



Case Report

1	Case Number	0147/17
2	Advertiser	Australian Pensioners Insurance Agency
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man struggling to lift a plant pot on to the back of a ute while his pregnant wife watches him in bemusement and shakes her head as she watches him rub his back. A band of older men are watching from nearby, singing "I wish that I knew what I know now, when I was younger..." and a voiceover says, "You know, you only get one body, and it needs to be looked after".

THE COMPLAINT

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

It shows a young man trying to lift a large pot plant into a ute, using incorrect technique for lifting, and the man's wife looking at him and shaking her head like he was an idiot. If the sexes were swapped, there would be such a revolt from women. I'm tired of this sort of thing. Men don't usually get offended easily and put up with most things. If things are supposed to be equal, how come it's ok for a man to be portrayed this way?

THE ADVERTISER'S RESPONSE

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

We acknowledge the complaint received by your Office in relation to Apia's 'Because you know we know' Health Insurance television advertisement, which is currently screening.

We thank you for bringing this complaint to our attention and for the opportunity to respond in this matter.

I confirm that the advertisement was reviewed and approved by Apia's solicitor prior to broadcast and received CAD approval.

Description of the Advertisement

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 50s and demonstrate to the market that the value of 'life experience' deserves to be recognized and rewarded.

The insight into the new Apia brand campaign is based on the understanding that the life experiences over 50s 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 50s.

Since Sunday 19 February 2017, Apia has been screening a television advertisement ("the TVC"), advertising our Health Insurance product. Like our brand advertising it features 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 scene in the commercial that has attracted complaint is a lighthearted example of the misadventures of the under 50s. In this case, the ad depicts a man in his 30s/40s trying to lift a large terracotta pot putting strain on their body whilst his pregnant wife looks on in disappointment and shakes her head. The man is clearly trying to lift something without assistance or concern for his own body - the key message of the commercial is that 'you only get one body and you need to look after it'.

The commercial does not seek to promote unsafe behaviour, but quite the opposite with our 'knowing' over 50s empathetically observing the mistakes of those under 50. It's why Apia exists for over 50s and can provide good value on our products and services.

CAD details

The CAD reference number is:

Apia Health 30" G4D29IAA

Apia Health 15" G4D2AIAA

The TVC was classified by CAD as “W” (General/Warning), allowing it to screen nationally at:

General/Care in placement may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in programs principally directed to children.

The key number reference number is:

Apia Brand 30" APIA1207T30H

Apia Brand 15" APIA1207T15H

Apia’s detailed response to the complaint

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 2.1 of the Code which states that:

Advertising or Marketing Communications shall not portray people 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 code of Ethics Practice Notes also states that;

‘A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement.’

‘Advertisements can suggest stereotypical aspects of an ethnic group or gender with humour provided the overall impression of the advertisement is not a negative impression of people of that ethnicity or gender.’

‘Images of men or women in traditional roles are not prohibited provided the major focus of the advertisement is on the product, not the role portrayed. However care should be taken if depictions suggest that such activities are “women’s work” or “work of little value”.’

The complainant’s concerns can generally be described as:

“The wife looks at the man as if’s he’s an idiot... if the sexes were swapped there would be such a revolt from women... How is it ok for men to be portrayed this way”

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

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;

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. In the context of this advertisement there is no intention to make any general commentary about the role of women or men in relation to performing risky activity such as lift too much.

The scenario of the young man carrying an excessively heavy terracotta pot does not depict any discrimination or gender vilification. The wife's reaction being concerned and disappointed with her husband's risky behavior would be considered as normal by any consumer/community regardless of gender. Her reaction is in the same vein as the 50+ musical group which is made up of a mix of men and women.

It would be clear to most viewers that the TVC reflects a light hearted and typical scenario of someone putting undue pressure on their body and a reason of why its important to take care of your body and not do risky things. In no way is there a degrading stereotype of any gender.

We further do not consider that Code sections 2.2, 2.3, 2.4, 2.5 and 2.6 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 especially on a gender basis.

Apia rejects all complainant's allegations in full on the basis the advertisement does not discriminate or vilify women or men.

Apia submits that the TVC(s) don't contravene any part of section 2 of the AANA Code of Ethics.

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 complainant's concerns that the advertisement portrays the man as foolish and is therefore offensive to men.

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 man struggling to lift a plant pot

on to the back of a ute. His wife shakes her head as she watches on. A band looks on and sings the jingle "...I wish that I knew what I know now, when I was younger..." The voiceover talks about looking after the one body that we are given.

The Board noted that they had previously considered an advertisement for Telstra Corporation (0088/17) where the complainants' concerns were that the advertisement portrays a man failing at several tasks, making him look stupid.

In the case mentioned above, the Board noted that "the man is being presented in a stereotypical and clumsy way. The scene of him dropping things and generally being awkward is mildly humorous and is not negative or demeaning. The Board noted that the voiceover mentions that this is the man who will be helping you with moving house. In the Board's view the exaggerated portrayal of the man's clumsiness adds to the overall humour that he would then be helping to move and carry things that could be of personal importance."

Similarly, in this advertisement, the man is seen lifting a pot that is oversized and trying to place it on the back of a ute. The Board noted that it is common practice that people try and lift or move objects on their own that are too heavy. The Board noted that the advertisement is intended to highlight the types of behaviour that most people do and not just the poor choices that men make. The Board noted that the wife does watch the husband's efforts and shakes her head in disbelief that he has tried to lift a pot of this size.

The Board noted that the inclusion of the band and the jingle is a light hearted and humorous delivery of the message the advertiser is making about relevant insurance for the over 50's.

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.

The Board then considered section 2.6 of the Code. Section 2.6 states "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that the pot is clearly too heavy for the man to lift and that this is behaviour that is not encouraged. The Board noted that after the man lifts the pot he rubs his back suggesting he has hurt it in some way. The Board noted that the overall message of the advertisement is clear and is suggesting this is the type of behaviour that you should avoid. In the Board's view 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 Board dismissed the complaint.

