



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0149/12</b>
<b>2</b>	<b>Advertiser</b>	<b>HBF</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/04/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.6 - Health and Safety      Unsafe behavior  
2.6 - Health and Safety      within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Poster displayed in trains for the HBF 'Run for a Reason'. The heading reads, 'Don't just sit there' and underneath are three images of train passengers using train fittings to assist their exercises. The titles of the three images are: 1. Dips, 2. Mini Pull Ups, 3. Train Surfing and each image is accompanied by text describing how to perform the exercises.

### THE COMPLAINT

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

*I find it completely inappropriate to have advertising on the train that states/implies an activity as dangerous as train surfing especially when it's actually on the train itself! I don't understand and find it disturbing as to why anyone would put this on a poster on a train when young people are so impressionable and we are trying to deter them from such dangerous behaviour.*

### THE ADVERTISER'S RESPONSE

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

*HBF is genuinely sorry that this advert has caused offence, it was certainly not intended to imply or encourage dangerous behaviour. The objective of the advert was to encourage people to register for the HBF Run for a Reason and fundraise for some very worthwhile health related charities in a fun and engaging manner. The advert is no longer in market. This was removed Wednesday 4 April.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement promotes train surfing which is dangerous.

The Board viewed the advertisement and noted the advertiser’s response that this campaign ended on the 4th April 2012.

The Board considered whether the advertisement was in breach of 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 Board noted the advertisement features three images of exercises you can try when on the train and that one of the exercises is labeled ‘Train Surfing’. The Board noted that under this heading it says, “No, not that kind...” however the Board noted that the heading, “Train Surfing” is in large, bold lettering and the qualifying statement underneath is smaller and does not stand out as much.

The Board accepted that the intent of the advertisement was to present a humorous way of promoting a healthy event however the Board noted that train surfing is a dangerous activity which is responsible for serious injuries and death amongst those who attempt it and considered that it was not appropriate for an insurance company to be referencing a dangerous activity within the very vehicle the activity is carried out on.

The Board considered that the advertisement is promoting behaviour which is contrary to community standards on health and safety surrounding public transport and determined that the advertisement was in breach of Section 2.6 of the Code.

Finding that the advertisement breached Section 2.6 of the Code the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

In reference to the complaint being upheld by the Board of the Advertising Standards Bureau, I am writing to confirm that said advertisement was discontinued and removed from market on Wednesday 4 April. A replacement advertisement was then installed on 16th April. I reiterate HBF is genuinely sorry that this advert has caused offence it was certainly not intended to imply or encourage dangerous behaviour. The objective of the advert was to encourage people to register for the HBF Run for a Reason and fundraise for some very worthwhile health related charities in a fun and engaging manner.