



Case Report

1	Case Number	0420/11
2	Advertiser	Medibank Private Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	9/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

The advertisement starts with a woman in labour, followed by a baby in a baby capsule. It then features young children, teenagers, young adults, middle aged people, the elderly and then comes full circle to show the woman in labour giving birth to a newborn taking its first breath.

THE COMPLAINT

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

I don't want to watch a lady giving birth. I find it embarrassing and I definitely find it offensive watching an old lady on her death bed breathing heavily. I had 2 parents die in the past 2 years and anyone who has I'm sure doesn't want to be reminded of those last days again. It takes months to get those memories of your parents dying out of your head and then to be reminded in an advertisement every day....I turn the TV over to another channel straight away. I wouldn't go with Medibank if you paid me. What were they thinking! Haven't they got enough talent to come up with something positive....hope you can help.

I am appalled for anyone who has just lost a loved one as I have and is suddenly confronted with an image of an elderly person dying. And if this isn't bad enough this elderly person is dismissed as used up in favour of new life. A convenient view except for those who like a friend have recently lost a newborn. Yes this child breathed but for a few hours only. Joy was turned to heartache. Knowing this I am concerned for those who have just lost a newborn especially the parents and those like myself who have just lost a beloved parent, grandparent

or great-grandparent this last group being children. Unlike a movie the viewer cannot simply turn off advertising. This form of communication cuts into whatever we are watching at any time. In this case by the time the viewer registers what they are seeing it's too late. The damage is done. More consideration needs to be made with regard what the wider community of viewers might make of or how they may translate the images. Causing a client to gasp for breath and cry should not be the objective of a health insurance company. Nor should it be the result of an advertisement by such a company which is possibly designed to suggest they are there to help us breath easily. Indeed I feel let down, insulted and abused by my own health insurance provider.

THE ADVERTISER'S RESPONSE

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

We believe that the recent Medibank "Circle of Life" advertisement complies with Section 2 of the AANA's Code of Ethics (Code).

Specifically in relation to Section 2.1 of the Code, the advertisement does not portray people in a way that discriminates against, or vilifies a person or section of the community, on account of:

race, ethnicity or nationality - there is nothing in this advertisement that discriminates or vilifies any race, ethnicity or nationality;

sex - there is nothing in this advertisement that objectifies or vilifies either gender, or portrays either gender in a negative light;

age - there is nothing in this advertisement that discriminates or vilifies any person on account of age;

sexual preference - there is nothing in this advertisement that relates to a particular sexual preference;

religion - there is nothing in this advertisement that relates to a particular religion;

disability - there is nothing in this advertisement that relates to disabilities; or

political beliefs - there is nothing in this advertisement that relates to political beliefs.

In addition:

the advertisement does not portray any violence and therefore does not contravene Section 2.2 of the Code;

there is no sex, sexuality or nudity depicted in the advertisement in contravention of section 2.3 of the Code;

there is no inappropriate or obscene language in the advertisement contrary to Section 2.5 of the Code; and

Medibank submits that Sections 2.4, 2.6, 2.7 and 2.8 of the Code are not applicable given the contents of the advertisement.

Medibank has recently launched a range of health management services to our members and the intent of the advertisement is to communicate that Medibank is there for its members at every stage of the life cycle.

The advertisement is intended to be emotive and invoke a strong reaction in viewers. It shows life stages many Australians experience and can relate to, from the joys of playing as a child, to the emotion of teenage years, to significant events in adulthood such as marriage

and pregnancy and some of the more mundane aspects of life, such as exercise and housework, to empty nesters preparing to move house and beyond. As the advertisement is intended to reflect real life, Medibank thought it was important to acknowledge that not all moments in life are joyful. Accordingly, more sombre moments have been included in the advertisement. However, the advertisement ends on an uplifting note as the cycle of life continues with an infant entering the world and all the joy that brings. The scenes that are specifically raised in the complaints are that of the lady giving birth and that of the elderly lady in a hospital bed. These scenes are two of the more emotional scenes in the advertisement; however Medibank submits that they are handled delicately and sensitively for viewing by the general public. The birth scene is not graphic in nature, it is intended to convey the wonder and joy of a new life entering the world, and it is certainly not intended to embarrass viewers. The scene depicting the elderly woman in the hospital is peaceful – it does not portray the woman in pain or struggling or gasping for breath. Medibank has left the scene open to interpretation - while one interpretation of the scene is that it depicts the woman's final breath, another is that it is simply an elderly woman in hospital. Medibank sympathises with, and is sensitive to, those who have recently experienced a loss, as the complainants have. While it does not intend to cause upset to any part of the community, it contends that the advertisement is appropriate viewing for the general public and does not vilify or discriminate against any person or section of the community. For the reasons above, we do not believe that the commercial breaches the AANA Code of Ethics.

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 depicts material unsuitable to be broadcast on television in its portrayal of one woman giving birth and another woman dying.

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

The Board considered whether the advertisement was in breach of 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 the advertisement features people at varying stages of their lives and that in one scene we see a baby being delivered and in another we see an elderly woman in a hospital bed either unwell or dying.

The Board noted that some members of the community could be distressed at some of the scenes however the Board considered that most members of the community would agree that this advertisement portrays the circle of life in a manner which is not unsuitable and is not offensive.

Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.