



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0197/19
2	Advertiser	Australian Pensioners Insurance Agency
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/07/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a series of film vignettes focusing on how Australians over 50 are living and enjoying their life in retirement. In one of the scenes, an older woman is driving a mobility scooter and her grandson is on a skateboard being pulled along behind her.

THE COMPLAINT

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

Mobility scooters are not meant to tow, anything people included, if children or hoons see this in the add they are going to think it's ok to be towed by a mobility scooter, and will follow the add. Mobility scooter are to help elderly and disabled people to go out, not to be used as a toy, to make matters worse an insurance was using this as part of their add, they should know better, pull that part of the add

THE ADVERTISER'S RESPONSE



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

Apia (Australian Pensioners Insurance Agency) is an authorised representative of AAI Limited (ABN 48 005 297 807), the product issuer. AAI Limited 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 50's and demonstrate to the market that the value of 'life experience' deserves to be recognized and rewarded.

Apia employs a human centered design marketing approach whereby creative concepts and casting for marketing campaigns are consistently tested with real Apia customers throughout the briefing, concept and execution design process to ensure our communications will be well received and drive consideration and affinity with the Apia target market.

In the Apia advertising campaign, we show a series of film vignettes focusing on how Australians over 50 are living and enjoying their life in retirement. In one of the scenes, we see a grandmother and her grandson enjoying time together at a park. The grandmother is driving a mobility scooter and her grandson is on a skateboard.

We understand a member of the public has raised concerns regarding the grandson 'being towed' by his grandmother on the mobility scooter.

The scene was written with inclusivity at its heart, demonstrating how less mobile grandparents can still be active, participate in life and interact with their family – in this case their grandson. The scene is depicted in a very slow and controlled way. We were very mindful of our responsibilities with regards to safety while also wishing to show inclusiveness for those people who are restricted to using mobility scooters.

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 2.6 of the Code which states that:

Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The complainant's concerns can generally be described as:



- *In the ad you see a child wearing rollers skates being towed by a mobility scooter. Mobility scooters are not meant to tow, anything people included, if children or hoons see this in the add they are going to think it's ok to be towed by a mobility scooter, and will follow the ad.*

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

In the Apia advertising campaign, we show a series of film vignettes focusing on how Australians over 50 are living and enjoying their life in retirement. In one of the scenes, we see a grandmother and her grandson enjoying time together at a park. The grandmother is driving a mobility scooter and her grandson is on a skateboard. There are other skateboard riders in the background.

We understand a member of the public has raised concerns regarding the grandson 'being towed' by his grandmother on the mobility scooter.

The scene was written with inclusivity at its heart, demonstrating how less mobile grandparents can still be active, participate in life and interact with their family – in this case their grandson. The scene is depicted in a very slow and controlled way. We were very mindful of our responsibilities with regards to safety while also wishing to show inclusiveness for those people who are restricted to using mobility scooters.

We approached the production of the scene with care, protecting the grandson with appropriate safety gear (a helmet, arm pads, knee pads and closed shoes) as well as ensuring he was not connected to the scooter in any way. The scene does not depict towing as mentioned in the letter and there is no use of rope or any other material that one would associate with towing. The grandson does not make any dangerous or sudden actions.

We considered this scene to be 'a single moment in time' (this is how the ad is approached as a whole, with multiple quick cut scenes) where a grandson on his skateboard playfully reaches out to his grandmother on her mobility scooter while they are both in motion. It does not show the scene for an extended amount of time and we don't consider it to be promotion of unsafe or irresponsible use of mobility scooters in any way. More so, it is a moment of interaction and bonding between grandmother and grandson.

We further do not consider that Code sections 2.1, 2.2, 2.3, 2.4, and 2.5 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 on health and safety.

Apia does not accept that the TVC contravenes any part of section 2 of the AANA Code of Ethics. We appreciate the level of community concern on the issue of health and safety.

Apia rejects all complainant's allegations in full.

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 contained material which went against prevailing community standards on health and safety

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

The Panel 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 Panel noted the complainant's concern that the advertisement depicts a child being towed by a mobility scooter and that this could lead to copycat behaviour.

The Panel noted the television advertisement features a series of vignettes featuring people over 50 are actively participating in activities, such a bike riding, running in a festival and a woman in a mobility scooter spending time in the park with her grandson.

In particular, the Panel noted the grandson was wearing a helmet and safety pads on his knees, elbows and hands, he has one hand on the back of the seat of his grandmother's mobility scooter and they are both in motion.

The Panel noted the advertiser's response that the advertisement is designed to demonstrate how less mobile grandparents can still be active and participate in family activities. The Panel also noted the advertiser's response that the boy is not being towed behind the scooter, but is reaching out to his grandmother while they are both



in motion.

The Panel considered that the boy is clearly shown to be holding onto the back of the scooter in order to be towed, however the Panel considered that the boy was clearly mobile, fit and appeared to be of an age where he would be able to break away easily from the scooter if necessary.

The Panel considered that the pair are only moving slowly and that he is wearing full safety gear and that this action does not appear unsafe.

The Panel considered that the mobility scooter appeared to be on a footpath in a park. The Panel considered that under Australian Road Rules a mobility scooter is considered a pedestrian and is legal able to travel on a footpath, although speeds should be restricted to walking speed (<https://roadsafety.transport.nsw.gov.au/stayingsafe/ontheroad-65plus/mobility-scooters.html>). The Panel considered in the advertisement the woman does not appear to be travelling at more than walking speed and is not breaking any road rules.

The Panel considered that most members of the community would not consider the act of a grandson holding his grandmother's mobility scooter while riding a skateboard to be unsafe, particularly as the boy is shown to be wearing full safety gear, the grandmother and grandson are shown to be travelling slowly and they are on a footpath in a park.

The Panel considered that 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 any other section of the Code the Panel dismissed the complaint.

