



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0366-20</b>
<b>2. Advertiser :</b>	<b>Aware Super Pty Ltd</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\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement, a 45 second version and a 60 second version.

Both versions feature an image of a woman walking down a street eating an apple. She waves at a neighbour and stops at a bus stop. A motorbike is seen entering an intersection, and there is a squeal of brakes and the sound of a collision. The woman looks around. Two joggers who were running across the road react with shock.

A montage of images is then shown of people in everyday situations such as school, driving an ambulance, watching fireworks, exercising, talking on the phone, being in labour, fighting a fire and blowing out candles on a cake.

The woman is then shown approaching the injured motorbike rider and identifying herself as a nurse.

She is then seen walking down a hospital corridor. She stops at a patient's room. The patient is lying on the bed wearing a neck brace. They smile at each other.

A voice over states, "Together with our members, we breathe life into our communities, aware that doing well for yourself comes from doing good for all. We are Aware Super".



## **THE COMPLAINT**

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

*Severely disturbing scene of the actual collision of motor cycle and car, then very graphic scene of the accident and injured person*

*I object as this advertisement re traumatised me and my grandson watching a real life fatal accident in our life replayed on our free to air screens. So many motorcyclists are killed on the road, I assume it not just me and my 12 year grandson whose father my so died this way. It is an unnecessary visual, so dramatic I do not know what the ad is for!*

## **THE ADVERTISER'S RESPONSE**

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

*Aware Super is a profit for member superannuation fund. Most of our 1,100,00 members work in the public sector and healthcare – including law enforcement, emergency services and other professions that care for the community.*

*The format of the advert is a 60 and 45 second television commercial and is a brand advertisement for Aware Super.*

*Aware Super (Formerly First State Super) is the industry fund for the education, health, emergency services and public service sectors. The advert pays tribute, celebrates and honours the spirit and actions of the amazing work our members, particularly nurses and emergency services workers, do every day to care for our community – running towards scenes like those depicted in the advert, leaning in to breathe life into our communities.*

*The advert showcases a range of our members breathing life into our communities as a montage which includes teachers, fire fighters, paramedics, home carers all breathing life in into our communities in different ways – creating a collective force for good. Our hero is an off duty nurse (obvious from her uniform, her actions and what she says) who runs to support a motorbike rider who was involved in an accident. We see her a few times – before the accident, after the accident and at the end with the motorbike rider in hospital. The accident scene was edited to ensure that it received a PG rating before going to market.*

*The connection between the actions of our members in their daily lives and their super is that, they inspire us to invest their super in ways that improves our communities,*



*builds a more sustainable economy and supports growth. Together we are a collective force that will do well for our members and good for all.*

*The brand advert is accompanied in market at the moment by a 30 second investment advert that profiles how we invest and what we invest in. In the New Year we will also launch two new 30 second spots – one that features the advice and support we can provide, and one that focuses on the benefits we offer members in retirement. Our nurse will feature throughout, alongside other members, however, the motorbike accident scene is only seen in the 45 second and 60 second brand spots. The end frame contains the corporate logo, URL, a super of the former organisational name of First State Super and “An industry fund for all”.*

*The accident scene in question sets out to showcase the comfort and support a nurse provides to a motorcycle rider who was involved in an accident. The scene is depicted twice during the advertisement:*

- 1. Establishing the scene – a motorbike rider crossing an intersection and a vehicle is approaching. A crash is heard and there is sudden pause of motion from nearby pedestrians. They stop and look and then take a breath. One of the onlookers is a nurse who is waiting at a nearby bus stop on her way to work.*
- 2. Support scene – in this scene you see motorbike rider on the road. The nurse runs to his aid, motions an onlooker to check on the driver in the vehicle involved in the accident. The nurse comforts the motorbike rider and informs him that she is a nurse and she will stay with him. The motorbike rider's helmet visor is up, you can see his face, he is conscious and has a minor cut on his nose. The scene then cuts to the next scene within the advertisement.*

*The objective of our advertising is to increase awareness of Aware Super among both our members and non-members in aligned industries. The premise of the advertisement is that our members are those people that support others in their daily lives – they breathe life into our communities and we provide them with the support they need.*

*We took great care to ensure that all the scenes in Aware Super's advertising accurately reflect the reality for our members. We worked closely with relevant unions and employers to gain their support and counsel on the scenes as they were developed.*

*The relevant scenes were developed with the support of New South Wales Nurses and Midwives' Association. The scene does not fully show the accident occurring. The motorcycle rider in the scene is conscious and the nurse is providing comfort and support. The advertisement does not show the accident or that the motorcycle rider is severely hurt. There are no acts of violence as per the definition 2.3 in the AANA code of ethics.*

*The advertisement launched in mid-November 2020 and has appeared in top rating P programs in NSW, VIC WA metro and regional free-to-air stations, catch-up television.*



*The advertising was also amplified through Aware Super social media channels since its launch.*

*Clear Ads, Free TV Australia Ltd has rated both the 60 and 45second advert P.  
Reference number P8M8IFIA.*

*In light of the foregoing, we do not believe that the advertisement breaches ethics in relation to:*

- 2.1 Discrimination or vilification;*
- 2.2 Exploitation or degrading;*
- 2.4 Sex, sexuality and nudity;*
- 2.5 Language;*
- 2.6 Health and Safety; and*
- 2.7 Distinguishable as advertising.*

## **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 complainants' concerns that the advertisement:

- Showed a severely disturbing scene of the actual collision of motor cycle and car, then very graphic scene of the accident and injured person
- Is an unnecessary visual, so dramatic I do not know what the ad is for!
- Re-traumatised me and my grandson watching a real life fatal accident in our life replayed on our free to air screens

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

### **Section 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.**

The Panel noted the Practice Note for the Code includes: "Consequences of violence may also be prohibited however graphic depictions of traffic accidents...may be justified by the community safety message involved. The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."

### **Does the advertisement contain violence?**

The Panel noted that advertisement contained various scenes of people both alone and in groups, including images of a woman giving birth, an ambulance driver, firefighters, a woman running, a man breathing. The Panel noted that the issue of concern appeared to be the main storyline of the advertisement in which a



motorcycle collides with a car, an off-duty nurse helps the injured man, and then checks in with him at the hospital later.

The Panel noted a complainant's comment that the advertisement depicts the actual collision of the motor cycle and car, however considered that the actual impact does not appear in the advertisement.

The Panel noted a previous case (0266-20) in which it had concluded that "Violence" need not refer solely to harm or potential harm caused deliberately by one person to another, and would extend to real or potential harm caused by accidents. The Panel also referred to previous decisions relating to automotive safety, where depictions of harm (or potential harm) to vehicle drivers or passengers was considered to be appropriately assessed under Section 2.3 of the Code, even if the potential violence in the advertisement was not deliberately caused by a human.

The Panel noted the fearful, shocked faces of the bystanders and the imagery showing the aftermath of the collision and considered that the use of dramatic music in conjunction with the visual imagery of the advertisement combined to create an impression of menace.

#### **Is the violence justifiable in the context of the product or service advertised?**

The Panel noted that the advertised product/service is a superannuation fund and noted the advertiser's response stating that Aware Super is the industry fund for the education, health, emergency services and public service sectors.

The Panel considered that an advertisement showing a potential 'day-in-the-life' of one of their members would be considered by most members of the community to be relevant to the product.

#### **Section 2.3 conclusion**

In the Panel's view the level of menace portrayed in the advertisement was justifiable in the context of the product advertised, and did not breach Section 2.3 of the Code.

#### **Conclusion**

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