



Case Report

1	Case Number	0230/12
2	Advertiser	iSelect Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	27/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Bullying (non violent)
2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement describes Lifetime Healthcare Loading – the longer you wait, after the age of 31, the more you'll pay for your health insurance.

The fictional head of Iselect is standing next to a man who is already kneeling on the floor with some books and a fish tank on his back representing how the 'loading' works. Mr Iselect gets the man's age wrong and after he is corrected he adds an additional plant pot to the man's back.

THE COMPLAINT

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

I feel this advert does not set a good example with regard to occupational health & safety. Clause 2.6 of the AANA code of ethics states that advertising "should not depict material contrary to prevailing community standards on health and safety" and this advert is a massive fail in depicting a large substantial weight being placed by the boss on an employee's back.

THE ADVERTISER'S RESPONSE

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

Iselect does not support or condone potentially dangerous/ unsafe behaviour in any way. The set up is completely and unrealistically staged for ease of concept demonstration and to suspend disbelief:

- 1. As with all Iselect advertising – the creative vehicle is complete fiction. We've set a precedent of highly unbelievable scenarios such as an actual car in Mr Iselect's office, pulling ice creams out of bubbling spas, employees asking for a de-raise i.e. this is not a real workplace*
- 2. To emphasize fiction and to distance ourselves from "prevailing community standards of health and safety", a fish tank and a pot plant are being balanced on someone's back i.e. bearing no relation to activity anyone would be required to participate in, in common, or completely uncommon working practices, unless acting in a comedy skit or in a circus.*
- 3. We don't hear or see Mr Iselect forcing the man into this position and at no point does the man complain or look under duress. By correcting Mr Iselect on his facts while in this position, he is clearly acting as the 'straight man' in a comedy double act*

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted complainant's concerns that the advertisement depicts material contrary to prevailing community standards on occupational health and safety in its portrayal of a man being used as a coffee table by his boss.

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

The Board 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 Board noted the advertisement features an iSelect manager placing objects on a kneeling employee's back to demonstrate how health insurance loading works.

The Board noted that the placement of heavy objects on someone's back is not an action which should be encouraged or condoned however in the Board's view it is clear that the boss is using this method as a humorous visual aid to get his point across and considered that most members of the community would recognise that the objects used in the advertisement are props and would not be heavy.

The Board also considered whether the actions of the boss were actions contrary to community standards on workplace bullying. The Board noted that the only verbal complaint

made by the employee is that the manager got his age wrong and considered that the overall farcical tone of the advertisement is in keeping with the general theme of the iSelect advertisements and that in this instance the advertisement does not condone or encourage workplace bullying. The Board considered that the advertisement does not encourage behaviour which is contrary to prevailing community standards on occupational health and safety.

Based on the above, the Board determined 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 the Code on other grounds, the Board dismissed the complaint.