



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0125-20</b>
<b>2. Advertiser :</b>	<b>Youi</b>
<b>3. Product :</b>	<b>Insurance</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>8-Apr-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a close up scene of a South-African man looking directly into the camera, and who is introduced as Lovemore. The viewer is invited to make an assumption about the man. The voice-over states that by making assumptions, you don't see the individual. The advertisement goes on to describe the man, who is shadow-boxing, as a former boxer and world-title winner, who is now a lawyer, and who is passionate about fighting for justice and his two grandkids. The voiceover states that at Youi, we don't make assumptions; we listen. Our insurance is for individuals.

### THE COMPLAINT

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

*A man of colour is pictured. We are then asked to make some assumptions about him. They then say, "he is actually a high powered business man.. etc". It is asking the viewer to be racist.*



## THE ADVERTISER'S RESPONSE

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

*Thank you for notifying Youi Pty Ltd (Youi) of the complaint received regarding one of Youi's advertisements.*

*As requested, Youi has provided the requested information below.*

*The advertisement initially features close-up shot of a man looking directly into the camera, and who is introduced as Lovemore. The viewer is invited to make an assumption about the man. The voice-over states that by making assumptions, you don't see the individual. The advertisement goes on to describe the man, who is shadow-boxing, as a former boxer and world-title winner, who is now a lawyer, and who is passionate about fighting for justice and his two grandkids. The voiceover states that at Youi, we don't make assumptions; we listen. Our insurance is for individuals.*

*Youi considers that the advertisement does not contain any exploitative or degrading elements (s2.2), violence (s2.3), sexual elements or nudity (s2.4), offensive language (s2.5), issues which may offend work health and safety laws (s2.6) and is clearly distinguishable as advertising (s2.7). Accordingly, it has not comprehensively addressed these sections of the AANA Code of Ethics (Code).*

*The complaint relates solely to section 2.1 of the Code and so Youi's comments in relation to the complaint are limited to this section. Youi respectfully suggests that the complaint is not an accurate description of the advertisement.*

*Youi, which stands for You Insured, is about recognising the individual, not making assumptions about them. The advertisement forms part of a larger campaign which draws its inspiration from Mr Eddie Micallef, Chair of the Ethnic Communities Council of Victoria's, quote: "While the Census provides plenty of info on the 'typical' Australian, it also shows we're a big, diverse community. There's nothing typical about Australians."*

*Youi's new 'Insurance for Individuals' campaign features a diverse group of 12 people living across Australia of different genders, sexualities, religions, origins of birth, interests, lifestyle choices and occupations. This campaign is a celebration of Australia's diversity and individuality and reflects that diversity.*

*This campaign, and the advertisement in question, acts as a simple reminder that if you know nothing about a person, all you can do is make assumptions; and by making assumptions you don't see the individual. This is why at Youi we make sure our team take the time to ask more questions and better understand our customers and their unique situations.*



*The advertisement is a celebration of Lovemore's unique characteristics, and could not be considered to portray or depict a person in a way which discriminates against Lovemore, or vilifies him on the basis of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. While the viewer is invited to make an assumption, they are not explicitly or impliedly invited to make an assumption that is racist or to think of Lovemore negatively.*

*Youi submits that there is no basis for describing the advertisement as being racist. Accordingly, Youi considers that section 2.1 of the Code is not offended.*

*Youi trusts that the above adequately deals with the complaint, however, if you require additional information please let us know.*

## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement asks the viewer to be racist.

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

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 Practice Note to Section 2.1 provides the following definitions:

*"Discrimination – unfair or less favourable treatment.*

*Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."*

The Panel noted the advertiser's response that the advertisement is a part of a larger campaign which includes a wide range of people. The Panel noted that it is only able to consider the content of an individual advertisement as it appears.

The Panel considered that the advertisement makes no reference to the man's race, and only asks the viewer to make assumptions about him. The Panel considered that these assumptions could relate to any aspect of the man including his race, but also his age, occupation, hobbies.

The Panel noted that the advertisement continues to explain how making assumptions can mean that you don't see the individual and that Youi tailors



insurance to a person's needs. The Panel considered that the advertisement is clearly asking consumers to challenge their unconscious bias about people, whether that be in relation to race, gender, age, dress or other categories of discrimination .

The Panel considered that the advertisement describes the man by detailing his achievements and lifestyle and highlights that this is the basis on which the advertiser determines the cost of its products to individual consumers. The Panel considered that the advertisement did not show the man to receive unfair or less favourable treatment because of his race, but rather challenged consumers who might have made assumptions about the man because of how he looks. The Panel considered that the advertisement did not humiliate, intimidate the man or incite hatred, contempt or ridicule toward the man because of his race.

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

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.