



# Case Report

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|----------|--------------------------------------|-------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0442/16</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>26/10/2016</b>       |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>        |

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a fictional iSelect customer sitting in a reptile enclosure on his computer. We see his colleague handling a snake in the foreground.

The snake handler asks what his colleague is doing on his computer. He replies he is completing an iSelect Health Cover Check-up. We then see the cobra snake that the handler is holding bite his arm and face. Our snake handler does not react in pain at all. In fact he seems completely un-phased by the event and continues his conversation with his colleague asking if he is sick, to which the iSelect customer answers he is checking he has enough hospital cover.

We see our snake handler's face getting puffier and puffier as he continues to chat to his colleague as if nothing is wrong, he says 'ah, you never can be too careful, I always say'. This statement is extremely ironic considering he has just himself been bitten by a dangerous animal. His colleague has not yet looked away from his computer screen to notice his colleagues swelling face and agrees with him murmuring 'ah-uh'

As we see our snake handlers condition worsening (as we now see his arm swelling up) he paradoxically points out, 'I mean I could get hit by a bus tomorrow'. We then see him fall to floor.

The 'New Kids on the Block' song "The Right Stuff" begins to play and the advertisement finishes with our iSelect customer making snake movements with his hand to the sound of the music track

## **THE COMPLAINT**

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

*I find it distressing that a snake biting a person is considered good advertising for TV.*

*I do not believe that being bitten by a snake is a matter that can supposedly provide some humour in an ad. Too many people in our country are bitten, and some unfortunately, die.*

*I found this graphic advertising of a violent attack by a snake on the face of the man as disgusting and totally inappropriate at 5pm in the afternoon (or at any other time!) when children could be watching.*

*I saw the advert the first time during the day and was shocked and turned away quickly. The second time it came on unexpectedly and it was on at a time when children could be watching which is doubly awful. I know it upset me and I expect it would give children nightmares. To add to my horror of this advert, the day before I saw this advert for the first time my granddaughter was almost bitten by a brown snake in her garden. This type of advert seems to be designed to shock but given in Australia being bitten by a snake is not beyond the realm of possibility, an advert with the sound of the snake biting the man and directly on the face etc. is not necessary. The advert definitely doesn't work as an incentive to use the web site product.*

*A snake with a cobras head bites a man on the cheek that swells up instantly. It also bites him on the arm. Terrifying for me but it would scare children plus make them terrified on snakes.*

*Very graphic, disturbing to watch. The person is left to collapse without aid after a snake bites him on the face. They show his face and then body swell, it is unnecessary.*

*It is very confronting for children or adults to see a snake hanging off a person's face and then seeing the face with holes in it and swollen and the eye drooping.*

## **THE ADVERTISER'S RESPONSE**

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

*Please note following customer feedback, iSelect made the decision on Friday 14th October to remove the advertisement in question from air (effective from Monday 15th October onwards).*

*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 relation to section 2.3 regarding Violence to which the complaints received allude.*

#### *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 covers them for everything they might need.*

*The "Snake Handler" advertisements (ISE0096/30/SH, ISE0096/15/SH,) build on iSelect's new "always get it right" brand platform which celebrates the sense of confidence anybody can feel when they make the right call with the assistance of iSelect.*

*The scenario that plays out in the advertisement, where a careless snake handler has a run in with one of his snakes, plays on the notion that having health insurance, and more specifically the right type of health insurance cover is important – particularly for those times in life when the unexpected happens.*

*The deadpan style of humour dials up the key message that you never quite know what is around the corner, and as such should always be prepared and have the right health insurance.*

#### *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 intentionally exaggerated and in no way a depiction of a real-life scenario.*

*iSelect submits that iSelect does not breach any part of section 2.3 in relation to violence.*

*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 portray violence but shows the character sustaining an injury, a situation which is justifiable in the context of health insurance where unexpected circumstances happen. For this reason, it is vital that people ensure they regularly check their health insurance policy to make sure they have the right cover so they are protected in these unexpected events. iSelect's Health Cover Check-up tool can allow people to do this.*

*The action depicted in the advertisement was intentionally made to appear far-fetched, unrealistic and hyperbolised so as to make light of unexpected accidents.*

*The far-fetched and exaggerated nature of the advertisement is highlighted by the following elements:*

- The snake handler does not appear to be in any form of pain when being bitten by the snake, i.e. he does not yell out in pain, nor does he indicate he is at least a bit phased by the bite even as his face is comically swelling to a ridiculous size.*

- *We even see the snake handler continue his conversation with his colleague in a straight and deadpan manner, further highlighting the far-fetched nature of this situation. His ironic remark that you ‘never can be too careful’, along with his reference to possibly being ‘hit by a bus one day’ was written to be intentionally tongue-in-cheek, given he has just had an encounter with a dangerous animal.*

- *Showing a person sustaining an injury is relevant to the product and service advertised (private health insurance). In general terms, health insurance provides policyholders with cover for medical expenses incurred as a result of ill health and physical injury, including where an injury may be sustained as a result of an unforeseen incident.*

- *Finally, the cobra snake depicted was not real, but instead completely computer generated. To further highlight the fabricated scenario, a cobra snake was intentionally chosen as it is a species of snake not native to Australia.*

*iSelect submits the injury sustained in the advertisement is justifiable in the context of health insurance, where accidents happen. Moreover, iSelect submit that the actions depicted exist in a completely make-believe world, and therefore present a humorous and farfetched scenario which is in keeping with the brand’s tone of voice.*

#### **CAD Rating**

*We also believe the spots are entirely appropriate for the audience, as indicated by the “J” ratings received from CAD. However we recognise that these ratings mean that the spots should not appear in any programs shown during or adjacent to any children’s programming, and no such programs have been bought as part of our media buy. This aligns to the target audience for the campaign, which is directed towards adult Australians who already hold a private health insurance policy.*

*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 2.3 around violence.*

*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 featured a man being bitten by a snake which would cause alarm and distress to both adults and children.

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

The Board noted the complainants’ concerns that the advertisement is in bad taste but considered that the issue of taste falls outside of the Code and therefore this aspect of the

complaints will not be considered by the Board.

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 the advertisement featured two men, one who was completing a health cover check-up on his computer, and the other who is holding a snake which we see bite him on his arm and face.

The Board noted that the snake bites the man twice before slithering off and considered that although the snake is clearly computer-generated the manner in which it attacks the man, and his subsequent physical reaction, are realistic.

The Board noted the advertisement had been rated 'J' by CAD which means it can aired at any time except during, or adjacent to, Preschool and Children's programs, and that care should be taken when placing in programs principally directed to children ([http://www.freetv.com.au/media/Code\\_of\\_Practice/Free\\_TV\\_Commercial\\_Television\\_Industry\\_Code\\_of\\_Practice\\_2015.pdf](http://www.freetv.com.au/media/Code_of_Practice/Free_TV_Commercial_Television_Industry_Code_of_Practice_2015.pdf)). The Board acknowledged that some children, as well as adults, could find the advertisement's depiction of a man being attacked by a snake to be distressing but considered that the man's lack of reaction with regards to being concerned he has been bitten, and the fact he doesn't mention it to his colleague, makes the whole scenario appear unrealistic. The Board noted the man continues his conversation with his colleague, even as he falls to the floor, and considered that overall the humorous tone of the advertisement, as the victim's arm and face swell to grotesque levels, lessens the impact of the visuals of the snake.

Overall the Board considered that the level of violence depicted is not excessive and is justifiable in the context of promoting health insurance and determined that the advertisement did not breach Section 2.3 of the Code.

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 the complainants' concerns that snake bites are not uncommon in Australia and that the advertisement is trivialising this serious issue.

The Board noted that Cobras are not native to Australia and considered that the advertisement is set in a reptile enclosure and the man is holding the snake by choice. The Board noted that the man holding the snake is watching the snake the whole time and considered that his clothing suggests he works with snakes and is not somewhere he shouldn't be. The Board noted that after the man is bitten he does not react by screaming out or telling his colleague and considered that the overall suggestion is that the man is embarrassed at having been bitten by a snake he was handling and does not want his colleague to know. The Board noted that the man's face and arm swell up considerably around the bite marks before he collapses to the ground and considered that consequences of being bitten by a snake are made clear and in the Board's view it is extremely unlikely that anyone would want to copy the man's actions in holding any type of snake.

The Board noted the advertisement does not provide any information about what to do if you are bitten by a snake but considered that in the context of promoting a health insurance which covers unexpected situations, the focus is on the unlikelihood of a snake handler being bitten by a cobra rather than a community awareness advertisement on health and safety around snakes which are not indigenous to Australia.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and 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 complaints.