



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0227-20</b>
<b>2. Advertiser :</b>	<b>Insured Nation</b>
<b>3. Product :</b>	<b>Insurance</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>22-Jul-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This internet advertisement depicts an image of a woman sitting in a vehicle with one hand on the steering wheel and the other holding a mobile phone as she looks at it. The image is close up and it is unclear whether the vehicle is on a road, parked, or in traffic.

### THE COMPLAINT

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

*Reading your phone and driving is a killer on our roads.*

### THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

### THE DETERMINATION

The Ad Standards Community Panel (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 depicts a woman reading her phone whilst driving which is a killer on our roads.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

The Panel considered whether the advertisement complied with 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 that using a mobile phone whilst driving is illegal and considered to be unsafe behaviour which could result in a car accident.

The Panel noted that in the current advertisement the location and movement of the car is not able to be determined.

A minority of the Panel considered that the depiction of the woman with one hand on the wheel was a clear indication that the woman was driving. The minority of the Panel considered that any depiction which suggests mobile phone use whilst driving was a depiction which would be against prevailing community standards on health and safety.

The majority of the Panel considered that the more likely interpretation of the advertisement was that the woman was using the phone whilst her car was parked. The majority of the Panel considered that the small part of the road which could be seen through the passenger window did not appear to be blurred or depict imagery that would strongly suggest that the car was moving. The majority of the Panel considered that the photo of the woman was taken from outside of the vehicle, giving a reasonable impression that the vehicle was stationary. The majority of the Panel considered it was not clear whether the car was stationary in traffic, or whether the car was parked on a kerb, in a driveway or in a carpark. The majority of the Panel considered that there was no clear depiction of the woman using a phone whilst driving. The majority of the Panel considered that a depiction of a woman in a stationary vehicle using a phone, where the woman's location is not clear, is a depiction which is unlikely to be against prevailing community standards on health and safety.

On this basis, the Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on road safety and determined that it 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.