



## Case Report

1	Case Number	0150/16
2	Advertiser	AHM Health Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Disability
- 2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement introduces new ahm health insurance hospital products and opens on an awkward break up scene in a supermarket car park. The woman gives the reason for the breakup because her current boyfriend is boring, implying he never has any accidents or needs looking after like her new partner. She references that he can look on the bright-side of this and points to a large ahm billboard, indicating that he could potentially save with ahm, as they have designed health insurance products for people that don't need all the bells and whistles because they only want to pay for what they need.

### THE COMPLAINT

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

*The ad is telling people to hurt themselves to enable them to take out health insurance. It's insulting telling someone they have a Boring Body because they haven't been injured and to show rejection to someone because they don't have injuries. This ad goes against everything we tell people/children not to do to call people names, insult others because of differences. Plus it is a totally stupid scripted ad sending a very bad message to young vulnerable people. This ad is completely unacceptable and offensive. This ad belittles and undermines disability (temporary or not) by directly asserting that the female protagonist has broken up with her partner because he 'doesn't need her enough' then directly showing a disabled person, whom it directly implies needs her more. Then to make matters worse, the female protagonist then*

*encourages her ex to 'injure ' himself more. This ad is deeply egregious given how many suffer work related injury, permanent or temporary disability, chronic or acute illness and yet strive each and every day to be independent, purposeful and in no way requiring someone to be with them because they're injured/disabled/sick. This ad is ridiculous and defies belief that it would be considered acceptable let alone attractive to the Australian demographic, who have legislation to Protect disabled people from discrimination. Absolutely revolting. No need to send me a letter, I know you're busy enough. Please just have this ad removed and FINE AHM for contravention of the industry code.*

## **THE ADVERTISER'S RESPONSE**

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

- The intention of this ad was to promote a new range of hospital products and cut through a very cluttered health insurance category with humour and wit.*
- The advertisement aims to appeal to those consumers who may feel like they are paying for more health insurance than they need. And ahm's new products are a good option for you to explore.*
- It was not ahm's intention to offend anyone through this advertisement and specifically, it does not look to discriminate or vilify disability at all, as per the complaint made.*
- The ad uses an injured man (sore leg, arm in sling and bandaged head from a potential sporting incident) to highlight with humorous emphasis that there are some people who do get injured and some that don't seem to get injured very often, and the latter could look to less comprehensive hospital cover that lets them only pay for what they need, meaning they could pay less by taking out a lower level of hospital cover.*
- Health insurance is community rated meaning that everyone pays the same premium for their health insurance and health funds are prevented from discriminating against members on the basis of health status, age or claims history. ahm offers all products to all members of the community.*
- This advertisement launched on Sunday the 28th February and will run for a limited time until 23 April 2016.*

## **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 complainants' concerns that the advertisement is discriminatory towards disabled people in its suggestion that a healthy man doesn't need a woman as much as a disabled man and that it suggests that people should hurt themselves in order to take out health insurance.

The Board viewed 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 depicts a woman breaking up with a man because he has a boring body but that due to his lack of accidents/injuries he can get good health insurance.

The Board noted the complainant's concern that the advertisement is discriminatory towards disabled people. The Board noted that the woman shows a preference for a man who she can take care of and we see her new partner appear with various injuries. The Board noted that the new partner's injuries appear to be temporary and considered that there is no suggestion that this man is permanently disabled. The Board noted that the woman makes it clear she prefers a man she can take care of and considered that the complainant's interpretation of this as meaning disabled men need women more than an able-bodied man is unlikely to be shared by the broader community.

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 gender.

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

The Board 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 Board noted the complainants' concerns that the advertisement encourages people to hurt themselves in order to take out health insurance. The Board noted that the advertised product is for reduced health insurance cover for people who are less likely to use the full range of insurance cover. The Board noted that the man with no injuries is encouraged to apply for this insurance and considered that rather than encouraging people to injure themselves the advertisement is promoting a product which rewards people who don't get injured.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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 complaints.

