



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0125/17</b>
<b>2</b>	<b>Advertiser</b>	<b>iSelect Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/03/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Disability
- 2.1 - Discrimination or Vilification Nationality

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a couple sitting next to each other in their lounge room on recliner chairs. The husband is reading a newspaper while the wife is going through some mail. She reacts to the letter she is reading in disgust as she tells her husband that their health insurance will be going up again on April 1st.

Her husband mishears his wife and thinks she has said she has been 'unfaithful' instead of hearing the date 'The first of the April'. The wife continues to proceed to dial iSelect who can help ensure they aren't paying more than they need to. The husband is now in a bit of a state as he worries about his wife being unfaithful and keeps mishearing her. Instead of hearing her say she is calling 'iSelect' he hears her say she is calling 'Col Isenbeck'.

The voice over explains the average cost of health insurance will increase by 4.8% on April 1st and to review your cover with iSelect. The 'New Kids on the Block' song "The Right Stuff" begins to play and the advertisement finishes with our iSelect customer Estelle dancing as she has got her health insurance right by contacting iSelect to review her cover.

## THE COMPLAINT

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

*I would like to complain about the implication in the commercial that a person from Eastern European descent would use the English language so blatantly incorrectly by using an obviously incorrect phrase like 'From 1st of THE April' i.e. use of the word 'the' is not required. If, for example, an Asian was made fun of in this regard, there would be an up-roar.*

*I'm offended by this advertisement because I have lived with hearing loss since I was 4 years old. That's to say 42 years and I feel this ad makes a mockery of a serious disability. The same would not be tolerated if it were of a person in a wheel chair, or blind. It is misleading in that it shows the man with hearing loss as a "fool" which is part of the wording in the ad. His wife is yelling at the man, misleading again, because this is not the most effective way to speak to a person with hearing loss, it would be very embarrassing if someone yelled at me, as someone with hearing loss.*

## **THE ADVERTISER'S RESPONSE**

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

*While we sympathise with the opinion the complainant, 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 2.1 relating to discrimination or vilification, to which the complaint alludes the ad is violating.*

*The complaint suggests that our advertisement implies all people of Eastern European descent incorrectly use the English language. iSelect submits that there is one small misuse of English by our Polish actress Estelle, and that this was only intended to drive the comedy of the misunderstanding between husband and wife. The misuse was not intended to vilify or discriminate against anyone of Eastern European descent, nor do we believe that the character appears to be made fun of.*

*The addition of the word 'the' before "April" was included for two reasons:*

- 1. It enabled the punctuation of the April 1 health insurance price rise deadline within the context of a normal, routine conversation.*
- 2. Furthermore, it aided the ensuing joke to unfold where Gary her husband mishears that she had been 'unfaithful'. It is then Gary, not Estelle, to whom we suggest is the 'April Fool' as he has been confused by misunderstanding his wife. For this reason, we submit that Estelle is not portrayed as vilified or discriminated against.*

*The very small misuse of English helps portray Estelle's quirky and loveable character, which was established and intentionally reprised due to the overwhelming love and support we received from many customers when we featured the couple in a previous TV commercial.*

*Following this most recent ad, we have continued to receive positive feedback, including from people of Eastern European descent who love the ad, such as from a customer who wrote on iSelect's Facebook page on 23rd February 'she makes me feel proud to be Polish'.*

*Purpose of the ad*

*The purpose of this ad is to educate the audience about the average health insurance increase of 4.84% from April 1st. It encourages customers to contact iSelect to review their cover and make sure they aren't paying too much.*

*It continues to build on iSelect's new "always get it right" brand platform which celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect.*

*The scenario that plays out in the advertisement, continues the story of a lovable couple who often find themselves misunderstanding each other to which results in some funny situations playing out. The humour helps us deliver the key message of the ad, to not be an April Fool come April 1st when the average cost of health insurance rises.*

*iSelect's tradition of advertising*

*iSelect has a longstanding tradition of humorous and irreverent advertising – a trait that is widely known and loved by many Australian consumers. In keeping with this tradition, this advertisement is designed to be humorous and playful and in no-way malicious or discriminatory. It is Estelle who has been able to avoid being an April Fool by contacting iSelect to get her health cover reviewed before the price rise.*

*CAD Rating*

*We also believe the spots are entirely appropriate for their intended audience, as indicated by the "G" ratings received from CAD. This rating, along with our media buy directed towards adult Australians who already hold a private health insurance policy we believe ensures the ad is appropriate.*

*In summary, iSelect submits that the advertisements in question do not breach any part of Section 2 of the AANA Code of Ethics. Specifically, iSelect submits that these advertisements do not breach the AANA's code in relation to section 2.1 relating to discrimination and vilification.*

*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.*

## **THE DETERMINATION**

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement features a woman of Eastern European descent speaking broken English in a manner which is offensive as it suggests that all Eastern Europeans speak like this, and that it makes a mockery of people who are suffering from hearing loss.

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

The Board 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 Board noted that this television advertisement features a woman complaining to her husband that their health insurance premiums are going up from "the first of the April".

The Board noted that the woman speaks with a strong Eastern European accent and considered that while her English is not grammatically correct in the Board's view the advertisement does not suggest that all people from Eastern Europe would speak like this but rather that this particular woman does. The Board noted that the woman is presented as a strong character who is in control of her financial situation and considered that the advertisement does not present her in a negative light.

The Board noted the advertisement plays on the idea that the husband cannot hear his wife clearly and assumes she is telling him that she is having an affair. The Board considered that, consistent with a previous determination about a similar advertisement for the same advertiser (0359/16), this depiction does not imply that the man is stupid or should be thought less of but rather that the man is hard of hearing and has jumped to a conclusion which is humorous in the context of the woman actually complaining about a rise in health insurance payments.

The Board noted the age of the actors in the advertisement. The Board noted that the couple is depicted in a situation many couples would be familiar with, that of one person mishearing what the other has said, and considered that we, as the viewer, are being encouraged to laugh with them rather than at them. Consistent with recent determinations about advertisements featuring older people (0021/17, 0022/17) the Board considered that while advertisers should take care on how they portray older people, in the Board's view the focus in the advertisement is on the unlikely scenario of the woman admitting to an affair rather than on the age of the couple.

Overall the Board considered that the advertisement did 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 Board determined that the advertisement did not breach Section 2.1 of the Code.

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

