



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0461/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Frank Health Insurance</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A voice over talks about 'first times' and we see animated stick figures acting out the various times described. In one scene we see the figures get in to bed together, in another we see a figure being sick after drinking for the first time.

### THE COMPLAINT

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

*At that timeslot saying "everyone remembers their first time" and showing two figures bouncing around in a bed and "their first big night out" and showing the figure vomiting is not a good, tasteful or accurate portrayal of either scenario and I think it teaches children who might be watching that adults are flippant about both losing their virginity and about drinking until one is ill.*

### THE ADVERTISER'S RESPONSE

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

*No response from Advertiser.*

## **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 concern that the advertisement depicts sexual activity and alcohol consumption in a manner which is tasteless and flippant.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement is animated and features a voiceover talking about doing things for the first time and we see a man and a woman, in stick figure form, getting in to bed and then a stick figure drinking too much and being sick.

The Board noted that although we see the stick figures getting in to a bed and disappearing under the covers this image immediately switches to a new scene and no actual contact is depicted between the animated figures. The Board considered that whilst it would be clear to most adults what the advertisement is referring to, children would be unlikely to understand the innuendo. The Board considered that the advertisement was not inappropriate in its suggestion of sexual activity between stick figures.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then 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 that the scene which talks about drinking alcohol for the first time shows a stick figure vomiting. The Board considered that this portrayed alcohol consumption in a negative manner and that the advertisement does not encourage or condone drinking alcohol to excess.

The Board considered that to show someone vomiting, albeit an animated figure, is likely to be considered tasteless by many members of the community however as taste is an issue which falls outside the provisions of the Code it is not something the Board can take in to consideration when making their determination.

Based on the above, the 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.