



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0407/16</b>
<b>2</b>	<b>Advertiser</b>	<b>iSelect Pty Ltd</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>12/10/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a fictional iSelect customer who is sitting on the sideline of her son's rugby match. She is using the iSelect check-up tool to ensure she has the right level of health insurance cover to protect her family as she is feeling nervous watching on at the rugby match for the safety of her son, particularly given he is younger than the other kids in the match.

We see that her son is in fact the biggest player on the team, towering over the players and easily defending their tackles as the hero player. This juxtaposes against the overly cautious attitude of the mother towards her son.

The 'New Kids on the Block' song "The Right Stuff" begins to play and the advertisement finishes with our iSelect mother customer hugging her son, who towers over her.

## THE COMPLAINT

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

*It shows children (boys in particular) that it's perfectly acceptable to be violent in a sports' match. The boy called "Fridge" violently shoves the small boys out of his way to scoring a goal and his mother congratulates him and shows that she thinks his behaviour is fine.*

*I think this isn't appropriate at any time on television, particularly not when children are watching, and particularly not in the current climate where domestic violence is such a huge problem in this country.*

*Large boy referred to as "The fridge" very insulting and humiliating to overweight children.*

## **THE ADVERTISER'S RESPONSE**

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

*Whilst we sympathise with the personal experiences of the complainants, we are confident that there is nothing about the advertisements that contravenes the provisions in Section 2 of the AANA Code of Ethics. In particular, in reference to the complaint that the ad is insulting to overweight children.*

### *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 "Overprotective mum" advertisements (ISE0143/30/OM, ISE0096/15/OM, ISE0133/15/OM) 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 "Overprotective mum" advertisements demonstrate how the iSelect "Health Cover Check-Up" can help a very overprotective mum, who is worried for the wellbeing of her son while he plays his rugby match, to ensure her family has the right health insurance coverage for him in case of any injury.*

*The conversation between the two mothers at the rugby match is an intentionally humorous depiction to demonstrate the insight that mothers have a tendency to be extremely worried and cautious for the wellbeing of their children, no matter what their age or size.*

*Showing the son as a physically much larger and stronger child is used to exaggerate the humour and human truth that all mothers have an innate need to protect their children, even as they grow up and start becoming bigger than their parents!*

*In fact the child known as 'Fridge' was played by a 22 year old actor. We intentionally chose to depict a 22 year old adult alongside nine year old children (a 13 year age gap) to emphasise the unrealistic nature of the scenario.*

*The ad was not designed to ridicule or shame overweight children, but instead to dial up the humour that mothers will always have a fear for the wellbeing of their children, even when their child appears much more capable of in fact harming others. The use of the term 'Fridge' is used in an endearing way, highlighted by the fact that even the mother refers to her son as 'Fridge' in the 30 second advertisement.*

*The crowd is cheering him on and he is clearly the hero of the team with his ability to surpass the other players and score for his team. As he is the only player seen scoring, it also shows his physical characteristics and ability in a positive light, which could not be seen to discriminate against overweight children.*

*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 light hearted and depicts an intentionally exaggerated scenario of a mother spectator at a children's rugby match.*

*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. In particular, any form of discrimination on the ground of physical characteristics, as noted towards overweight children.*

*The reference to “he looks like he ate the other kids” does not relate to his weight, but instead related to his exaggerated physical strength and size in comparison to the other children.*

*The key to the humour is in the child's overall size (height, physical strength etc.) in comparison to the other children, and his weight is not highlighted nor is it an integral part of the advertisement, thus, we submit that this should not be deemed as discrimination.*

*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 advertisement.*

*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 children's rugby match in a controlled environment.*

*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. We see the children playing their Rugby match in a controlled environment as their parents watch on.*

*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 between two ladies at their children's weekend rugby match. The use of the nickname 'Fridge' for the physically taller and more developed child, is used in an endearing way.*

*The child is shown as the hero of the match, with the crowd cheering him on as he scores for his team. With even his own mother making reference to this nickname, it is clear that the intent is not to insult overweight children, but instead to hero the taller and stronger boy as the hero of the match and to dial up the humour that despite this, his mother is still concerned for his safety.*

*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 players are shown playing a game of rugby in a controlled environment.*

#### *CAD Rating*

*We also believe the spots are entirely appropriate for the audience, as indicated by the "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, nor that the ad insults overweight children.*

*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 complainant’s concerns that the advertisement describes a boy as the ‘fridge, due to his size compared to his peers, which is humiliating for overweight children.

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 that there are three versions of this television advertisement. The Board noted the 30 second version features two mums watching their sons playing rugby and when one mum refers to her son as ‘little Zac’ the other mum asks her if she means the kid they call ‘the fridge’ and we see Zac, who is twice the size of his peers, pushing boys out of the way as he runs up the field with the ball. The Board noted that a 15 second version of this advertisement features footage from the 30 second version, where one mum comments on the boy being called a fridge, while the third version is a 15 second version showing Zac’s mum fussing over him while the voiceover says, ‘image if your little ones weren’t covered’.

The Board noted the complainant’s concern that it is humiliating for overweight children to have a larger boy referred to as a fridge. The Board noted that Zac is a lot taller than the other children and therefore is a lot heavier and considered that he is clearly depicted as being of a completely different overall size to the other children rather than being overweight. The Board noted that children of the same age often differ in height and weight and considered that the advertisement is highlighting this difference in an exaggerated manner which is further enforced when Zac’s mum says that Zac is younger than the other boys he is playing with.

The Board noted the advertiser’s response that the theme of the advertisement is ‘overprotective mum’ who is concerned about her son getting injured despite the fact he is a lot larger than his peers. The Board noted that Zac’s mum does appear concerned for her son’s well-being despite the fact he is easily able to tackle the other children due to his size and considered that the focus of the humour is directed toward Zac’s mum being oblivious to her son’s size and ability rather than on the size of Zac himself. The Board noted that at the end of the advertisement Zac’s mum refers to him as ‘fridge’ because of his overall size and considered that the term was being used more as an affectionate term than as a reference to, or criticism of Zac’s weight. The Board noted that after Zac is shown to score a try we see him being surrounded by his teammates who are all congratulating him and considered that Zac is shown as the hero of the game, and is not shown in a negative manner, and overall there is no suggestion that Zac is discriminated against because of his weight or appearance.

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 physical appearance.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that during advertisement we see Zac pushing opponents out of his way during a rugby match. The Board noted that the children all appear to be playing within the rules and considered that in the context of a group of children playing sport the level of violence depicted was appropriate and there was no suggestion that any of the children had been hurt as a result of Zac's actions.

The Board considered that the violence depicted in the advertisement was relevant in the context of a game of contact sport and was justifiable.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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