



**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>0348-20</b>
<b>2. Advertiser :</b>	<b>Hesta</b>
<b>3. Product :</b>	<b>Finance/Investment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>16-Dec-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement has four versions and features two scenes of a group of people sitting on the edge of a tall building.

### THE COMPLAINT

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

*It could put ideas into people's heads and cause people to replicate this advertisement and and place "at risk" people in danger or to end tragically.*

### 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 16 November 2020 enclosing a complaint received by Ad Standards in relation to a digital Advertisement entitled "Gen Z Hero TVCs" (the "Advertisement").*



*HESTA would like to thank you for the opportunity to respond to the complaint. The substance of the complaint is that the Advertisement which shows young adults sitting on a building is “a sight which could entice a person/ people “at risk” to do the same and possibly end in tragic circumstances”. HESTA disagrees with the complainant’s assertion and submits the Advertisement does not breach any section of the Code. HESTA have considered and addressed all parts of Section 2 of the Code as set out below.*

*To provide some context to the Advertisement, HESTA is an Australian Industry Superfund committed to creating better retirement futures for our members. Most commonly, young adults do not have a strong connection with superannuation. The “Change your super, change the future” campaign and Advertisement were created to show the conduit between superannuation and themes that matter to young adults. The main objectives from the Advertisement are; to build awareness of the HESTA brand, reinforce HESTA’s environmental, social and governance values and proof points to create a competitor advantage in market to drive new member growth and retain current members. Core to this was building HESTA’s brand awareness within the 18 to 24 age demographic and educating young adults in this age group about:*

- o the importance of understanding their super; and*
- o demonstrating that by choosing a superfund that invests money in things that young adults care about (such as clean energy, affordable housing, gender equality and climate action) super can make a difference to their world now and to their future.*

*The images used in the Advertisement were sourced from Getty Images Inc. (who are a visual media company and a supplier of stock images) and were selected by an external agency. HESTA approved these images as appropriate and relevant to use in the Advertisement. Before HESTA approved the Advertisement, it went through a rigorous due diligence process including review by several internal teams. The purpose of the due diligence process was to ensure legislative compliance and brand alignment as well as audience testing and message recall as a validation of effectiveness and appropriateness.*

*HESTA’s advertising materials comply with the AANA Advertiser Code of Ethics (“Code”). The Advertisement received CAD approval to air at any time, suggesting it is appropriate for all age groups. The Advertisement launched on free to air television in mid-2020.*

#### *Section 2.1 – Discrimination or vilification*

*The Advertisement does 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, and accordingly, the Advertisement does not contravene Section 2.1 of the Code.*

#### *Section 2.2 – Exploitative or degrading*



*The Advertisement is not exploitative or degrading towards any person, group of persons or categories of persons in any manner whatsoever and therefore does not contravene Section 2.2 of the Code.*

#### *Section 2.3 – Violence*

*The Advertisement does not portray or encourage violence in any manner and therefore does not contravene Section 2.3 of the Code.*

#### *Section 2.4 – Sex, Sexuality or nudity*

*The Advertisement does not depict sex, sexuality or nudity in anyway and therefore does not contravene Section 2.4 of the Code.*

#### *Section 2.5 – Language*

*The Advertisement does not use any inappropriate language whatsoever and therefore does not contravene Section 2.5 of the Code.*

#### *Section 2.6 – Health and Safety*

*HESTA disputes the Advertisement and images used depict material contrary to prevailing community standards on health and safety.*

*There is no imminent danger surrounding the young adults, the young adults are always seated and in the same position (they are not moving around), the scenery is calm (not windy) and the actual height cannot be determined from the image alone.*

*Moreover, the images do not depict the young adults engaging in risk-taking or dangerous behaviour on the building. The image does not show a person (or group of people) acting in an unsafe way on the building, e.g. walking or balancing on the edge. There is no dangerous intent portrayed in the Advertisement.*

*HESTA's audience testing and message recall validation process did not identify these images as unsafe.*

*The images are fleeting and not the focus off the Advertisement. The images merely depict a group of young adults enjoying each other's company and engaging in meaningful discussion.*

*For the reasons set out above, HESTA does not agree that the Advertisement, depicts any activity that contravenes section 2.6\ Health and Safety of the Code or general accepted community standards. Rather the Advertisement encourages individuals to consider their future and the future of other young people for deciding how to invest their super in order to make a difference to global issues that impact them.*

#### *Section 2.7 – Distinguishable as advertising*

*The Advertisement is clearly distinguishable as advertising and is relevant to its audience and therefore does not contravene section 2.7 of the Code.*

*Conclusion*



*For the reasons set out above HESTA respectfully submits it has not breached the Code.*

*We trust that the above information will assist the Community Panel in its consideration of the complaint.*

## **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 complainant's concerns that the advertisement may entice certain groups of people to replicate the scene with tragic consequences, and that it is particularly irresponsible during the current COVID19 pandemic.

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

### **Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel considered that by "at risk" people, the complainant was referring to people that may have mental health concerns or who are at risk of self harm. The Panel considered that therefore the complainant's concern is that showing such a scene is irresponsible as it may encourage such people to put their lives at risk by imitating the behaviour.

The minority of the Panel considered that this was a serious concern, and noted that there is no suggestion in the advertisement that there is a railing or anything below the people sitting on the building. The minority of the Panel considered that the overall impression of the advertisement is that the four people are sitting on a very high building, at the very edge and with no safety equipment. The minority of the Panel considered that the advertisement did depict material which is contrary to Prevailing Community Standards on health and safety.

The majority considered that the intent of the advertisement is to present a theme of the people in the advertisement having invested with super and therefore contributed to affordable housing in their city, and they are looking over their city.

The majority of the Panel noted that the people are shown to be sitting on the building, they are not standing very close to the edge or teetering dangerously. The majority considered that the group do not appear nervous or uncomfortable, and that the height of the drop below them is not shown and they do not appear to be at risk of falling.

### **Section 2.6 conclusion**



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

**Conclusion**

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