



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0301/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Youi Car Insurance</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>27/07/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

There are four (4) versions of the TVCs using the same actor with differing circumstances and two different cars. In each version we see a man leaving his suburban home to travel a short distance and park his vehicle in a secure car park. The paid actor walks from the front door of the closed property set to enter the garage and approach a motor vehicle. The vehicle is parked in the garage and the actor enters the vehicle. The actor is seen to commence operating the motor vehicle as he drives out of the garage to join the main thoroughfare. As the actor is driving the motor vehicle a voice over explains different driving circumstances. As this actor's circumstances are discussed, he arrives at a secure car park. The actor then proceeds to park the vehicle and walk across to a lift and continues his journey to work and Youi's contact details appear on screen.

## THE COMPLAINT

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

*It is blatantly obvious that the man is not wearing a seat belt. Any reasonable person would pick that up before the advertisement is broadcasted. Not a good example for young people.*

## THE ADVERTISER'S RESPONSE

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

#### *COMPLAINT RESPONSE – YOUI INSURANCE CAR ADVERTISEMENTS*

*We refer to above matter and appreciate this opportunity to provide the following response to your letter.*

##### *The Advertisement*

*Youi Pty Ltd ('Youi') is currently airing a series of television advertisements ("TVCs") for our car insurance product. The TVCs depict a man leaving his suburban home to travel a short distance and park his vehicle in a secure car park. The paid actor walks from the front door of the closed property set to enter the garage and approach a motor vehicle. The vehicle is parked in the garage and the actor enters the vehicle. The actor is seen to commence operating the motor vehicle as he drives out of the garage to join the main thoroughfare. As the actor is driving the motor vehicle a voice over explains different driving circumstances. As this actor's circumstances are discussed, he arrives at a secure car park. The actor then proceeds to park the vehicle and walk across to a lift and continues his journey to work and Youi's contact details appear on screen.*

*There are four (4) versions of the TVCs using the same actor with differing circumstances and two different cars. We have included all versions that appear to be the specific subject of this complaint. The complaint appears to focus on Prevailing Community Standards on health and safety and the potential risk of injury arising from failure to wear a seatbelt.*

##### *Compliance with the AANA Code of Ethics*

*All Youi's advertisements are created by Youi's in-house marketing department. Youi does not use an external advertising agency or media buyer. Youi always takes a considered and compliant approach to the production of all its TVCs. Youi are also cognisant of its obligations under the Australian Association of National Advertisers' Code of Ethics ("the Code") and have a stringent compliance regime to ensure all advertisements we produce not only comply with the Code, but all legal and regulatory requirements. Prior to production, all TVC scripts and creatives are reviewed by senior executives from Youi's Legal and Compliance department, Actuarial departments and also by the Chief Executive Officer. Youi's TVCs are further reviewed externally by CAD and we often seek external legal advice prior to the TVCs being aired.*

*The TVC subject of this complaint was created to promote an understanding of the insurance risk characteristics and key rating factors that Youi considers when calculating premium. We do not consider the TVC promotes irresponsible, reckless or unsafe health and safety relating to a motor vehicle. The intention of the TVC is to create an understanding of the potential risk factors that form a connection with Youi's competitive insurance premium, and the Youi brand itself.*

*While constructing the studio set all OH&S precautions were applied and strictly adhered to. The closed set was overseen by an OH&S officer and risk reports were conducted. The paid actor is seen to have a seatbelt on at 0.06s and again at 0.14-0.17s into the TVC. Whilst the*

*actor is in the vehicle his shoulder partially obstructs the view of the vehicle's side pillar. The complaint centres around a failure to use a seatbelt however a seatbelt is visible and utilized in the TVC, therefore it does not encourage or promote unsafe OH&S standards or illegal behaviour. The actor is not engaging in any behaviour that would be considered contrary to prevailing community standards relating to motor vehicle health and safety.*

### *Conclusion*

*Youi considers its submission outlines our responsible approach to the production and airing of this TVC; with lawfully acceptable and safe actions exhibited by the actor who have complied with all prevailing community standards of health and safety. Further, we also consider the TVC does not depict or promote unsafe use of a motor vehicle, because the seatbelt is visible in the TVC.*

*For the reasons set out above, Youi submits that the advertisement does not breach Section 2, or any other section of the Code and we respectfully request that the complaint be dismissed.*

## **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 concern that the advertisement shows a man driving without a seatbelt.

The Board viewed the advertisement and noted the advertiser’s response.

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 that there are four versions of the advertisement showing the actor driving away from his home, with different scenarios in the middle of the advertisement, and ending with him driving into a car park.

The Board noted the advertiser’s response which states that the actor is seen to have a seatbelt on at two points during the advertisement and that whilst the actor is in the vehicle his shoulder partially obstructs the view of the vehicle’s side pillar. The Board noted that the advertiser provided a number of still screenshots to indicate the position of the seatbelt.

The Board noted that from an initial viewing of the advertisement the seatbelt was not clearly visible but with the aid of the provided screenshots it was evident that the actor was wearing a seatbelt. The Board considered that the seatbelt was difficult to see due to the colour of the man’s shirt and tie, the positioning of the man’s shoulder, the shadow across his body and the quick scene changes.

The Board further noted that the advertisement was highlighting driver safety and therefore considered it was unlikely that a seat belt would not be worn by the actor and that it was not

obvious or blatant that he was not wearing a seatbelt.

The Board noted that it had previously upheld complaints relating to advertisements that show people not wearing seatbelts. In case 0431/13, the Board noted that: “section 2.6 of the Code prohibits depictions of material that contravene prevailing community standards on health and safety and considered that wearing a seatbelt while driving a vehicle is a key factor in road safety and is a legal requirement”.

In the current case, the Board considered that although it is evident from the screenshots provided by the advertiser that the actor is wearing a seatbelt, they would like the advertiser to note that this should be made more obvious in any future advertisements.

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.