



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0255-21 |
| 2. Advertiser : | Wisr |
| 3. Product : | Finance/Investment |
| 4. Type of Advertisement/Media : | TV - On Demand |
| 5. Date of Determination | 22-Sep-2021 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

The 15 second TV on demand advertisement features a man making breakfast in his kitchen. There are eggs cooking and smoke coming from the toaster, indicating that something is burning. The man is holding a fork with a perplexed look on his face. The camera angle quickly zooms in on the man's face, while a voiceover says "Billy, your smart part knows a personalised loan rate is a good decision." The next shot is the man holding a phone over the toaster with the Wisr logo visible on the phone screen.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Dangerous activity which could involve electrocution and death if fork is stuck in toaster.

This morning I quickly went to the bathroom unfortunately my 5 year old son, tried to get his toast out of the toaster with a fork. He has never done this before. He has been watching the Olympics, I find all of the wise money ads inappropriate for kids, but this one has an immediate negative impact on the safety of my family. Thankfully there was no incident. I asked him why he tried to use the fork (so many other options in the



drawer), and he said it was because he saw it on the ad on tv. My son is too young to understand the joke of this ad.

THE ADVERTISER'S RESPONSE

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

Thank you for the letter dated 3 September 2021 in relation to the Wisr advertisement. Wisr appreciates the opportunity to respond to the complaint which was made in relation to this advertisement.

Description of the Advertisement

This case relates to a 15 second cut down version of the Billy television Advertisement (15 second Advertisement).

The 15 second advertisement features a man making breakfast in his kitchen. There are eggs cooking and smoke coming from the toaster, indicating that something is burning. The man is holding a fork with a perplexed look on his face. The camera angle quickly zooms in on the man's face, while a voiceover says "Billy, your smart part knows a personalised loan rate is a good decision." The next shot is the man holding a phone over the toaster with the Wisr logo visible on the phone screen.

Complaint

Ad Standards has received one complaint since the Community Panel determination which relates to the 15 second Advertisement. The complaint alleges that the 15 second Advertisement

- *Depicts dangerous imagery (which would amount to a contravention of 2.6 of the AANA Code of Ethics) and*
- *Is suggestive of suicide (which would amount to a contravention of 2.3 of the AANA Code of Ethics).*

Wisr has considered the findings of the Community Panel Determination made 11 August 2021 and the one complaint made 3 September 2021 and provides the following response.

Wisr Response to the Complaint

3.1 Section 2.6 of the AANA Code of Ethics

The 15 second Advertisement presents a comedic approach to adults making sensible financial decisions, by suggesting a person engages the 'smart' part of their brain. The Advertisement does not depict a person sustaining any injury, nor does it suggest or



endorse such behaviour. The focus of the 15 second Advertisement is the man making a decision to use Wisr's services to obtain a personalised loan rate.

Wisr acknowledges that the Community Panel has previously considered a related Wisr advertisement, and upheld consumer complaints received under section 2.6 of the AANA Code of Ethics. Wisr has reviewed the findings of the Community Panel and considers that the 15 second Advertisement is substantially different from the advertisement which was subject to the determination.

Wisr notes the following key differences in the previous advertisement and the 15 second Advertisement:

Difference in imagery: The 15 second Advertisement can be distinguished from the previous advertisement as the focus is on the man's face, rather than the toaster or his actions. There is no direct shot of the fork above the toaster, and the fork is only shown very briefly in the 15 second Advertisement (above a stream of smoke at the bottom edge of the frame). Wisr submits that the brief image of a fork in the 15 second Advertisement would not attract the attention of children or does not depict behaviour that a child may imitate.

Difference in voiceover: The Community Panel noted that the voiceover of the other advertisement "cautions against the man placing the fork in the toaster however considered that the voiceover does not override the imagery and the fork near the toaster is a strong suggestive image".

In the 15 second Advertisement, there is no suggestion in the voiceover that the man is considering engaging in dangerous behaviour. The voiceover does not use the word toaster or comment on the man's behaviour to add to a suggestion of dangerous behaviour. The voice in the 15 second Advertisement simply says "Billy, your smart part knows a personalised loan rate is a good decision. Get a personalised loan rate now at wisr.com.au"

Wisr submits it is extremely unlikely that a person would consider placing a fork in a toaster based on the 15 second Advertisement given this is not suggested in the visual imagery or referred to in the voice over. Based on the above, Wisr submits that the 15 second advertisement does not contain the suggestive imagery of a man placing a work in a toaster which was found to be contrary to public safety messaging in the previous determination.

3.2 Section 3.2 of the AANA Code of Ethics

Wisr submits that the 15 second Advertisement does depict not suicidal imagery, nor does it encourage or condone suicide in any manner. As set out above, the 15 second Advertisement is intended to humorously depict a man being encouraged to deciding to make a 'smart' and 'positive' choice in course of action by using the Wisr. It does not expressly or impliedly, suggests or condones refer to self-harm or suicide and, we submit that given the setting and purpose of the Advertisement, it is clear that this Advertisement could not be construed in this way.



Wisr also notes that the Community Panel previously accepted Wisr's submissions in relation to the Billy Advertisement and dismissed complaints made under section 3.2 of the AANA Code of Ethics.

3.3 Remaining sections of the AANA Code of Ethics

For the sake of completeness, Wisr does not believe that the 15 second Advertisement, in any way:

- a. portrays people or depicts material 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 (2.1)*
- b. employs sexual appeal (section 2.2);*
- c. presents or portrays violence (section 2.3);*
- d. treats sex, sexuality or nudity with insensitivity to the relevant audience (section 2.4);*
- e. uses language which is inappropriate in the circumstances (section 2.5);*
- f. depicts material contrary to Prevailing Community Standards (section 2.6); or*
- g. does not clearly distinguish itself as an advertisement (section 2.7).*

Prior to production of the Advertisement, the Advertisement for the final script was reviewed and approved by Clear Ads. The Advertisement received CAD approval to air at any time, suggesting it is appropriate for all age groups. The Advertisement underwent a rigorous due diligence program by Wisr's internal legal and compliance teams.

For the reasons set out above and taking into consideration the previous findings of the Community Panel, Wisr's view is that the 15 second Advertisement is compliant with, and does not breach, the AANA Code of Ethics.

Please let us know if you require any further information. We would welcome the opportunity to work with you to resolve this issue.

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 depiction of a man holding a fork over a toaster as if to put it in the toaster is dangerous and this action may be copied
- the advertisement is suggestive of suicide
- the advertisement is sexist towards men.

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



The Panel noted it had previously considered and upheld complaints about the 30sec version of this advertisement in case 0224-21, and that this 15sec version of the advertisement was only brought to the attention of the Panel after the previous case was upheld. The Panel noted that complaints listed in this case were originally noted in case 0224-21, and that it is unclear whether the complainants viewed the 30sec or 15sec version of the advertisement.

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 – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men.
Gender is distinct from ‘sex’, which refers to biological difference.

The Panel noted complainants’ concerns that the advertisement is sexist by depicting the man as unintelligent.

The Panel noted that the man’s gender is not referred to in the advertisement at all, and there is no suggestion that his considering using a fork in a toaster has any connection to his gender.

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

Section 2.1 conclusion

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

Section 2.3: Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted complainants’ concern that the advertisement is suggestive of suicide.

The Panel noted that the Code requires a depiction of violence to be considered under Section 2.3 and considered that while a man is shown to consider placing a fork



in a toaster, he does not and there is no actual violence depicted in the advertisement, nor is there otherwise any suggestion that he intends to do himself harm.

2.3 Conclusion

The Panel considered that the advertisement did not breach Section 2.3 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 that safety around electrical appliances is an important public safety issue.

The Panel noted it’s consideration of the 30sec version of this advertisement, in which:

“The Panel considered that the depiction of a person considering placing a fork into a toaster is a depiction of behaviour that is unsafe – even when the action does not actually occur.

“The Panel noted that the voiceover of the advertisement cautions against the man placing the fork in the toaster however considered that the voiceover does not override the imagery and the fork near the toaster is a strong suggestive image.

“The Panel considered that while the advertisement may not depict catastrophic consequences, the suggestion itself undermines public messages about safe use of electrical appliances.

“In the Panel’s view there is significant effort made in the community to educate people about the use of electrical equipment. The Panel determined that the depiction of behaviour which is contrary to clear public safety messaging is contrary to prevailing community standards on safety.”

In the 15sec version of the advertisement, the Panel noted that the scene showing the man holding a fork over the toaster appears for less than two seconds at the beginning of the advertisement, before the remainder of the advertisement depicts the man holding his phone.



The minority of the Panel considered that depicting such behaviour is irresponsible and unsafe no matter how fleeting the scene is. The minority considered that the 15sec version of the advertisement did breach prevailing community standards on health and safety.

The majority of the Panel considered that the voiceover in this version of the advertisement is different from the 30sec version with no reference to the fork, and considered that given the fleeting vision of the toaster, overall there is much less attention drawn to the man considering placing the fork in the toaster.

The majority of the Panel considered that the scene is very brief and that the fork and toaster are not the focus of the scene at the beginning of the advertisement nor of the voiceover.

Overall the Panel considered that the scene showing a man with a fork over the toaster was fleeting and with no attention drawn to it, and considered that the advertisement did not depict behaviour against prevailing community standards on safety.

Section 2.6 conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.