



Case Report

1	Case Number	0485/17
2	Advertiser	Ali Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/11/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Mental Illness
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Niggles advertisement highlights little niggling feelings that all homebuyers often get at some point when taking on a new home loan. And, how they can be easily dealt with by speaking to an ALI Group authorised mortgage broker about Loan Protection Plan.

THE COMPLAINT

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

I was offended by the scene of people in white tshirts who apparently hadn't taken out insurance and one person in particular who was rolling on the floor in a fetal position as if they were insane or had a mental illness.

THE ADVERTISER'S RESPONSE

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

We are disappointed to learn that a member of the public has been offended by our advertisement. We have reviewed the identified issues raised and also considered the balance of Section 2 in relation to our advertisements.

The characters in our “Niggles” television advertisement do not represent people who have not taken out insurance. Rather they represent niggles or concerns that may sit in the back of a homebuyer’s mind at the time of taking on possibly the largest debt in their life. The advertisement portrays the following four common feelings of concern experienced by homebuying consumers:

- *“What if I lose my job?”*
- *“What if I have an accident?”*
- *“What if I get really sick?” and*
- *“OMG, a 20-year mortgage!”.*

The characters are visual manifestations of those anxieties which may live in a homebuyer’s subconscious and each has a different personality to represent the different concern.

Section 2.1 – Discrimination or Vilification

We do not believe we have portrayed people or depicted material in any way which discriminates or vilifies a person or section of the community in relation to mental illness or any other issue, and certainly have no intention to do so.

Section 2.6 – Health and Safety Within Prevailing Community Standards

We have reviewed the list of issues relating to section 2.6, and have not been able to identify any concerns about our advertisement relating to the depiction of drugs, smoking, drinking and gambling, bullying, unsafe driving, unsafe behaviour, fantastical elements, safety in the home or protective gear and therefore assume that the complainant must feel we have depicted contrary material in the “other health and safety issues” category. We have subsequently considered all issues noted on the Advertising Standards Bureau website under “Other health and safety issues” but have not been able to identify any concerns relating to the matters listed as we do not believe we have depicted:

- *activities that would breach the law;*
- *community standard about sun safety;*
- *references to suicide;*
- *sexting and cyber safety; or*
- *any of the other noted issues which the Advertising Standards Board has considered and dismissed.*

Sections 2.2, 2.3, 2.4, 2.5 and 2.7

We have considered the issues noted under the balance of Section 2 and have not identified any concerns relating to those issues.

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 a negative depiction of someone with a mental illness.

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 the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule”.

The Board noted this television advertisement features a man dressed in a white coat describing the niggles that people have when buying a home. He looks through a microscope and a room of people who are depicted as ‘niggles.’ The people have white t-shirts on with different descriptions of various niggles such as “what if I lose my job, what if I get really sick and OMG, a 20 year mortgage.” One niggle is on the floor rocking back and forth. The expert then talks about how easy the niggles are to remove and the details of the business appear on screen.

The Board noted the complainant’s concerns that the depiction of the man on the floor is an offensive depiction of someone with a mental illness.

The Board considered the overall impression of the advertisement as it shows a man in a white coat speaking at his desk and looking into a microscope. The Board considered that this concept was intended to look like a scientific experiment or a specialist offering advice rather than a depiction of mentally ill patients being observed. The Board noted that the inclusion of the people on the floor was personification of the concerns people have about home buying.

The Board noted that from the start of the advertisement the man refers to ‘niggles.’ The Board considered that most members of the community would recognise the reference to niggles as something that causes some uncertainty or anxiety. The Board noted that the advertisement clearly identifies a niggle as something buyers feel when purchasing a house.

The Board noted that the adults take on stereotypical behaviours such as nail biting and rocking back and forth to depict anxiousness or discomfort. the Board noted that one man is seen rocking back and forth on the floor and that this type of behaviour is a form of self-soothing behaviour and could be an action that is used by someone with a mental illness.

However, In the Board’s view, the advertisement was light hearted and intended to give a visual representation of the uncertainty people feel when making big commitments such as buying a home and overall does not suggest mental illness.

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 mental illness and determined that the advertisement did not breach Section 2.1 of the Code.

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

