



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0488/11
2	Advertiser	iSelect Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	04/01/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behavior
2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Mr. iSelect is sat in a hot tub in his office with a suited man. The suited man is searching for health insurance on his laptop whilst Mr. iSelect talks about how iSelect does all the hard work for you. In the final scenes, Mr iSelect goes under the water and emerges with two ice cream cones.

THE COMPLAINT

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

*Even though it may be a laptop the inference of using an electrical computer whilst in a spa bath containing water is both dangerous & foolish.
Some people particularly children may believe that it is 'normal' to use electrical devices whilst in a bath. It's just dangerous & implies unsafe behaviours they should think more before designing such a dangerous advertisement!*

THE ADVERTISER'S RESPONSE

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

Iselect does not support or condone potentially dangerous/ unsafe behaviour in any way. Our advertising deliberately seeks to present a surreal environment so there is a very clear separation between reality and fantasy. We use electronic device props in order to help make the scene farcical.

- *The main character: the fictional boss is consistently presented by iselect as a ridiculous figure, a ridiculous ceo and therefore an unrealistic depiction of 'real' life*
- *The environment: we developed the scenario under the impression that a Spa in anyone's office should be considered fantastical*
- *The set up: an unbelievable set up whereby the boss is calling an employee when he's sitting two feet away to apply for a policy from the company that he is the ceo of, not only that, he's doing it while they're both in a spa bath and the employee has a full suit on*
- *The production: The men are not taking a spa, it's a fake – there are bubbles and you can see the water however clearly neither man is getting wet*
- *The reprise: Mr Iselect goes under water and emerges dry, holding two ice creams. In reality he'd be wet and the ice creams would have melted – however importantly the overall impression is clearly farcical*

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 portrays a dangerous activity, namely using an electrical computer in a spa, and that this could encourage children to believe it is ‘normal’ to use electrical appliances in water.

The Board reviewed 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 that the advertisement depicts two men in a spa – one man is using a mobile phone and the other is using a laptop computer.

The Board noted that safety around electrical appliances is an important public safety issue.

The minority of the Board considered that the advertisement depicts an exaggerated and unrealistic scenario – with the men, one of them wearing a business suit, in a spa, not getting wet and one man pulling ice creams out of the spa. The minority of the Board considered that

the exaggerated and unrealistic tone of the advertisement meant that most viewers would not see the advertisement as condoning use of such equipment in water.

The majority of the Board however considered that the depiction of the man using an electrical appliance in water is a depiction of behaviour that is potentially unsafe – even if the laptop is operating on battery power. The majority of the Board considered that although the advertisement is unrealistic, the depiction of the man using the laptop in the spa is the focus of the advertisement.

The Board noted its decision in Lion Nathan 0339/11 in which it determined that the depiction of a man cooking sausages in a toaster did not breach the Code. In that case the Board noted that the behaviour of the man:

‘...is presented in a farcical way in the advertisement and is clearly described as ‘dangerous’... The Board considered the light hearted nature of the advertisement clearly depicts the activity as one that is not appropriate, and that the advertisement in no way encourages viewers to copy this behaviour.’

The Board considered that the present advertisement differed in several ways. In particular the Board noted that the image of the men in the spa using the equipment is the focus of the advertisement and there is no indication or suggestion that such behaviour is potentially unsafe. Although the use of a laptop, which is not plugged in, in a spa may not itself be dangerous, the Board considered that the depiction of the use of such equipment in water undermines public messages about safe use of electrical appliances around water.

In the Board’s view the use of electrical equipment in and around water is potentially unsafe and there is significant effort made in the community to educate people about such dangers. The Board determined that the depiction of behaviour which is contrary to such messages is contrary to prevailing community standards on safety. Based on the above, the Board determined that the advertisement depicted material contrary to prevailing community standards on health and safety and breached Section 2.6 of the Code.

Finding that the advertisement breached section 2.6 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

A disappointing result.

To reiterate, we considered this execution to be pure fantasy. Iselect does not support or condone potentially dangerous/unsafe behaviour in any way. We are no more suggesting that electronic mobile devices are used near water than suggesting that you should share a spa with your boss, fully clothed, in his office, talk to him on a mobile while he's 2 feet away, while not getting wet and finding ice creams under hot water. This advertisement will not be aired after Wednesday 11 January 2012.

