



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0432/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Comparethemarket.com.au</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>26/10/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

We open with Tom sitting at his desk with Aleksandr standing on a chair next to a camera. He is ordering Sergei around through a megaphone. He begins by saying, "OK, lights." Sergei runs over to the lamps behind Tom and switches them on. Aleksandr then says, "Camera" and Sergei rushes over to the camera and turns it on. Aleksandr then looks at Tom and says through the megaphone, "Acting!"

We then cut to Tom sitting at his desk where he begins his speech by saying, "Hello Australia, Tom from Compare the Market here with good news." We then cut to Aleksandr who is signalling to Tom to smile more. We cut back to Tom who pauses mid sentence, "Phil from Sydney just saved..." He then smiles wider and continues his sentence "...\$561". Tom keeps speaking but the camera cuts back to Aleksandr who is signalling to Tom to sit up straighter. We cut back to Tom who once again pauses halfway between his sentences; "he hadn't switched car insurance in 5 years." Tom sits up straighter, still smiling; "now he only pays for the cover he wants."

As Tom holds his position in his seat (as instructed by Aleksandr), we hear a commotion and suddenly Sergei appears on an office chair in the background, being propelled across the room by a fire extinguisher. Aleksandr is yelling, "Sergei! Sergei!" Tom looks less than impressed. The scene cuts to a blue Compare the Market end frame showing health, life, car, home and energy icons, as well as Compare the Market's logo. We then hear Tom's voice saying, "Switch and save on your car insurance and go to [comparethemarket.com.au](http://comparethemarket.com.au)."

## THE COMPLAINT

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

*My complaint is that during the ad it shows the misuse of a fire fighting appliance, namely a CO2 fire extinguisher. I believe this shows a total disregard for the equipment and could possible let to impressionable persons trying the same stunt with an extinguisher in their own environment, therefore undermining the integrity of the emergency equipment that is in place to save lives.*

## THE ADVERTISER'S RESPONSE

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

*Compare the Market disagrees that the commercial in question breaches Section 2.6 of the Code.*

*The Practice Note to the Code gives an indication of the type of images that could be deemed to contravene Prevailing Community Standards on health and safety. These images tend to relate to two things: (i) activities that are illegal and could lead to serious injury or death and (ii) bullying behaviour. With this in mind, we do not believe that our commercial, which depicts a cartoon meerkat mistakenly setting off a fire extinguisher in a comedic manner, can be said to contravene Prevailing Community Standards on health and safety.*

*The meerkats, Aleksandr and Sergei, aim to amuse with their individual personalities which we have developed over time. Sergei, Aleksandr's loveable sidekick, is accident-prone and often finds himself in all sorts of comedic situations. His antics with the fire extinguisher are just another example of the jovial nature of our commercials, which are written to make the audience feel amusement and empathy towards loveable but hopeless Sergei.*

*Given the light-hearted nature of all of our commercials – and reiterating that the characters undertaking them are fictitious Russian meerkats – we do not believe that it is reasonable to assume that an impressionable person may see our commercial and try to replicate Sergei's activities. Further, in the event that a person did try to replicate the scene, they would be unlikely to achieve any propulsion, and doing so would not be inherently dangerous in and of itself. Therefore, this activity does not contravene Prevailing Community Standards on health and safety.*

*It is worth noting that this complaint is the only complaint we have received from viewers of our television commercial 'Extinguisher'. Feedback has been overwhelmingly positive, and when we posted the commercial to our Facebook page, we received 2,100 'likes' and 128 comments, which say things such as:*

- *"One of the few ads I do not change channels, keep 'em coming!!!"*
- *"Love these ads they are great. Also my favourite characters the Meerkats"*
- *"Really gotta thank you guys...brightened my day"*

*Of the approximately 94,000 times our commercial was viewed via Facebook, we have not*

*received any negative commentary in relation to Sergei misusing the fire extinguisher.*

*We regret that the complainant has taken offence to our television commercial, but do not think this complaint falls under Section 2.6 of the Code, as the scene in question was intended for humorous purposes only.*

### *Conclusion*

*In conclusion, while we regret that the complainant has taken offence at the television commercial, it was not to be taken seriously and does not pose any danger to viewers. We do not believe that there has been any breach of the AANA Advertiser Code of Ethics.*

*We value the role of the Advertising Standards Bureau and appreciate that it is obligated to follow up on complaints raised, however, we believe in this instance the complaint is unfounded and therefore should be dismissed.*

## **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 shows the misuse of a fire extinguisher and that this could lead to copy-cat behaviour.

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

The Board considered 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 that the advertisement depicted a meerkat character directing a man in front of a camera prompting the man to smile awkwardly and sit up straight. The man is then interrupted by another meerkat character on an office chair using a fire extinguisher to propel the meerkat across the room.

The Board noted that the advertisement features talking meerkats and it had previously considered complaints about similar advertisements in this campaign (0060/15 and 0119/16).

The Board noted the overall tone of the advertisement and considered that it was humorous and farcical in its depiction of the actions of the meerkat. The Board noted that the meerkats featured in the advertisement are computer-generated and considered that their behaviour was clearly slap-stick and not intended to be taken seriously. The Board acknowledged that there is a high level of community concern around fire safety. The Board noted the scene where the meerkat uses the fire extinguisher to propel itself across the room and considered that the focus of this scene was the meerkat distracting the man and not on his actual behaviour. The Board considered that the advertisement did not encourage or condone irresponsible use of a fire extinguisher, and in the Board’s view the behaviour of a CGI animal was fantastical and was not likely to be copied.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on the safe use of fire equipment.

The Board determined that the advertisement 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.