



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0508/18
2	Advertiser	IAG Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a rider taking to the road to grab the essential milk and toilet paper from the Inconvenience Store. The rider repeats his shopping list in his mind, heard as a voiceover. As he rides from the suburbs, out to the country, he is shown to stop on the side of the road for a quick break behind a very large tree. The audio through this break suggests his fly zipping up. The rider then continues on his ride through the country to complete his errand.

THE COMPLAINT

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

Public urination is illegal, offensive and unhygienic.

THE ADVERTISER'S RESPONSE

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



In creating this TVC and gaining CAD's approval, we took CAD's advice and guidelines seriously, ending with a G rated advertisement. Much like the target audience of motorbike riders and TV shows on Channel 11, the tone of the spot was light hearted and humorous in nature. However, we worked to make any moments of humour discrete, including making sure the rider was completely hidden by the tree, and audio being of a fly going up instead of the act of urination.

With regards to Section 2 of the AANA Code of Ethics, we feel this advertisement satisfies the code across all Subsections of 2 namely discrimination, vilification, exploitative, degrading, portraying violence, language and distinguishable as advertising. However, with the complaint being on public urination, to Section 2.4, this is portrayed without any nudity, or implied nudity, ensuring the rider is completely hidden by the tree, and audio is in keeping with this level of discretion. For Section 2.6, Health and Safety, this relates to prevailing community standards on health and safety. Whilst not an act seen as clean in a metro area; urinating in a deserted bush area is a common Australian habit, undertaken in a moment of need by Australians when our wide open plains mean facilities aren't always close by.

Additionally, we raised public urination as a hypothetical to CAD on 22nd November 2018, and they responded: It really depends on how it is portrayed in the TVC. We have classified TVCs with people stopping on the side of the road to urinate but, for example, its more implied that they're urinating- i.e. you can't see exactly what's happening. A man standing in the bush with his back to the camera looking like he is urinating when stopped by the side of a deserted road for example, is unlikely to not receive CAD approval but the classification it gets will depend on exactly how its portrayed.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a man urinating in public which is illegal and unhygienic.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that while the Australian Association of National Advertisers' Code of Ethics calls on advertisers to comply with relevant laws, the Ad Standards Community Panel is not a law enforcement agency, and it does not deal with questions of legality.

The Panel 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 Panel noted the complainant's concern that the advertisement depicts a man urinating in public which is hygienic.

The Panel noted that the television advertisement depicts a man riding a motorcycle a long distance to get milk and toilet paper. Halfway through the advertisement his motorbike is shown parked in a forest area and the man is not visible. The viewer hears the sound of a zipper, and the man walk out from behind a tree and continues on his ride.

The Panel considered the advertiser's response that the advertisement depicts no nudity and ensures the man is hidden behind the tree, and the audio is in keeping with the level of discretion.

The Panel considered that the inference of a man urinating in a deserted Australian bush area when appropriate facilities are not available would not be considered by most members of the community to be against Prevailing Community Standards.

The Panel considered that most members of the broader community would likely recognise the humour of a man needing to urinate after a long trip on a motorbike as is depicted in the advertisement. The Panel considered that the inference of a man urinating in a remote non-urban area was not depicting material contrary to Prevailing Community Standards on health and safety.

The Panel 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 Panel dismissed the complaints.

