



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0165/17</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>26/04/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Sexual preference
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a woman and man in bed together. The voice over states that when it comes to energy providers, having the same partner can be costly and it's worth switching it up. The woman switches a light off and on again and the man has been replaced with a younger man. The voice over states that you might be seduced up front, but they will let you down later. The woman switched the light off and on again and the man has aged. The woman turns the lights off and on again and the older man has been replaced with an English man, and Irish man and a Scotsman. The voice over states that some are a joke. The woman switches off the light again and the voice over states this is why you need an expert. When the woman switches the light on again the men have been replaced with an iSelect expert. The next time the light goes off and on again the iSelect expert has been replaced with a woman in lingerie and the voice over states that it could be something you didn't even know you wanted.

### THE COMPLAINT

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

*Your recent ads which shows a girl on a bed turning her light on and off to find different partners in her bed was highly offensive to both me and my family. This advertisement is shown in the early hours of the night and is clearly unsuitable for children and adolescence as it is showing unsafe practises such as having multiple sexual partners which can result in the transmission of various diseases. There is a code of practise and this clearly breaching it and I shouldn't have to fear what my children are watching on TV before 8 pm. Another aspect of the add that disturbs me and my family is the inclusion or suggestion of homosexuality. My religion surely does not support the practise and the I am offended that your company and society is trying to encourage and normalise this unnatural practise that goes against natures laws. I request that you remove the ad completely from television and if this is not possible, play it only in the late hours of the night where the children of Australia are not going to witness such vile behaviour. It is clearly inappropriate and I am shocked it was able to pass the board. If you clearly care about your customers and the people of Australia as you say you do you should remove this revolting ad.*

*Inappropriate sexualised content during hours where children are watching tv.*

*It suggests that same sex relationships are better than opposite sex relationships. It takes the whole pro-gay message to another level, beyond normalising it to lauding it. This whole argument should not be a part of something as simple as selling electricity.*

*I object to and am offended by, the content of the ad, showing that it's ok for a person to change several partners AND the final option being the inappropriate choice of a woman, suggesting a homosexual relationship!*

*The timing of this ad was during school holidays, during 10am - 3pm when children were watching television! We do not wish to submit children or even adults to such advertisements! Please remove the ad due to inappropriate content and overt sexual innuendos.*

*I find this offensive and ask that the advertisement be removed.*

*Apart from the inappropriateness of the ad displaying a number of potential sexual partners, the final suggestion that the woman might like to experiment with another woman in circumstances where she might never have considered a femal sexual partner suggests homosexual experimentation just for the sake of it, whilst the preceding scenes suggest not sexual liberation but promiscuity. Most particularly, the ad is played in the early evening, essentially during family viewing time.*

*It is overly sexual. It was on at times where kids would be watching.*

*I disagree with ad on two fronts*

*1. It suggests relationships can be changed simply if you aren't happy*

*2. It suggests a same sex relationship is better if you are not happy.*

*Although I appreciate that in today's culture same sex relationships are acceptable, I object to the use of infidelity and changing sexual partners in advertising in time slots that my kids watch. These types of ads should only be shown at later times*

*Offended by the references to sexual experimentation /bisexuality, where a bikini clad woman appears in bed and the voiceover suggests that the woman is after "something she never knew she wanted" (or something along those lines). The overly sexual references are offensive and unsuitable for children.*

*The ad is trying to shock you but it doesn't work - it offends everyone. It portrays lesbians in a poor light, it is pushing the gay dimension on straight people and tells you to reconsider the relationship you are in for something you might not have considered. My main issue is that is on during family times.*

*Very uncomfortable as it does indicate sexual aspects like she prefers women over men etc. Find it very uncomfortable around kids.*

*I object to the content of the advert in this time slot  
Sexual content, lesbian reference, male dressed in skimpy outfit  
None of which I feel is acceptable in this time slot when children are watching. And I personally find it offensive.*

*Disturbed by the creepiness of the ad, particularly the 'Dominatrix' woman in bed with the other woman at the end of the ad. Shown at inappropriate times.*

*The main premise of the advertisement is to change phone companies. The analogy used is to change life partners- a couple, I presumed the couple to be husband and wife, is shown in bed. The woman turns off a bedside light to darken the scene and turns the light on to find another woman in bed in place of the man. The new woman is dressed in a negligee and is running a suggestive finger along her leg as if ready for a lesbian encounter. The other woman has an interested expression on her face.*

*At any time an ad such as this is inappropriate let alone being aired on Easter Sunday morning. My beautiful young daughters, 12 and 15, were on the couch braiding each others hair preparing for Easter celebrations when confronted with this content. This is totally unacceptable for young minds to be contaminated by material such as this. I didn't think I had to be afraid of what would be aired on a Sunday morning!*

*I was offended by the suggestion in this ad that a woman should change her male partner for a female one thus promoting lesbianism in favour of a normal male/female relationship.*

*It was being advertised during a family movie and I strongly object to young children being indoctrinated into believing that relationships between adults can be what they want.. I feel if this type of advertising is necessary and I don't believe it is, then put it in hours when impressionable young children are not viewing.*

*Impact on marriage commitment and sexuality.*

*Minimises the importance of these relationships.*

*Parallels benefits of changing insurance provider with changing marriage partner and change of sexual orientation from heterosexual to homosexual.*

*Highly unsuitable content (especially for this time slot), unnecessary sexual and suggestive content that has nothing at all to do with the product. I found it offensive !*

*My wife (aged 37), myself (40) and our two children aged (13) and (11) were all offended by viewing this ad.*

*The ad was offensive on a number of levels. One way that it was offensive was in the way*

*that it likened choosing a sex partner to something trivial like choosing ice cream or an insurance provider. We believe that sex is sacred and is actually a bonding of two souls for ever.*

*Another way the ad was offensive is that The ad portrayed certain people as sexually desirable and others as sexually undesirable. Specifically the ad showed that young men are promising and older men are a let down. It is also very possible to interpret the ad as saying that elderly Indian men are a "let down". We believe that all people regardless of age, gender or ethnicity are beautiful and to mock anyone as being sexually undesirable or a "let down" is deeply offensive*

*The ad also featured a sexually arousing scene of two women in bed together with the words "choices that you never new you wanted". Maybe there is nothing wrong with this although for me personally I am in a monogamous heterosexual relationship and this as does spark strong desires to see my wife have sex with another women. I personally don't won't to explore these options as I am committed to a monogamous relationship and felt violated by this.*

*Offensive, should not be on at a time children can view it. Very bad taste.*

*It is selling insurance and is also pushing homosexuality even though it has nothing to do with the insurance. If my 3 year old is up and sees this is raises questions that she isn't even thinking of. It is not the role of advertising to push ethical views, if an advertiser started running ads that shouted down homosexuality it would be shouted down for the same reasons, as well as others, that i have raised. Advertisers should just advertise their product, not push an ethical agenda*

*I find it very offensive in prime time TV to the suggestion to swap your husband for a women in bed and saying you don't know what you are missing in a provocative way.*

*6 yr old asked what does it mean !!!*

*I have seen it several times and thought it was inappropriate and sleazy and what does it have to do with health insurance !!!!*

*Visual of two females in bed, as choice, is OK for some but not in this time slot if at all, Not appropriate. Homosexuality is legal but not widely accepted nor should it be a focus for young children. It is offensive my views are not conservative but I don't need such issues raised as the norm. THE TIME SLOT is the issue.*

*Because it has at the end a women in bed with another women & its leading to you can he surprised by what relationship you may select that it may be something you didn't even know you wanted.*

*This material is inappropriate at the hour it is showed for children to watch.*

*I found it overly sexual for an ad played during a time when children are watching TV. The ad is highly sexualised in an unnecessary way. They could have communicated the same message by having the actor eating dinner with the prospect, the sexual insinuations at that time of the evening when children are watching is not needed and inappropriate*

*Nothing to do with insurance and unsuitable for family viewing.*

*Would like to lodge about a Television Advertisement.*

*The one I would like to bring to your attention, is the latest iSelect Advertisement.*

*I consider that this advertisement is offensive, and we do not want to see such material in our face, and in our homes.*

*If the lesbian lobby need to use such material, may they show this elsewhere, and not on TV.*

*I do not care what sort of life style, both Lesbians and homosexuals live, but do not put it out in the public*

*I found the ad offensive because it implied that having a partner of the same sex was a better option. Getting really sick of this new type of ridiculous marketing*

*The time of day - watching channel 10 with my children with a woman in bed. The last person in the bed with the woman is another woman in a sexy night dress and the caption is along the lines of "you'll never know what you'll choose". This ad - with this content and sexual innuendo is totally inappropriate for this time slot and should be removed.*

*My 3 yr old is watching a kids movie when this add shows a women in bed with another women who is half dressed in lingerie. The add is clearly sexual. Very unapropriate for children viewing.*

*1) Sexual preference (to choices) has NOTHING to do with Insurance.*

*2) The time to air these ads should not be during prime time when children are viewing MKR - these are ads suitable for mature audience content.*

*As a parent, please be so kind to revisit the times that this ad is shown on TV.*

*I am disgusted that the company is portraying Scouts as perverts. Scouting puts a huge emphasis on the safety of it's youth members. This advert could encourage bullying or embarrassment of children who are Scouts and adults who are leaders by others thinking of them as perverts. Also this advert has driven me away from iSelect and I would actively discourage anyone I speak to from using their services.*

*Well, is this really the norm? My 9 year old boy was shocked and said ewww, does she likes girls? Really? Does my young family really need to see this?*

*I should during evening prime time be permitted to not be exposed to advertising that has no clean target audience. What has happened to australia's marketing campaigns!!*

*It is in my view totally crass and tacky and unsuitable for the 6pm time slot when many young people watch the news. It suggests that choosing an Electricity provider and sexual partners are related. The salaciousness and sexual innuendo are offensive to me and my adult family. The use of the scout movement in this way (which is a youth Movement ) and a child watching people having sex*

*Thought it was an ad for a porn sight at first. Couldn't believe that we were advertising using sex with women in bed together as a better option than a husband and wife, in the morning breakfast hours when children watch tv. Disgusted that we have sunk so low in our values and morals that we could allow this anytime far less when kids are watching*

*I really didn't like the child looking through binoculars peeping through people's windows we shouldn't think this is Normal or even funny behaviour & to make things worse this particular ad portrays this person in a scout uniform, which definitely is not what the scout movement*

wants to portray. As a leader & a parent of young boys I would be extremely upset if this was my son, or 1 of the scouts I lead.

The use of the scout in the advertisement is unacceptable. The fact that there is a child witnessing such an act is also unacceptable. It is illegal for children under the age of 18 to access any form of pornography and suggesting that this child will watch the couple have sex is suggesting that he is doing something illegal. It is also disgusting to suggest that he will enjoy viewing the act. This paints an entirely unfair and unjustified picture of scouting as a whole to the viewer, thus damaging the valuable brand that scouts has worked so hard to achieve and maintain.

As a Scouter, I am deeply offended by the use of a 'scout' engaging in that type of behaviour. It goes against everything that Scouting stands for, and depicts behaviour that is seriously against the Scouts promise and law. It is concerning to think that this image is being portrayed to the community in a time when Scouts is increasing its membership after bad press.

The use of a young person that can be easily identified as a Scout watching a couple clearly about to have sex is entirely the wrong image to show. Scouts have a difficult enough image to uphold without being wrongly identified as peeping toms. This is very defamatory.

It is poor taste about every time she turns the light on that the person changes. My family watched them and were disgusted at such cheap, inappropriate, and perverse "humor". For an insurance company, they really cheapened the value of people and the human experience.

As a Scout Leader, I am deeply disturbed and offended by the image this creates. I can't see how anyone could think showing a Scout aged child seeks gratification by watching an adult couple in their bed was appropriate use of the Scouting movement. I believe this should be removed and no longer used. I also believe iSelect should provide an apology to Scouts Australia.

The scene is set in a bedroom and indicated a very sleazy way that some businesses treat customers. It is in very bad taste with various people in the bed all being ridiculed for seducing, letting down, joking. All in bad taste.

Commercial has high level sexual overtones- inappropriate full stop, and inappropriate for the time slot.

Firstly a man on the bed appears in gold pants with an inflated groin area - in the next cut to imply disappointment to the customer he is shown with a flat groin area.

Secondly at the end to indicate you don't always know what you want the customer flicks the light switch and is presented with a sexy female on her bed making advances/gestures-obvious connection to lesbianism.

Both instances are highly offensive and inappropriate. The ads need to be removed.

I would like a response please.

Thank you

This is totally unacceptable and offensive. They are just trying to normalise lesbianism, and

*they are playing with the minds of innocent young children. Maybe when they are adults they can form their own opinions but just let them be children and deal with all the normal aspects of growing up without all this kinky advertising. It is absolutely outrageous to play with and manipulate the minds of innocent young children and that is what is happening.*

*Showing two women in bed together, especially during prime time television when children are watching TV is totally inappropriate. It is sending a blatant homosexual message. It is what the message insinuates and it does not encourage fidelity. Children certainly don't need to see this.*

*I object to the final option in the ad that it may be something the women in the bed never thought she may like, suggesting that the woman may be more satisfied by a lesbian encounter. It was on during the 'Chaser' and 'My Kitchen Rules'. Very inappropriate for that time of day when kids and 'normal' heterosexual families are watching. The large majority, although hard to count or hear over the noisy L G B T ??? Community, are not homosexual. It is wrong to show this kind of ad during hours when children are watching. It is another example of L G B T ??? Trying to influence and brain wash young minds and throw criticism on heterosexual adults/families*

*To get their message across they use a scenario of a woman trialling many relationships ( sexual) ending with this woman being surprised that she would rather have a lesbian relationship than all of the others. In our morally bankrupt society, who needs more inundation with messages such as this, which help to destroy families, marriages and the next generation's view of faithful, long lasting relationships.*

*This ad implied that it is acceptable to become lesbian/gay by using the statement 'try something you haven't thought of' while showing a woman in bed with another woman. This ad was shown in a prime time timeslot and was viewed by 4 children who questioned the two women in bed together.*

*The advert is extremely sleazy and totally inappropriate to advertise the procuring of electricity suppliers. Both genders in our household found the advert offensive, to the point that this is our first ever complaint.*

*The ad was on in early evening, 7:15pm both times I've seen it and is highly offensive and definitely inappropriate for such an early time slot!*

*I object to the sexual content of this advertisement at this time. When children can be watching.*

*I object to and I'm offended by the blatant homosexual suggestions at a time where young kids were no doubt watching. It's disgraceful and does not belong on free to air tv or anywhere this kind of message is being blasted to underage audience.*

## **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 personal experiences of the complainants, 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:*

- *Section 2.1 relating to discrimination or vilification*
- *Section 2.2 relating to exploitative and degrading advertising*
- *Section 2.4 relating to sex, sexuality and nudity.*

### *Section 2.1*

*iSelect submit that the advertisement does not contravene Section 2.1 of the code that states:*

*‘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 TVC spot is intentionally larger than life and humorous depiction where the various characters who are switched in and out of the bed are acting as metaphors for different energy providers. The characterisation of these people is designed to be comedic and not intended to be realistic nor discriminatory in any way.*

*Some of the complainants made inference that the ending of the spot discriminates against heterosexual relationships in that it is inferred same sex relationships are superior and more favourable given our character ends up choosing a new energy partner, as depicted by the female character.*

*iSelect submits that this representation does not discriminate against heterosexual people or heterosexual relationships. iSelect is a strong champion of the LGBTI community and supports and celebrates all kinds of relationships, sexual orientations and preferences. The spot ending on the female is a subtle metaphoric representation that by speaking to iSelect you might find you could end up with an energy provider you ‘didn’t even know you wanted.’*

*It was also claimed that the advertisement portrayed an older man with a deflated groin area in comparison to the younger man from the previous scene. This was not intended to discriminate against older people, instead it is designed to visually portray the metaphor that whilst on first glance an energy plan might look to be the best choice, it may later turn out to not live up to expectations. iSelect can confirm that both the younger and older characters were wardrobe in exactly the same way – no ‘padding’ was added or taken away.*

### *Section 2.2*

*iSelect also submits that the ad does not contravene Section 2.2 of the code that states:*

*‘Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.’*

*While we deal with a "bedroom" scenario in creating the metaphors, we believe that it is done in a tasteful and humourous way. It is worth clarifying that no sexual act or nudity is portrayed and the characters are appropriately clothed at all times. We believe the ad is entirely appropriate for the intended audience of adult customers responsible for purchasing energy in their household. The ad does not exploit the main female character who is shown not only to have an array of choices available to her but is in control of these choices.*



*The characters that rotate through the bed are clearly over exaggerated representations for different traits of energy providers. iSelect submits that the ad does not employ sexual appeal in a way that is exploitative or degrading, particularly given the characters are clearly intended as metaphors.*

### *Section 2.3*

*Finally, iSelect do not believe we have contravened section.*

*2.4 of the code that states:*

*‘Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.’*

*While the advertisement is set within a "bedroom" scenario to assist in creating the metaphor, we believe that it is done in a tasteful and humourous way. As previously clarified, no sexual act nor discriminatory behaviour is portrayed. We believe the advertisement treats sex, sexuality and nudity with sensitivity in a manner entirely appropriate for the adult audience for whom the ad is intended.*

*Complaints have also inferred the switching of partners in the bedroom scenario encourages infidelity within sexual relationships. Given the entire premise and purpose of the ad is to prompt consumers to consider switching energy partners, the metaphor of ‘switching’ partners is a device in which to bring this idea to life. The switching of partners is not intended to encourage being unfaithful within a real life relationship.*

### *Purpose of the ad*

*The purpose of this ad is to remind customers that staying loyal to their energy provider (a common behaviour by many consumers in the category) may result in not being on the best plan for your needs. It uses the metaphor of a lady switching up her romantic partner to suggest there are many different types of energy plans out there and lots of choice for consumers.*

*The advertisement implies that while some energy providers might offer compelling deals up front, upon closer inspection they might not end up being the best plan for you. Ultimately the advertisement uses a metaphor to suggest that contacting iSelect can help you navigate the category and find a more suitable option you might never have considered for yourself.*

### *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, playful and in no-way malicious or discriminatory. We believe the obvious over the top and humourous depiction of characters reiterates the fact the advertisement is designed to be a fantastical parody and is not intended to discriminate or cause offence to any individual or group of people.*

### *CAD Rating*

*We also believe the spots are entirely appropriate for their intended audience, as indicated by the PG ratings given by CAD. Please note that the 30” spot (ISE0139/30/BEC) that was removed was given an M rating and therefore only played in media placements whereby audiences over 15 years old were exposed.*

*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 sections 2.1, 2.2 or 2.4 to which the complaints relate.*

*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 (“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 includes sexual content and lesbian references which are offensive and not suitable for viewing by children.

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 the advertisement depicts a woman in bed with a man. The voiceover describes how having the same energy provider can be costly so it is worth switching it up. The woman turns out the light and when she turns it back on the man changes into someone else. Each time as the woman turns the light off, then on, another character is shown; an older man, an Indian man, an Irish man and then finally a woman. The voiceover states that it could be something you didn’t even know you wanted.

The Board noted the complainants concerns that the advertisement portrays some people as more desirable than others.

The Board noted it had previously upheld complaints about a television advertisement for the Advanced Medical Institute in case 0343/14 where the Board determined that the advertisement “ridicules men with sexual performance issues and implies that these men should be thought less of as a result of their conditions.”

In contrast to the above matter, the current advertisement shows the woman continually turning the light on and off changing the person in bed with her each time. The Board considered the advertisement is light hearted does not create the impression that the people that appear in the bed are less desirable but considered that the overall impression is that the woman is surprised at the change that occurs when the lights go on and off so she continues

to keep doing it to see what happens.

The Board noted that the reference to switching partners is not a suggestion that the people themselves are not wanted but it is a double entendre suggesting that consumers should consider switching energy providers to obtain a better deal or arrangement.

The Board noted that the change in partner switches between men of different cultural backgrounds and also the inclusion of women to show an overall balance and equity between gender and racial backgrounds.

In the Board's view the advertisement is light-hearted and does not discriminate against or vilify 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 whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainants concerns that the advertisement depicts a woman having several sexual partners and includes a lesbian reference.

The Board noted that one of the 30 second versions of the advertisement was given a PG rating by CAD that was then changed to an M classification. A minority of the Board indicated concern about the placement in a PG rated time and agreed that the content of the advertisement could initiate some awkward discussions around the sensitive topic of switching partners but considered that it did not amount to a depiction that was sexually provocative but was better suited to the new classification of the M rating.

The Board noted that advertiser had provided information that there were still two versions of the advertisement being aired with a PG classification.

The majority of the Board considered that the advertisement was light hearted and that the message being delivered about switching energy providers was evident in the advertisement. The Board noted that while some members of the community may consider that the advertisement to be in poor taste, there was not a strong suggestion of sexual activity and though the advertisement did use sexual innuendo to deliver their message about swapping energy providers, in the Board's view the references were subtle and quickly clear that they weren't sexual.

The Board noted that the inclusion of another woman in the bed could be interpreted as a lesbian interaction. The Board noted that the woman was not seen touching or engaging in any physical contact with any of the new partners and in the Board's view, the advertisement included a variety of people in bed as an analogy about choosing the right option for your own situation and that the final option may not have been one previously considered as suitable.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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