released onto the ground.*

- *The advertising message resolves with a positive – the children happily enjoying the spoils of the open piñata, and the mother with hope of finding help to manage her household bills from iSelect.*

- *A bespoke piñata was used for the TV shoot to ensure it was clear and that there could be no confusion as to this being a live animal.*

iSelect submits the frustration depicted in the advertisement is a fair dramatisation of how everyday Australians are feeling with regard to the rising cost of household bills. Moreover, iSelect has worked to inject some light relief and humour into this sense of frustration with the playful depiction of a mother-figure taking to a piñata at a children's party. The piñata breaking open is a metaphor for 'hitting back' at the rising cost of bills and how iSelect can help frustrated Australians find some relief from household bills stress.

Media Placement

Piñata received a CAD rating of G without warning or restrictions enforced for media placements, therefore we maintain that the 30" ad was entirely appropriate for the 25-54 year old audience. As a general rule, iSelect tends to avoid children's programming as our target audience are household bill-payers (aged 25+).

In summary, iSelect submits that the advertisement in question does not breach any part of Section 2 of the AANA Code of Ethics. Specifically, iSelect submits that this advertisement does not breach the AANA's code in relation to section 2.3 around violence and section 2.6 around health & safety within prevailing community standards.

We thank the ASB Board for consideration of iSelect's response to these complaints, and trust the information provided satisfies the ASB's request in full.

If the ASB Board has any further questions, please contact me directly and I will be pleased to assist.

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement depicts inappropriate violence, is demeaning to women, promotes violence against animals and depicts unsafe behaviours.

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

The Panel noted the Pay TV advertisement depicts a woman at a child's birthday party. The woman receives a notification on her phone about a health insurance rate rise. She becomes angry and starts beating a piñata aggressively while the children watch.

The Panel 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 Panel noted the issue of the advertisement demeaning women in general as well as the woman in the advertisement.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms discrimination and vilification:

Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule

The Panel considered that there is a negative stereotype that woman are overly emotional but determined that the advertisement is not suggesting the woman's reaction is reflective of her gender, rather the Panel considered the woman's reaction was an over-exaggeration of the reactions of household bill payers to increases in health insurance costs.

Further the Panel considered that the actions of the central character would be considered menacing regardless of gender.

In the Panel's view the current advertisement does not discriminate against or vilify a person or section of the community on account of gender.

The Panel determined that the advertisement did not breach Section 2.1 of the Code.

Ad Standards Community Panel

The Panel 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 Panel first noted the complainants' concerns that the advertisement encourages violence towards animals.

The Panel considered that the piñata in the advertisement was very clearly not a live animal or a realistic depiction of a live animal. The Panel determined that the advertisement does not encourage or condone violence towards animals.

The Panel then noted the complainants' concerns that the advertisement depicts excessive violence, and would cause alarm and distress to children and the public.

The Panel noted that the extreme anger, sound effect of the stick hitting the piñata, and the frightened reactions of the children surrounding the mother did amount to a depiction of violence.

The Panel noted the advertiser's response references the far-fetched and exaggerated nature of the advertisement. The Panel considered that this exaggeration was not apparent as this is a realistic backyard setting and health insurance rates are rising. The Panel considered that advertisement ends with the children being happy but considered that this does not mitigate the violence or show that the behaviour was inappropriate.

The Panel considered that the advertisement was set in a familiar and realistic setting of a child's birthday party. The Panel considered that while the actions of the woman may be over the top the setting, the sound and the reactions of the children were very realistic and likely to cause alarm to people watching the advertisement.

The Panel noted the AANA Practice Note which provides guidance on violence: "The Board has also found that a strong suggestion of menace presents violence in an unacceptable manner, and breaches this section of the code."

The Panel noted that the protagonist of the advertisement was a likely a mother, or relative of a child at the party, and her actions were very violent and menacing. Further the Panel noted the frightened reaction of the children when the woman first began hitting the piñata. The Panel considered that the reaction of the child was realistic and displayed a clear level of fright and concern about the woman's actions.

The Panel noted that it had previously the issue of violence in front of children in case

0034/18, in which:

"The Board considered the complainant's concern that the advertisement shows overly aggressive behaviour when he smashes the sandcastles.

The Board considered that the advertisement shows the man becoming frustrated rather than violent and is intended to be humorous in its depiction of a man acting as a child having a tantrum might have. The Board considered that his frustration is not directed at a person and considered that the children in the advertisement don't appear frightened or concerned by his behaviour.

In the Board's view the advertisement did not present or portray violence and did not breach Section 2.3 of the Code."

The Panel considered that unlike the previous advertisement, the current advertisement shows the woman behaving in an aggressive and threatening manner and the children witnessing her behaviour appear frightened.

The Panel considered the service offered was price comparison for health insurance and considered that in the context of such a price comparison service the level of violence depicted was not justifiable.

In the Panel's view the advertisement did portray violence that was unjustifiable in the context of the service advertised and did breach Section 2.3 of the Code.

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 issue of the advertisement showing dangerous behaviour.

The Panel noted the extreme reaction of the protagonist upon receiving unwelcome news, and that she put others at risk by swinging the stick so aggressively.

The Panel considered the health and safety implications of using a stick in this manner around children.

The Panel noted that advertisers should use caution when depicting adults acting in an aggressive or violent manner in front of children as this could be damaging to their mental and emotional health.

A minority of the Panel considered that the depiction of a woman using a stick violently in the context of a piñata game would not be considered unsafe behaviour as

this was consistent with the accepted use of a piñata in a party setting.

However the majority of the Panel determined that the woman was depicted in an out-of-control manner and her aggression and lack of awareness due to the anger displayed through her actions would be considered unsafe for the children around her.

The Panel determined that the advertisement breached Prevailing Community Standards on Health and Safety and breached Section 2.6 of the Code.

Finding that the advertisement breached Section 2.3 and Section 2.6 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We acknowledge and accept the decision made by the Advertising Standards Community Panel to uphold complaints made regarding our recent advertisement. iSelect does not tolerate domestic violence or condone any sort of violent behaviour towards others and regrets any inferences that this advertisement has portrayed to viewers. The advertisement will be removed from broadcast Saturday, 31st March.