



Case Report

1	Case Number	0516/14
2	Advertiser	AAMI
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Two men in vehicle dressed in fancy dress swerve to avoid a cat on the road (Trevor) which is owned by a female jogger, cat runs up tree and one man in the car tries to rescue it. The woman exclaims "Trevor's in the Tree."

THE COMPLAINT

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

*I believe the ad content of the ad is questionable as it shows the driver swerving to avoid an animal on the road almost as if this is the right thing to do. From my understanding this is completely the wrong reaction and the add gives a wrong impression that could cause serious accidents. Please refer NSW road users rules, page 154
(http://www.rms.nsw.gov.au/documents/roads/licence/road_users_handbook-english.pdf)*

THE ADVERTISER'S RESPONSE

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

The commercial is based on reality; however like all advertising we have used creative licence to exaggerate a scenario or sequence of events. The AAMI brand relies heavily on humour, making people smile and feel good about themselves. AAMI is known for its humorous depictions of motor vehicle accidents and the unintended and funny consequences associated with real life situations. It's exaggerated but people expect that with AAMI ads. The fact of the matter is people have car accidents and it often comes down to driver error, which may be the case in this scenario. If you review the history of AAMI ads or even insurance ads in general, there are countless examples of accidents that have occurred due to driver error. AAMI is not advocating for drivers to imitate this behaviour, but for customers to know AAMI will be there for them in times of need after an accident has occurred. As a final matter of note, should we have depicted an ad that followed the advice on page 154 of the NSW road users handbook and 'hit the animal on the road' then this would have been an inappropriate scenario for general viewing.

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 complainants' concern that the advertisement shows dangerous behaviour as the driver of the vehicle swerves to avoid a cat on the road.

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

The Board considered 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 dressed in fancy dress driving to the party they are going to attend. The passenger alerts the driver to a cat in front of them and the driver then swerves to avoid hitting the cat on the road (Trevor). The cat runs up tree and in the next scene the driver climbs the tree trying to rescue it. The woman exclaims "Trevor's in the Tree." The voice over then describes the AAMI claim assist app for your phone.

The Board noted that the advertisement is an exaggerated, humorous scenario involving two men dressed in costumes heading to a fancy dress party. The Board noted that the men are discussing their outfits and that of one of their friends. The Board noted that the driver of the vehicle is paying attention and looking forward as the vehicle progresses and then looks to the passenger asking about what one of their friends is wearing. The Board noted at this point the passenger alerts the driver to a cat grooming itself on the road and the driver reacts by swerving to avoid hitting the animal and knocks over a fire hydrant.

The Board noted the complainants reference to the NSW road users rules, page 154 http://www.rms.nsw.gov.au/documents/roads/licence/road_users_handbook-english.pdf The particular section of relevance in relation to animal welfare states that:

"..... If you see an animal on the road (alive or dead), do not swerve violently to avoid the animal as this can cause you to lose control of your vehicle or to hit oncoming traffic. You should stop if you can do so safely or slow down and steer around the animal in a controlled manner. If you can't avoid the animal safely you may have to hit it to avoid injury or death to yourself and others."

The Board noted that from a practical sense the first reaction of many drivers would be to swerve to avoid injury to the animal and noted that there are no oncoming vehicles or other

obstacles around at the time of incident.

The Board noted that although the advice provided in the handbook is to “not swerve” in the current advertisement the overall theme is one of humour and considered that most viewers would recognise the comedic and unrealistic nature of the advertisement and understand that this incident is set up for the purpose of demonstrating the consequence of bad driving habits and that the driver is not being careless or reckless.

The Board considered that by demonstrating what not to do in such situations, the advertisement did not depict material contrary to prevailing community standards on driving safely and that it does not encourage or condone unsafe driving.

The Board 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 Board dismissed the complaint.