



Case Report

| | | |
|---|-------------------------------|------------------|
| 1 | Case Number | 0227/15 |
| 2 | Advertiser | Bingle Insurance |
| 3 | Product | Insurance |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 10/06/2015 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

The creative involves two fictional characters named Liza & Andre, who the viewer first sees in their living room while they delve into the world of magic and illusion. Liza is in a magician's box and is smiling at camera with a smart phone in her hand. Energetic and upbeat electronic music plays in the background. The camera then pulls back to see Andre the magician sawing the box in two. Liza the assistant takes it all in her stride and continues to fill out the quote on her smart phone in a happy and relaxed way, completing the task with ease. It's at that point that the camera pulls back to show Andre separating the box in two, Liza is still looking at the camera and smiling. With a puff of smoke after the magician stunt is completed we cut to Liza and Andre in the green Bingle mini smiling and driving off into the distance.

THE COMPLAINT

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

*this ad is shown all day and sometimes my kids are watching it. My 4 years old was shock first time that he saw it and I had to explain to him it's not real BUT as you know this is not what they have to see and deal with in their early ages.
TV is very effective for kids and they try most of things they see on tv. Who is responsible if a kid try this act?*

THE ADVERTISER'S RESPONSE

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

We acknowledge the one complaint received by your Office in relation to Bingle Insurance's "As simple as it sounds – Magician" television advertisement, which is currently screening.

We thank you for bringing this complaint to our attention and for the opportunity to respond in this matter.

I confirm that the advertisement was reviewed and approved by Bingle Insurance's solicitor prior to broadcast.

Bingle Insurance's response to Advertising Standards Bureau complaint no. 0227/15

Description of the Advertisement

Bingle Insurance ("Bingle") is the trading name of AAI Limited (ABN 48 005 297 807) which is an ASIC and APRA licensed Australian general insurer within the Suncorp Group of companies, Suncorp Group Limited being the ASX-listed parent entity.

Bingle has successfully sold car insurance in Australia since its launch in 2007. Bingle sells only car insurance and has over 100,000 customers. Bingle's key business strategy is making things simple for our customers, so that they can get on with doing the things they would prefer to do. We have a simple 'no frills' car insurance cover, and our website matches that experience. The ability to obtain a Bingle car insurance quote quickly is therefore a central tenet to the Bingle customer proposition.

On 9 May 2015 Bingle launched a new television advertisement ("the TVC"), featuring our very quirky magician and his assistant. The TVC shows how simple and fast it is to get a quote with Bingle. This is dramatised by the concept of being so easy that 'even a magician and his assistant' could get a Bingle quote while practicing for their upcoming magic show. The TVC is designed to advertise the fact that Australian drivers can get readily get a quote in under 2 minutes with Bingle, so no matter what people might prefer to be doing, they don't need their car insurance to get in the way.

Bingle developed both a 30 second (the TVC) and 15 second version of the magician television commercial to advertise the simple nature of Bingle's quote process. The 15 second advertisement is due to air from 31 May 2015. They are third instalment in Bingle's light hearted "simple as it sounds" campaign series which also includes advertisements depicting quotes being obtained in other fanciful situations, by Joni the sky diving chimpanzee and a flute-dancing jazz crab.

The creative involves two fictional characters named Liza & Andre, who the viewer first sees in their living room while they delve into the world of magic and illusion. Liza is in a magician's box and is smiling at camera with a smart phone in her hand. Energetic and upbeat electronic music plays in the background. The camera then pulls back to see Andre the magician sawing the box in two. Liza the assistant takes it all in her stride and continues to fill out the quote on her smart phone in a happy and relaxed way, completing the task with ease. It's at that point that the camera pulls back to show Andre separating the box in two,

Liza is still looking at the camera and smiling. With a puff of smoke after the magician stunt is completed we cut to Liza and Andre in the green Bingle mini smiling and driving off into the distance.

CAD details

The CAD reference number is:

BIN1003/3: POW6DIAA

The TVC was classified by CAD as “PG” (Parental Guidance Recommended), allowing it to screen nationally at:

- Weekdays 8:30am – 4:00pm*
- Weekdays 7:00pm – 6:00pm*
- Weekends 10:00am – 6:00am*

Except during “C” and “P” periods, or adjacent to P or C periods.

Bingle’s detailed response to the complaint

We have reviewed the complaint and provide our response below.

The issue raised in the complaint is in relation to violence causing alarm and distress to Children.

The complainant’s concerns can generally be described as:

- children watching the ad and believing the magic act wasn’t illusion and that it was real causing distress and harm; and*
- that kids could try and replicate this act themselves potentially injuring themselves or someone else.*

The broadcast time referenced in the complaint was 21:00 on Thursday 21st May, when the following was broadcast across the network:

Prime 7 – Surveillance Oz: Dashcam (no Bingle spots booked)

7Mate – Tattoo Nightmares (Bingle Spot booked in both NNSW + SNSW)

7Two – Lewis (Bingle spot in SNSW)

None of the programs above are children’s programs, nor are they adjacent to children’s spot.

As stated above, the advertisement received advertising approval from CAD with a “PG” rating, and our media agencies have made sure that all our programming is booked in

accordance with the PG guidelines. We've made sure not to book in P & C periods or adjacent to P & C periods when children may be watching TV. Under the Commercial Television Industry Code of Practice, a PG rating involves content with careful presentations of adult themes that are mild in impact and remain suitable for children to watch with supervision, which we agree describes the TVC presentation.

In the complaint received it expressly stated that the viewer understood that the magic act was not real and was clearly just an illusion. Children are widely exposed to the concept of magic, and it has been used to entertain children and bring fun and joy to their lives in many contexts such as children's parties. Magic tricks and illusion are explored and routinely found in children's movies, for example Fantasia, Matilda or Harry Potter movies, or educational television programs such as Play School or Sesame Street.

However, if there is any potential for misunderstanding by children who may view the TVC, we submit that this would be mitigated by the context of the presentation (ie. Liza remains happy and unharmed throughout the ad) and further explanation that could be provided by a supervisor, as recommended by the CAD classification.

In regards to children trying this magic trick at home, in no way do we depict children in the ad, encourage children to engage in dangerous activity or even completely show how the magic trick is done- we spend more time looking at the quote flow process on Liza's smart phone than the actual magic trick itself. We would expect that any young children who view the TVC and raise questions or concerns with their caregiver would be advised that the act is merely an illusion and not real, which we submit is evident to any older viewer. Again, the ad is rated PG and for this very reason we do not show it in or adjacent to children's programming, nor is the ad itself directed towards children.

In relation to the AANA Code of Ethics, we respectfully do not accept that any obligation under that Code's section 2 has not been met.

We note that Code sections 2.1, 2.2, 2.4, 2.5 are not relevant to the TVC. The TVC does not discriminate against any person based on any regulated reason, nor does it employ sexual appeal in an exploitative or degrading manner, nor does it insensitively treat nudity or have offensive language as a part of the TVC.

In relation to Code section 2.3 Bingle does not accept that there is any presentation or portrayal of violence. The TVC depicts a classic and famous magic show trick with a long history – the 'sawing illusion'. It is clear in context that the act is a magic trick, with the characters shown in costume with familiar magic props and the voiceover explaining that the couple is rehearsing their new act. The scene is clearly a performance and not violent or menacing in any way; to the contrary there is a sense of fun clear by the smiling happy face of Liza the assistant, the over exaggerated humorous music and gesturing of comical Andre 'The Mysterion' and glitzy special effects (puff of smoke and exaggerated sound). Furthermore the magic trick rehearsal is done with Liza smiling the whole way through, continuing the quote and wiggling her toes. At no point during the TVC does Liza appear to be fearful, in pain or distressed, nor is Andre depicted as an aggressive or threatening character. Further to this there is a positive resolution at the end of the TVC that shows both Andre and Liza driving off in one piece very happy they were able to practice their magic routine and get their car insurance sorted. In line with previous comical and light hearted advertisements in this series, we believe that most community members would understand the

scene is contrived reflecting a well-recognized magic trick and that it in no way endorses or condones violence of any kind.

With respect to section 2.6 of the AANA Code, we do not accept that any health or safety standards were contravened. Liza and Andre are both trained magic professionals and as submitted above, the illusory nature of magic act is self-evident. In addition, we reiterate the fun, light hearted nature of the ad and the happy ending that ensues. Nothing is depicted that is contrary to prevailing community standards in relation to health and safety, as no real person was put in harm or at risk. Magic and illusions are acted out in front of children and adults all the time and are also depicted in children's TV programs. Many children have a love of magic and often get into magic at an early age.

Moreover, a reasonable person would understand that a woman is not really being sawn in two and that it is a part of a magic act which she is voluntarily participating in and enjoying. Liza smiles during the TVC to highlight everything in the magic act is going to plan and nothing untoward is happening, which is further demonstrated by her continuing to fill out the online quote on her smart phone. It should be evident to any viewer of the TVC that Liza is both safe and content as she continues her journey by car in the fictional world created for her. The highly stylised nature of the advertisement needs to necessarily be recognised in such an analysis.

In further submission, Bingle would also like to make clear that in no way does the TVC exploit women or condone violence against women. The TVC depicts a couple enjoying something they are both passionate about – magic. Again due to the quirky and humorous music, visual effects, smiles on the faces of the characters and the resolution of the TVC with them both driving off happily into the distance further confirms violence is not represented in this TVC in any shape or form.

In conclusion, Bingle does not accept that the TVC, nor its 15 second edited version, contravenes any part of section 2 of the AANA Code of Ethics. We appreciate the level of community concern on the issue of violence and would never condone or trivialize this issue. Bingle is committed to advertising in a responsible manner. Whilst we acknowledge that a small portion of the viewing population, who may be hyper sensitive to the depiction of such a magic act involving a woman, may take some type of offence with the TVC, we do not consider that any such offence is genuinely warranted or that the depiction prohibited by the fair application of the AANA Code or other relevant regulation.

Bingle therefore rejects this complainant's allegations 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 complainant's concerns that the advertisement features a magician cutting a woman with a sword and that this could be upsetting to children or lead them to

copy these actions.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this television advertisement features a woman in a box being sawn in half by a magician while she obtains an insurance quote over the phone.

The Board noted the complainant's concern that her young son was shocked by the advertisement. The Board noted that the illusion of a woman being sawn in half is a well-known illusionist trick and considered that in the advertisement the trick is clearly being performed by a magician. The Board noted that there is no blood or other suggestion of a violent act and the woman is shown to be alive, smiling and well after the box has been sawn in half and considered that the advertisement is depicting a magic trick and not an act of violence.

The Board noted that the advertisement had been rated 'PG' by CAD and considered that the depiction of a well-known magic trick is not inappropriate in the context of this audience.

The Board noted the complainant's concern that the advertisement could lead children to copy the actions of the magician but considered that in the context of a 'PG' rated advertisement this would be very unlikely.

Based on the above the Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

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