



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0275/16</b>
<b>2</b>	<b>Advertiser</b>	<b>iSelect Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a voice over that states, "Tax is nuts!" and we see a man seated on a lounge eating peanuts from a bowl next to him. The camera zooms in on the bowl and we see that the voiceover belongs to one of the peanuts. We then see the man use his ear to flick a peanut in the air and then catch it in his mouth. The talking peanut says that the man is in a place where he always gets it right and we see the man using his eyelids, nose and stomach to lick a peanut in to his mouth again.

## THE COMPLAINT

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

*I feel that children or indeed some adults could try to copy this act. It can cause damage or injury to ears and eyes, also if they do get it into their mouth, could cause choking. The advertisement has a man throwing up peanuts. He catches the peanuts in his mouth. This is a 'dangerous' advertisement. Family friends have lost their son of 6 years old, peanuts thrown up and caught in his throat, could not be revived.*

## THE ADVERTISER'S RESPONSE

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

*We refer to your letter dated 7 June 2016 notifying iSelect of a complaint 0257/16 received by the Advertising Standards Bureau (ASB) regarding a current iSelect television advertisement.*

*Please note the advertisements in question went off air on Saturday 4 June and went back on air on Wednesday 8 June in a slightly revised format. Because the complainants would most likely have viewed the original versions of both advertisements (given the complaints referred 'the weeks leading up' to 7 June and 'various times'), we have included the original scripts, CAD details and electronic copies for this response.*

*30 second TV advertisement description*

*? The purpose of this ad is to educate young adults about the potential tax implications of not having the right private health insurance cover before June 30*

*? It also ties in with iSelect's new brand platform of "always get it right" which celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect*

*? The ad features fictional iSelect customer 'Dave', a young male (approx. late 20s/early 30s)*

*? Dave is shown sitting on the couch, eating peanuts and using his iPad, in his nice, inner-city apartment*

*? One of the orange peanuts starts to talk and acts as the narrator of the ad, explaining that 'tax is nuts' and that Dave is using iSelect (on his iPad) to buy the right health insurance by June 30 to avoid paying more tax than he needs to*

*? Dave begins doing tricks with the peanuts, first using his ears to flick one into his mouth, before flicking one between his eyes and then on to his nose*

*? The peanut then falls into his belly, before he 'pops' his gut, sending the peanut high up into the air and he catches it in his mouth*

*? When he completes the impossible trick, the orange peanut tells us that Dave is now in a place where 'he always gets it right'*

*? The screen changes to a super reading "HURRY, iSelect health insurance by June 30"*

*? The ad cuts back to Dave on the couch catching another peanut in his mouth*

*? The 'New Kids on the Block' song "The Right Stuff" begins to play*

*? The advertisement finishes with Dave catching a peanut in his mouth next to logo, with the voiceover saying "iSelect your life and you'll always get it right"*

## *15 Second Advertisement Description*

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*? It also ties in with iSelect's new brand platform of "always get it right" which celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect*

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*? When he completes the impossible trick, the orange peanut tells us that Dave is now in a place where 'he always gets it right'*

*? The 'New Kids on the Block' song "The Right Stuff" begins to play*

*? The advertisement finishes with Dave catching a peanut in his mouth next to logo, with the voiceover saying "iSelect your life and you'll always get it right"*

## *6. iSelect's comments in relation to the complaint*

*As mentioned earlier, the advertisements in question went off air from Saturday 4 June and went back on air on Wednesday 8 June in a slightly revised format. Because the complainant would have viewed the original versions of both advertisements (given the complaint referred the weeks leading up to 7 June), we are referring to the original versions in our comments below.*

*While we sympathise with the personal experience of one of the complainants, we do not believe this ad encourages imitation among children and are confident that there is nothing about the advertisement that is contrary to prevailing community standards on health and safety.*

### *Purpose of the ad*

*The purpose of this ad is to educate young adults about the potential tax implications of not having the right private health insurance cover before June 30. The "Tax is nuts" advertisements (ISE011030P/ISE006015PA) form part of our new "always get it right"*

*brand platform which was launched in April this year and celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect.*

*“Tax is nuts” builds on the humour-based history of the brand and in line with recent advertisements – “Knocker” (ISE0060/30/KNO) and “Diver” (ISE006030DIV), features a fantastical narrative delivered by an animated orange object and a fictional iSelect character.*

*The “Tax is nuts” advertisements feature fictional customer “Dave” who gets things right as a result of avoiding paying additional tax (via the Medicare Levy Surcharge) by purchasing the right health insurance policy through iSelect before 30 June. As a pun on the complexity of private health insurance, “Dave” is shown performing complicated – and entirely unrealistic – tricks with peanuts.*

*iSelect’s tradition of advertising*

*iSelect has a longstanding tradition of humorous and irreverent advertising – we believe this is widely known by viewers. In keeping with this tradition, this advertisement is designed to be cheeky and light hearted and depicts an intentionally exaggerated scenario.*

*Fantastical nature of ads*

*The fantastical nature of the ads is demonstrated by the talking peanut who narrates the ads and the fact the tricks “Dave” performs are clearly unbelievable and could not possibly be replicated, particularly by children. The fact the advertisement depicts an adult – rather than a child – also decreases the likelihood of younger viewers imitating the advertisement.*

*In the notification letter, the ASB asked us to comment on a possible breach of Section 2.6 of the AANA Code of Ethics. This states that: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standard on health and safety.”*

*There is an inherent risk in many things commonly depicted in advertising, whether it be driving a car or crossing a road. While we acknowledge there is a possibility that throwing and catching peanuts could result in choking, we believe this is a very low risk and do not believe the advertisement encourages imitation among children.*

*PG Rating*

*We also believe it is entirely appropriate for the audience, as indicated by its “PG” rating from CAD.*

*However we recognise that it should not be broadcast during or adjacent to programming specifically aimed at children rated either ‘P’ or ‘C’.*

*Please note this advertisement is only on-air for a limited time, and will not be shown following the end of financial year on 1 July 2016.*

*In summary, iSelect submits that the advertisement in question does not breach any part of the Section 2 of the AANA Code of Ethics. Specifically, iSelect submits that this advertisement does not breach the AANA’s code in relation health and safety (Section 2.6).*

*We thank the ASB Board for consideration of iSelect's response to this complaint, and trust the information provided satisfies the ASB's request 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 depicts a man throwing peanuts in the air and catching them in his mouth which is dangerous as it could lead to choking.

The Board considered 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 depicts a man using various body parts to flick peanuts in the air and catch them in his mouth.

The Board noted that it had previously considered a similar complaint in case 0094/12 where:

"The Board noted that the advertisement shows an older man and women throwing nuts in the air and trying to catch them in their mouths.

The Board noted that whilst it is possible to choke on nuts thrown in to the air and caught in the mouth, in the Board's view most members of the community would consider that whilst it is not the most sensible way to eat nuts or other foods, the advertisement is not encouraging or condoning behaviour which would be contrary to prevailing community standards on health and safety to the point it would breach the Code."

The Board noted in the current advertisement that one of the peanuts is animated and considered that this, along with the tricks the man performs in order to catch the nuts in his mouth, amounts to an overall fantasy scenario. Consistent with its previous determination the Board noted that it is possible to choke on a peanut, regardless of how it is eaten, but consider that the man's actions throughout the advertisement are unrealistic and unlikely to encourage copycat behaviour.

The Board noted the complainant's concerns that children could copy the advertisement and considered that young children viewing this PG-rated advertisement should be accompanied by a responsible adult who could explain the possible repercussions of throwing a nut and catching it in their mouth.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.