



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0215-21
2. Advertiser :	Bupa HI Pty Ltd
3. Product :	Insurance
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	28-Jul-2021
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a woman walking backwards down the stairs, while carrying a wardrobe. She speaks about the importance of getting the insurance product before “life happens”. At one point the doors of the wardrobe open and rubber balls and other things fall out. She knocks over a pot plant and a small dog runs past her legs.

### THE COMPLAINT

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

*The ad represents that, provided the viewer has Bupa medical and accident insurance, the behavior shown is OK. For perhaps 95% of people (and hopefully more) the behavior is obviously incredibly cringingly stupid. But for the remaining percentage, and for similar age group people prone to risky behavior (like diving into shallow water), the ad represents the dangerous behavior as normal.  
I expect that an ad for accident insurance depicting a young person playing with a loaded gun or a running chain saw would be quickly taken down as utterly irresponsible. I see no difference in the underlying message with this Bupa ad.*



1. This is THE most stupid WORST thing to show any person specifically young viewer to even attempt to do!, 2. Girl says, Before life happens in this case is deliberate extremely dangerous stupidity while showing the most dangerous impossible thing to do by lowering a large cabinet down on her own via steep narrow stairs. BUPA is showing how to get major injury that will be insured by BUPA? Huh?  
3. A small dog tries to pass! Does BUPA insure killed/injured dogs too? I have an exact same situation of dog killed in a house during similar cabinet move! The person slipped, dropped cabinet on dog killed!!!! But BUPA Health Insurance adds steep impossible dangerous stairs! This ad continually reminds me of killed dog. 4. Would BUPA actually insure this girls actions? Not even legal activity.  
How on earth this ad was approved, 'showing a young person taking an extreme deliberate dangerous impossible risk' using as "PROMOTING risk for gain of BUPA Health Insurance custom", has got to be illegal advertising! 5. It is shameful and humiliating to a young Girl who I'm sure 'has more brains NOT to do' what BUPA has got her to do! 6. What BUPA Health Insurance IS doing here is creating young customers, majorly injured from accidents BUPA Health Insurance is advertising them to do! How many bones will she break BUPA Health Insurance? More the better BUPA? Yep. Oh and this is advertised as 'life happens', BUPA danger teaching style for sure! BUPA must remove this most disgusting dangerous offensive illegal ad! Shame on you BUPA!

## THE ADVERTISER'S RESPONSE

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

### *Response to Advertising Standards Complaint Reference no. 0215-21*

*I refer to your letter dated 19 July 2021 in relation to Complaint Reference Number 0215-21 (your Letter).*

*Bupa HI Pty Ltd (Bupa) takes any consumer complaints in relation to its advertisements very seriously. Thank you for the opportunity to respond to the issues raised by the complainants, as outlined in your Letter which appear to relate to either of two related Bupa advertisements broadcast on free-to-air television (Advertisements). As it is not clear as to which of these two Advertisements the complaints relate, we will deal with both Advertisements in this response.*

### *Summary*

*For the reasons outlined in this letter, Bupa respectfully submits that the Advertisements do not contravene the Australian Association of National Advertisers Code of Ethics (the Code). The Advertisement The Advertisements feature a young woman carrying a cupboard down a flight of stairs. Despite the precarious nature of the task, the lead talent speaks directly to the camera with confidence as she navigates the obstacles on each step which include various balls, items that fall out of*



*the flapping cupboard doors, multiple pot plants and a little dog who runs past her. Her dialogue references the fact that life can happen at any moment so now is a good time to get Bupa Extras cover.*

*Bupa submits that the Advertisements do not contravene Section 2 of the Code*

*Prevailing Community Standards on health and safety*

*We understand that Advertising Standards must consider whether the Advertisements contravene section 2.6 of the Code. The section states:*

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

*Advertising Standards may also consider the Code's Practice Note in relation to section 2.6 which states:*

*"Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour."*

*In our view, nothing in the Advertisement depicts, encourages, or promotes any form of conduct that is or could be construed as being contrary to Prevailing Community Standards on health and safety.*

*Remainder of section 2 of the Code*

*For completeness, sub-sections 2.1, 2.2, 2.3, 2.4, 2.5 and 2.7 of the Code do not appear to be applicable to either of the Advertisements. Accordingly, we have not considered the application of these sub-sections in this response.*

*Comprehensive response to the Complaint*

*The first complaint expresses concern that:*

- *provided the viewer has Bupa medical and accident insurance, the behaviour shown is OK; and*
- *the ad represents the dangerous behaviour as normal.*

*The second complaint expresses concern that:*

- *by showing a young person taking an "extreme deliberate dangerous impossible risk Bupa is PROMOTING risk for gain of BUPA Health Insurance custom"; and*
- *Bupa is creating young customers who have sustained major injuries from accidents that BUPA Health Insurance has encouraged them to do.*



*In our view, none of the above concerns are borne out by the footage in either Advertisement. That is, the Advertisements do not endorse or promote the behaviour shown in the footage, or suggest that the behaviour is normal.*

*The Advertisements form part of Bupa's "Life Happens" advertising series which depicts exaggerated and foolish, but possible, behaviour that may result in harm to raise awareness that insurance coverage is available for unpredictable life events.*

*The behaviour in the Advertisements, a young woman inattentively carrying a large cupboard down steep, cluttered stairs alone, is represented as silly, exaggerated and potentially dangerous. The Advertisements also reflect the behaviour as undesirable by implying that it could result in an accident where health insurance would assist. The behaviour shown in the Advertisements reflects, in an exaggerated manner, possible behaviour. The overall theme of the Advertisements is that people in normal everyday life do silly things, not that they should.*

*The tone of the Advertisements is amusing and light-hearted. This is reflected in the facial expression of the young woman, her tongue-in-check dialogue directly into the camera while facing backwards, and the catchy background music. Further, the number of potential hazards which arise all at once creates an exaggerated situation. The whimsical and exaggerated nature of the Advertisements is unlikely to be understood as encouraging or condoning unsafe behaviour, or suggesting that it is normal behaviour. The Code's Practice Note on section 2.6 (copied above) can be applied in this instance.*

*The Advertising Standards Board (Board) has previously considered the issue of exaggerated behaviour in case 0014/16 which showed the follow on effects of a man examining the end of a hose, including the breaking of a window and a van colliding with a car, to demonstrate the importance of having appropriate insurance cover. In dismissing the complaint, the Board: "noted the overall theme of the advertisement and considered that the scenes are all fantastical and intended to represent unlikely, although not impossible, situations which may result in the need for insurance."*

*Further, at no point in the Advertisements, do we see the young woman or the little dog that runs past her harmed in any way. The Advertisements were filmed under controlled conditions. The Advertisements playfully land the point that life is unpredictable and can happen at any moment, but Bupa has cover to help when it does.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement promotes unsafe behaviour and humiliates a woman.



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

**Section 2.1: Advertising or Marketing Communication 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:  
Discrimination - unfair or less favourable treatment  
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule  
Gender - male, female or trans-gender characteristics.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?**

The Panel noted a complainant's concern that the advertisement is shameful and humiliating of a woman by showing her performing an unsafe task.

The Panel noted that the issue of the treatment of women is of significant community concern however considered that the woman's gender is not referred to in the advertisement at all, and there is no suggestion that her behaviour is a result of her gender.

The Panel considered that the content of the advertisement did not show the woman to receive unfair or less favourable treatment because of her gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the woman because of her gender.

**Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

**Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note to Section 2.6 which states:

*"Advertisers should take care not to depict behaviour that children may imitate. For example, advertisements which are likely to attract the attention of children or could indicate to children that appliances or other domestic/commercial equipment are a safe place to hide, are seen to encourage unsafe behaviour."*

The Panel noted the complainants' concerns that the advertisement depicts unsafe behaviour.



The Panel noted that the advertisement depicts a woman walking backwards down stairs while moving a wardrobe. The Panel noted that there are several obstacles in her way, including a dog running past her and that the wardrobe doors have not been secured closed.

The Panel noted the advertiser's response that the advertisement is part of a "life happens" campaign in which exaggerated and foolish, but possible, behaviour that may result in harm is shown to raise awareness that insurance coverage is available for unpredictable life events.

The Panel considered that the intention of the advertisement is to show that the insurer will support consumers in the case of an accident and considered that it was not unreasonable to show a scenario in which an accident could occur and which is relevant to the product.

The Panel noted that the impression of the advertisement is that the woman is being foolish by undertaking a task alone and without taking precautions, however considered that the advertisement is not encouraging unsafe behaviour, but rather is demonstrating a risky scenario.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

### **Conclusion**

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