



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0514/18
2	Advertiser	BizCover
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a foot appearing on screen with long toenails. A man is about to clip his nails when we hear a ping and the toenails are pixelated. The toenails remain pixelated while they are being trimmed, during which time a voice over acknowledging complaints - to the toenails (that were seen in a previous version of the ad) as well as to the fact that people complain about their insurance costing too much and talks them through how they can actually save on their insurance. There is a brief second at the end of the 60" version of the ad which shows the toenails again.

THE COMPLAINT

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

I am offended that the company is making this stick in my mind. The insurance company is using the memory of something disgusting to make us remember who they are. This makes me feel ill and is not necessary to show things that make people





offended.

This shouldn't be aired during breakfast or dinner time as it's repulsive. The ad wasn't even about feet/podiatric stuff and yet it graphically depicts one.

The disgusting feet/toes being cut. I've noticed they now pixelate the toes but it is still offensive and has nothing to do with what they are advertising.

It is disgusting and unnecessary to be showing someone cutting badly formed toenails which is totally irrelevant to insurance. This is a personal hygiene issue which viewers should not be forced to see. Most people would have an issue with this ad.

THE ADVERTISER'S RESPONSE

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

Complaint Reference No 0514/18

Our firm appreciates the role and concern of the Advertising Standards Board and recognises that a number of consumer complaints have been received.

The opinion of our firm is that the TVC in question does not contravene Section 2 of the AANA code of ethics. The commercial has been approved and rated accordingly by CAD (as a "W" or general rating).

BizCover offers a service to help small businesses compare and buy insurance. Insurance is generally a low engagement product, is seen as a grudge purchase, partly due to the cost and something that people put off. This ad is the second in the series of ads which are designed to get small business owners to take action and get their insurance sorted.

The first ad in the series (which is no longer on air), is intentionally designed to give people the nudge they need to get their insurance sorted. It is a humorous reminder that reviewing your insurance is a better use of time than watching this ad. To do this we used prosthetic toenails that were exaggerated in terms of length. We acknowledge that there were some people who called in to complain that they found the feet disgusting.

The second ad (the one which this complaint refers to) \ is titled "Too Much" where we have pixelated the toes to acknowledge that some people find them unpleasant and remind business owners that they could also be paying 'too much'. The toenails are shown for approx. 4 seconds before being pixelated. The 60" version also shows the toenails unpixelated for 1 second at the end.



The ads have used a device to cut-through with our business audience and to reinforce that business owners can get a better deal on their insurance by visiting BizCover and comparing insurers.

BizCover strenuously denies that the TVC contravenes the AANA Code of Ethics. There have been a number of complaints raised, many of which are not covered under the code as they just refer to the ad as being tasteless/disgusting. BizCover will address the complaints relevant to the AANA Code of Ethics.

2.1 - Discrimination or vilification

- The ad only shows a foot and the foot does not discriminate against or vilify any person or community group, on any basis.*

2.2 - Exploitative and degrading

- The ad does not reference nor is it remotely sexual in its nature.*

2.3 – Violence

- The ad does not present or portray any violence.*

2.4 – Sex, sexuality and nudity

- The ad does not reference nor demonstrate sex/sexuality in any form and there is no nudity in the ad.*

2.5 – Language

- The ad uses appropriate language throughout. No strong or obscene language is used. (Please refer to script included with submission).*

2.6 – Health and safety

A number of the complainants refer to the foot as being dirty and dirty toenails being cut, with one complainant describing the ad showing “a dirty and neglected foot with severely overgrown toenails which are in the process of being clipped.” Whilst we acknowledge that the foot is hairy, and the toenails are long and have some dirt on them we do not believe that this material contrary to Prevailing Community Standards on health and safety for the following reasons.

- The foot is not neglected and is in fact clean (only the toenails have dirt around the edges). Whilst the feet are hairy this is common place and is not a sign of ill-health or neglect – hairy feet are in fact a sign of good circulation.*
- Whilst the toenails are dirty, there is not an excessive amount of dirt –the dirt is contained around the edges of the nail. And whilst people generally keep their toenails clean, feet and toenails often get dirty – particularly when walking barefoot, particularly after spending time outdoors with no shoes on. This is not seen a health and safety issue within the community.*



- *The length of a person's toenails is also not an issue of health and safety and is more a matter of personal preference. Whilst it is generally to keep toenails short, there are members of the community who prefer them long. The same can be said of fingernails. There are in fact many websites dedicated to this as well as social media pages – including Facebook pages (<https://www.facebook.com/Long-Toe-Nails-217746128244595/>), Pinterest pages (e.g. <https://www.pinterest.com.au/luvmorediamond/beautiful-feet-soles-long-toenails/?lp=true>) and Instagram hashtags (<https://www.instagram.com/explore/tags/longtoenails/?hl=en>)*
- *Finally, we would argue that the man is in fact trimming his toenails, which demonstrates he is in the process of caring for his and not neglecting it.*

One complainant voices concern as the ad features a graphic display of personal dysfunction and lack of hygiene to the point where a civilised person is made to suffer strong feelings of disgust and revulsion - a response which, in fact, would be the very definition of a civilised person.

- *For the reasons outlined above we would argue that there is not a display of personal dysfunction nor a lack of hygiene and not contrary to Prevailing Community Standards on health and safety.*
- *Whilst the complainant felt disgust and revulsion, we would argue that is due to their personal preference rather than being related to any health and safety concerns.*

Finally, the same complainant stated "It brings in a negative historical/cultural angle. Until not so long-ago European culture was marked by an oppressive domination under Christendom, an ideology beset with a fanatical hatred towards anything of the body and flesh, to the point where personal hygiene was deeply spurned. So much so that across the world Europeans were ridiculed, scorned and held in disdain because they didn't wash, and quite simply stank. One example of such historical record can be found in Giles Milton's Samurai William. This commercial harks back to those times."

Again, we would argue this is not material contrary to Prevailing Community Standards on health and safety for the following reasons.

- *The complainant states that the "ideology beset with a fanatical hatred towards anything of the body and flesh, to the point where personal hygiene was deeply spurned", as discussed above the foot is clean, whilst there is dirt on the toenails this is not uncommon, the length of a person's toenails is not necessarily about hygiene it is about preference and finally the toenails are in fact being tendered to in the ad.*
- *Finally, whilst "Europeans were ridiculed, scorned and held in disdain because they didn't wash, and quite simply stank." The clean feet would suggest that the person washed and there is no evidence to suggest that the feet stank.*

Accordingly, we do not believe that the ad is not in breach of any of Section 2 of AANA



Code of Ethics.

We would like to thank the board for their consideration in this matter. Please do not hesitate to contact us if we can be of further assistance.

THE DETERMINATION

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

The Panel noted the complainant's concerns that the advertisement features personal dysfunction and lack of hygiene.

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

The Panel noted the complainants' concerns that the advertisement's subject matter, and visuals, are distasteful and not appropriate for a television advertisement. The Panel noted that advertisers are free to use whatever images and phrases they wish in an advertisement provided that such images or phrases do not breach a section of the Code. The Panel considered that the issue of bad taste falls outside of the Code therefore the Panel cannot consider this aspect of the complaints when making its determination.

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 advertisement features a man's foot having its nails cut and that the foot is blurred out for part of the advertisement, however a depiction of the foot with long, yellowed nails is visible at the beginning of the advertisement.

The Panel noted the complainants' concern that the advertisement depicts unhealthy and unhygienic behaviour which is against Prevailing Community Standards.

The Panel noted the advertiser's response that although the foot is shown to have long and yellowed nails with some dirt, the dirt depicted is similar to what would present when a person walks around barefoot or has been in the garden.

The Panel also considered the advertiser's response that length of toenails is a personal preference and depicting them as being particularly long is not against Prevailing Community Standards on health and safety. The Panel also considered that the man is shown to be trimming them, and this is therefore not a depiction of unhygienic practices.



The Panel noted that the man is shown to be clipping in toenails in the living room. The Panel considered that although many members of the community would consider the bathroom to be a more appropriate place to trim nails, the location such an acts takes place makes no impact on the hygiene.

The Panel considered that the advertisement did not depict 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 complaint.

