



Case Report

1	Case Number	0359/16
2	Advertiser	iSelect Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Disability
- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a fictional iSelect customer who has just gotten off the phone to iSelect. She is feeling pleased with herself as iSelect have put her onto a policy better suited to her current life circumstances, as she no longer requires pregnancy cover as part of her policy.

We see the lady explaining to her husband, who is sitting at the kitchen table, that she has just done an iSelect Health Cover Check-Up. She is speaking quite loudly to him as it soon becomes apparent that he has some difficulty with hearing and misconstrues some of her sentences.

When the wife explains to her husband that she has been paying for pregnancy, her husband incorrectly hears that she is pregnant. As the wife goes on to explain they now have the best cover they have ever had, the husband continues to believe she is pregnant and that he is the 'best lover she has ever had'. The husband turns with delight to boast to his adult son that his wife his pregnant, 'Dale, your mum's got a bun in the oven.'

We then hear a male voiceover which states, 'Only pay for what you need, like hearing aids. Get an iSelect Health Cover Check-up and you'll always get it right. The 'New Kids on the Block' song "The Right Stuff" begins to play. The advertisement finishes with our iSelect lady customer dancing to the soundtrack.

THE COMPLAINT

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

It is a totally stupid ad. It's embarrassing and it's also in children's viewing time and totally distasteful.

Husband is too stupid and deaf to understand details of new insurance policy, implies elderly wife is pregnant using crude terms.

I feel it's a crude ad and is degrading to both women and men of a mature age as it's got mature people doing the advert.

THE ADVERTISER'S RESPONSE

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

While we sympathise with the personal experiences of the complainants, we are confident that there is nothing about the advertisements that contravenes anything in relation to Section 2 of the AANA Code of Ethics. In particular, in reference to the complaints that the ad is 'crude' in nature and degrading to 'mature aged' people; or that the ad 'ridicules deaf people.'

Purpose of the ad

The purpose of this ad is to promote the new iSelect 'Health Cover Check-Up' tool that can help people ensure that their health insurance policy is right for their current life circumstances.

The "Deaf Man" advertisements (ISE009630DM/ISE009615DM) build on iSelect's new "always get it right" brand platform which was launched in April and celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect.

The "Deaf Man" advertisements demonstrate how the iSelect "Health Cover Check-Up" helped the female character 'get it right' as it helped uncover that she and her husband were still paying for pregnancy cover, when they clearly no longer required it.

The conversation between the husband and wife is an intentionally humorous depiction that highlighted the ridiculousness of an elderly needlessly paying for pregnancy cover, in turn positioning iSelect as the solution that helped them to arrange the best health insurance they could get.

The ad was not designed to degrade mature aged people, or ridicule deaf people, but rather to use exaggerated humour to appeal to people's apathy around checking that their health cover still fits their life stage and personal circumstances.

iSelect's tradition of advertising

iSelect has a longstanding tradition of humorous and irreverent advertising – a trait that is widely known and loved by many Australian consumers. In keeping with this tradition, this advertisement is designed to be cheeky, light hearted and depicts an intentionally exaggerated scenario.

In the notification letter, the ASB asked us to comment on any possible breaches of Section 2 in its entirety of the AANA Code of Ethics. This includes:

- 2.1 - Discrimination or vilification*
- 2.2 - Exploitative and degrading*
- 2.3 – Violence*
- 2.4 - Sex, sexuality and nudity*
- 2.5 – Language*
- 2.6 - Health and Safety.*

Below are responses in relation to each clause within section 2.

2.1 - Advertising or Marketing Communications 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.

iSelect submits that the advertisement in question does not breach any part of Section 2.1. The ad does not discriminate on account of age, or show people of ‘mature age’ in a degrading way. Instead it is quite the opposite.

The ad heroes the elderly lady who has just successfully sorted her family’s health insurance for the better. This shows how a mature aged lady is completely capable of getting her health insurance right.

We do not show the elderly couple as decrepit and old, instead they are shown full of life and character. The husband is still joking and full of quick wit with his wife, whilst the wife has just sorted out life admin and is seen dancing in celebration at the end of the spot.

The depiction of the husband with some hearing difficulty plays on the common occurrence of hearing deteriorating with age, and the ad plays out as loving, yet, at times frustrating conversation between husband and wife.

One of the complaints references that the ad, ‘ridicules deaf people’. We maintain the elderly husband in the spot who is hard-of-hearing is used to further exaggerate the humour, and plays off the cliché that husbands often ignore and tune out to their wives. It also taps into the insight that with old age, there is often some degree of hearing loss.

It’s important to note that our husband character is not deaf, but is instead misunderstanding what his wife is saying. The advertisements are not intended to vilify deaf people, and iSelect submits that this humour has been executed in a good-natured and well-meaning way, heightened by the loving relationship between the man and woman, husband and wife.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

iSelect submits that the advertisement in question does not breach any part of Section 2.2 There is nothing that could be deemed of sexual nature in the ad.

On the end frame we see our hero character dancing to the brand track, 'The Right Stuff' by New Kids on The Block. She is dancing in celebrating having successfully switching to a better health insurance policy after using the iSelect 'Health Cover Check-Up' tool. The lady is wearing her full tracksuit outfit and dancing in a fun playful fashion that matches her personality throughout the spot. The dancing could not be deemed sexualised or degrading for the character as she dances alone to a catchy sound track.

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.

iSelect submits that the advertisement in question does not breach any part of Section 2.3 as there is nothing of violent nature in the ad. It is purely a depiction of a typical conversation between a husband and wife in their kitchen.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

iSelect submits that the advertisement in question does not breach any part of Section 2.4. At all times the characters in our advertisement are fully clothed. The ads, whilst referring to pregnancy, do so in a tasteful manner.

The reference by the husband to the wife about having a 'bun in the oven,' is merely a colloquial way of talking about pregnancy that would be expected within the family home environment, it is designed to be a crude reference as the man is obviously excited by the prospect.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

There is no language used in the advertisement that could be deemed as inappropriate or offensive. It is a colloquial conversation occurring in a family household environment.

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

iSelect submits that the advertisement in question does not breach any part of section 2.6 as no risky behaviour is occurring as the husband and wife have their conversation together in their kitchen.

CAD Rating

We also believe the spots are entirely appropriate for the audience, as indicated by the "W" and "G" ratings received from CAD. However we recognise that these ratings mean that the spots should not appear in any programs aimed at children, which are not the programs bought as part of our media buy.

In summary, iSelect submits that the advertisements in question do not breach any part of Section 2 of the AANA Code of Ethics. Specifically, iSelect submits that these advertisements do not breach the AANA's code in relation to section 2.1 Discrimination or Vilification and section 2.2 Exploitative and degrading.

The spot celebrates the success of a mature aged lady who has just used iSelect to find a better health insurance policy for her family. We see a victory dance in the final scene as our hero character dances to the brand soundtrack 'The Right Stuff' as she embodies the spirit of the brand and how it feels to 'always get it right.'

We thank the ASB Board for consideration of iSelect's response to these complaints, 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 complainants' concerns that the advertisement is degrading to mature aged people and crude.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 Board noted this television advertisement features an older woman explaining to her hard-of-hearing husband that she has updated her health insurance to no longer include pregnancy benefits and they now have the best cover. Her husband mishears her and things she is telling him that she is pregnant, and that he is the best lover she has ever had.

The Board noted the complainants' concerns that the advertisement implies the man is stupid and that it is degrading to women and men of a mature age.

The Board noted the advertisement plays on the idea that the man cannot hear his wife clearly and assumes she is telling him that she is pregnant and considered that this depiction does not imply that the man is stupid or should be thought less of but rather that he is hard of hearing and has jumped to a conclusion which is extremely unlikely and in the context of their ages is humorous.

The Board 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.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the complainants’ concerns that the advertisement is crude.

The Board noted that when the woman says she has got the ‘best cover’ her husband mishears her and thinks she has said he is the best lover she has ever had. The Board noted the overall humorous tone of the advertisement and considered that the line, ‘best lover’ is not an explicit sexual reference and in the Board’s view most members of the community would find this reference to a sexual relationship to be very mild.

The Board noted the complainant’s concern over the woman’s ‘gyrating’ at the end of the advertisement. The Board noted the woman is shown to be dancing to the soundtrack of the advertisement and considered her actions are humorous rather than sexualised and in the Board’s view the complainant’s interpretation of the woman’s dancing as ‘gyrating’ is unlikely to be shared by the broad audience.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.