



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0279-19</b>
<b>2. Advertiser :</b>	<b>Greenstone Financial Services</b>
<b>3. Product :</b>	<b>Insurance</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>11-Sep-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.7 Distinguishable advertising

### DESCRIPTION OF ADVERTISEMENT

This television advertisement was an informercial-styled segment on the Morning Show.

At the end of one segment the Morning Show host says, "coming up for you on the Morning Show, the DJ whose going to give a performance that is truly out of this world, prepare to go all intergalactic. Right after this".

The scene then cuts to a man and woman sitting on a couch facing each other.

The man says, "wonderful to see you again Janine, thanks for squeezing us into your busy schedule."

The woman responds, "hello Jamie, I always try to make time for you."

The man laughs and responds, "Well I really appreciate it. Look I know how busy life can get. You really have to prioritise to make sure that you're spending time on the things that really matter."

As he is talking the banner at the bottom of the screen shows the Australian Senior Insurance Group logo, phone number and website.



The woman and the man continue to talk about priorities, making time for family and taking out funeral insurance. The banner at the bottom of the screen changes from the contact information to a product disclaimer and back again.

They continue to talk about the benefits of funeral insurance, and the Australian Seniors Insurance. Information about the product is shown in graphics on the screen while they continue to talk.

The man says, "Janine always so good to see you. Thank you so much for coming in. And the numbers on the screen, give them a call 1300 253 158 or go to the website seniors.com.au".

The segment ends and the two Morning Show hosts are seen standing in front of a different background. The male host says, "Thanks guys, well how's this for a performance..."

### **THE COMPLAINT**

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

*The advertising content was almost indistinguishable from the regular morning TV format; nice people having a chat on a sofa. The tone was friendly and it played on the theme "you wouldn't want your loved ones to be burdened with the unexpected cost of your funeral when you pass away".*

*I find this content morally reprehensible, as it's clear to me that the sales tactic being used is to manipulate the emotions of elderly people. The fact that it's almost indistinguishable from the the regular TV program is an obvious tactic to commercially manipulate elderly people. It is unfair, and channel 7 are implicit in this manipulation, as I expect they are being paid by the insurance company in question. I find this behavior from one of our country's foremost broadcasting organisations, as unacceptable.*

*It may be that there are legal type disclaimers in small print in the banner on the bottom of the screen, but that's not sufficient protection in my eyes, for vulnerable old people.*

### **THE ADVERTISER'S RESPONSE**

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

*I refer to your correspondence sent to Greenstone Financial Services Pty Ltd (GFS) dated the 29 August 2019. We provide the following by way of response to the complaint contained therein.*

*Description of the Advertisement*



*The advertisement is an Infomercial type piece integrated into a morning show format broadcast by Channel 7. The infomercial type slots are offered to various advertisers by Channel 7, are recorded by Channel 7 (or by an entity retained by Channel 7 to do so) and the integration into the wider show is controlled and directed by Channel 7.*

*I will provide a copy of the advertisement to you separately.*

#### *Summary of the Complaint*

*The complainant raises a concern that it is not obvious where the "regular morning TV format" ends and where the infomercial starts.*

#### *Response to Complaint*

*The substantive nature of the complaint, the manner in which the Infomercial is integrated into regular programming and the manner in which it is presented is a matter which is outside the control of GFS. This is wholly within the control of Channel 7 (or such entities employed by Channel 7 to manage this programming on their behalf).*

*As such we believe this complaint should, more rightly, be directed to Channel 7. However, in the interest of resolving this matter we have engaged with Channel 7 and requested their view on the nature of the complaint. They provided the following response:*

*The advertorial for Australian Seniors Insurance Agency (ASIA), broadcast as part of The Morning Show on 15 August 2019, was clearly distinguishable as advertising, in accordance with provision 2.7 of the AANA Code of Ethics (the Code). The Code requires that "Advertising or Marketing Communications must be clearly distinguishable as such to the relevant audience." The Morning Show, which has been broadcast since June 2007, has featured advertorial of a similar nature to the advertorial advertising ASIA since the program's commencement.*

*Given the consistency of advertorials throughout the 12 years The Morning Show has been broadcast, The Morning Show's audience is familiar with them and their format, and as such appreciates their distinct format and style as being advertising, separate and clearly distinguishable from the rest of the program.*

*The presentation of the advertorial contrasts with the presentation segments throughout The Morning Show. Different on-screen talent from the talent featured elsewhere in The Morning Show is used throughout the advertorial, with that talent only used for advertorials, and not used elsewhere in the program. It is immediately apparent from the way the talent interacts with each other that the advertorial is scripted, with clear and deliberate tone of speaking featured in the advertorial from the opening pleasantries between the hosts, which is markedly different in style from the free-flowing style of discussion seen elsewhere in The Morning Show.*

*Within 10 seconds of the advertorial commencing, on screen graphics clearly identify the product being advertised by displaying the logo of ASIA, as well as displaying two*



*calls to action: one reading "Call 1300 253 158" and the second reading "Visit seniors.com.au". Several seconds later, the on-screen graphics, while still displaying the ASIA logo, change from showing the calls to action to displaying legal disclaimer, again clearly distinguishing the advertorial from the rest of The Morning Show.*

*As these on-screen graphics are visible, the deliberate and clearly scripted discussion about ASIA continues, reinforcing the advertorial as being advertising, given the difference in tone and style from segments seen elsewhere throughout The Morning Show.*

*Within 40 seconds of the advertorial commencing, there is a clear call to action from the female on-screen talent as she says "... making a positive choice for your family by taking out funeral insurance." There is further emphasis given to this call to action when the talent adds "... taking out funeral insurance is a simple thing you can do now..." This call to action is immediately followed by the same talent linking the call to action to ASIA's financial products, rather than funeral insurance generally. Throughout this call to action being given by talent, the on-screen graphics continue to clearly indicate ASIA is being advertised, with two calls to action, one reading "Call 1300 253 158" and the second reading "Visit seniors.com.au" visible, along with the ASIA logo.*

*The advertorial continues, using the same deliberate and clear manner of speaking, as different aspects of ASIA's product are explained in methodical and scripted way. The heavily scripted nature of the advertorial is further supported by the appearance of on-screen graphics highlighting aspects of the product at the exact moment those aspects are discussed by talent, along with the consistent on-screen graphics highlighting ASIA's brand and the calls to action mentioned above.*

*The advertorial concludes with two direct and explicit calls to action. In the first, the female on-screen talent looks directly to camera, saying "So protect your family with Australian Seniors today. Call Australian Seniors on 1300 253 158 or visit seniors.com.au." Then, following a brief exchange of scripted pleasantries between the talent, the male on-screen talent, also looking directly to camera, says "The number's on the screen, give them a call 1300 153 158; or go to the website seniors.com.au." These very clear and direct calls to action, again supported by on-screen graphics, clearly distinguish the advertorial from the rest of The Morning Show.*

*For these reasons, the advertorial for Australian Seniors Insurance Agency (ASIA), broadcast as part of The Morning Show on 15 August 2019, was clearly distinguishable by the relevant audience as advertising, and was therefore in accordance with provision 2. 7 of the AANA Code of Ethics.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concerns that the advertisement is not clearly identified as advertising material.

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

The Panel considered whether the advertisement complied with Section 2.7 of the Code which requires that "Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience."

The Panel noted the complainant's concern that the advertising content was almost indistinguishable from the regular morning TV format and is a commercial tactic to manipulate elderly people.

The Panel noted the advertiser's response that the program had been running the advertorial style segments for 12 years and that the audience would be familiar with them and their format. The Panel further noted the advertiser's response that the advertorials use different talent than that used in the rest of the programming, the tone and style of speech is different, and on screen graphics clearly identify the product being advertised.

The Panel noted it had considered a similar complaint in case 0154-18, in which:

*"The Panel considered that the relevant audience for this advertisement would be Studio 10 viewers and that much of the audience would be familiar with the concept of in-program promotions of products and services. The Panel considered that this advertisement did seem to differ slightly to the usual format of in-program promotions in that it was discussed by the hosts as though it were a news story. The Panel considered by linking the story to current events and statistics the segment appeared more like a news story on cardiovascular health than an advertisement... The Panel considered that the advertisement included the message that the Kyolic Aged Garlic would benefit cardiovascular health, but considered that this was included as part of the overall news-story theme... The Panel considered that there was no mention in the segment of the cardiologist appearing to promote a product within the segment itself, rather the impression was he was there to provide broad medical advice in his specialist field of cardiology on an important health issue... The Panel considered that when the product was mentioned the hosts reacted as though they had not heard of the product before, and there was no mention in the segment that there was a sponsorship arrangement between NutraLife and Studio 10... The Panel considered that some of the wording and questions in the segment may have indicated to some viewers familiar with in-content promotion that a product was being promoted, however considered that this was not clear that the content was commercial in nature."*

Unlike case 0154-18, the Panel considered that the current advertisement was not presented as a news segment and was not presented by the usual hosts.



The Panel considered that in the current advertisement the hosts of the show introduce the advertorial segment by using the phrases, “coming up”, and “right after this” which was a similar way they would speak before an ad break.

The Panel considered that the relevant audience for this advertisement would be Morning Show viewers and that much of the audience would be familiar with the concept of in-program promotions of products and services. The Panel noted that regular viewers would be familiar with the male presenter in the advertorial and understand that he only does advertorial content, not news or entertainment content. The Panel considered that the male presenter does not introduce himself or his guest, which is different from how the hosts interact during the rest of the program.

The Panel considered that while it may not be immediately clear within the first few seconds to people unfamiliar with the shows format that this is an advertorial, within ten seconds of the segment starting the use of logos, disclaimers and wording would make it clear to most viewers that this is an advertisement. The Panel noted that the banner with the product information was displayed for the remainder of the advertisement and would immediately make it clear to any viewer coming in half-way through the segment that this was advertising material.

The Panel noted that the Morning Show logo also appeared on the screen during the advertisement, however considered that this was displayed equally alongside the Australian Insurance Group logo which was a clear indication that this was advertorial content.

The Panel considered that this advertorial is clearly distinguishable as advertising material to the relevant audience of Morning Show viewers and determined that the advertisement did not breach Section 2.7 of the Code.

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

