



Case Report

1	Case Number	0586/16
2	Advertiser	Youi Car Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

Youi Pty Ltd ('Youi') is currently airing a series of television advertisements ("TVCs") for our 'Youi Rewards' program. The TVCs reflect Youi's paid actor, "Matt" sitting in a cinema theatre and leaning forward to state the rewards received by Youi customers for participating in the Youi Rewards program. Matt and other paid actors are then seen enjoying various offers from Youi Rewards partners; including, Flight Centre and Hungry Jacks. In the final scene, Matt is seen exiting the international departures area of an airport, crossing the clearly marked and designated shared zone road area and Youi's contact details appear on screen.

THE COMPLAINT

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

This gentleman walks in a diagonal direction towards a camera, Approx. 40metres. Whilst doing this he looks directly into the lens. His head or eyes do not deviate. He walks between two motor vehicles and across a roadway. There is a pedestrian crossing about 15 / 20 metres away. My grandson pointed this out to me. Why didn't he look to the left, right and left again before stepping off the kerb? Why didn't he use the pedestrian crossing? Why did he walk diagonally and not directly? I have always taught my children and grandchildren safety procedures when crossing roads.

Sadly these add depicts so many dangerous scenarios. Not a good example from an insurance

company. They should be educating people / children on the safety aspects and not depicting basic idiotic behaviour.

I consider this advertisement dangerous and it should be removed or altered.

It is dangerous and might encourage viewers to think that it is OK to jay walk.

THE ADVERTISER'S RESPONSE

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

COMPLAINT RESPONSE – YOUI INSURANCE REWARD PROGRAM ADVERTISEMENTS

We refer to above matter and appreciate this opportunity to provide the following response to your letter.

The Advertisement

Youi Pty Ltd ('Youi') is currently airing a series of television advertisements ("TVCs") for our 'Youi Rewards' program. The TVCs reflect Youi's paid actor, "Matt" sitting in a cinema theatre and leaning forward to state the rewards received by Youi customers for participating in the Youi Rewards program. Matt and other paid actors are then seen enjoying various offers from Youi Rewards partners; including, Flight Centre and Hungry Jacks. In the final scene, Matt is seen exiting the international departures area of an airport, crossing the clearly marked and designated shared zone road area and Youi's contact details appear on screen.

The complaint appears to focus on prevailing community standards on health and safety and the potential risk of injury arising from walking on a road in front of oncoming traffic.

Compliance with the AANA Code of Ethics

Youi's advertisements are all created by Youi's in-house marketing department. Youi does not use an external advertising agency or media buyer. Youi always takes a considered and compliant approach to the production of all its TVCs. Youi is also cognisant of its obligations under the Australian Association of National Advertisers' Code of Ethics ("the Code") and has a stringent compliance regime to ensure all advertisements we produce not only comply with the Code, but all legal and regulatory requirements. Prior to production, all TVC scripts and creatives are reviewed by senior executives from Youi's Compliance department, Actuarial department and by the Chief Executive Officer. Youi's TVCs are further reviewed externally by Free TV Commercials Advice (CAD) and we also often seek external legal advice prior to the TVCs being aired.

The TVC subject of this complaint was created to promote Youi's customer reward program. We do not consider the TVC promotes unsafe road safety or more specifically, jaywalking. The intention of the TVC is to create awareness of the deals available for Youi customers on the Youi rewards program.

While constructing the closed set for the shooting of the TVC, all Work Health and Safety

(WH&S) precautions were applied and strictly adhered to. It's important to highlight, when Matt walks onto the road (0.22 sec), it is clearly within a designated "shared zone" as confirmed by different surface texture and colour of the road and also the "END Shared Zone" sign appearing approximately 20 meters to Matt's left in the TVC. (Refer to still TVC image reflecting shared zone area and signage - Attachment 1).

Shared zones are designed to ensure the road space is shared safely by vehicles and pedestrians, vehicles must give way to pedestrians, and the maximum speed is 10km/hr. Youi therefore considers this TVC does not encourage or promote unsafe OH&S standards or illegal behaviour nor does he engage in any behaviour that would be considered contrary to prevailing community standards relating to motor vehicle health and safety. (Refer to NSW Government Transport for NSW Shared Zones Facts Sheet - Attachment 2).

Conclusion

Youi considers its submission outlines the company's responsible and compliant approach to the production and airing of this TVC; with lawfully acceptable and safe actions exhibited by the actor who has complied with all prevailing community standards of health and safety and NSW Road Rules. Further, Youi considers the TVC does not depict or promote unsafe road safety, because the actor has right of way within the clearly designated shared zone area.

For the reasons set out above, Youi submits that the advertisement does not breach Section 2, or any other section of the Code and we respectfully request that the complaint be dismissed.

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 depicts a man jay walking which is dangerous and could encourage copycat behaviour.

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 this television advertisement features a man explaining the Youi rewards program and in the final scene we see him leave an airport and walk across a road while still talking to the camera.

The Board noted the advertiser's response that the road the actor crosses is a shared zone and that they had closed the whole area down prior to commencing filming.

The Board noted that even though the road in the advertisement is part of a shared zone, pedestrians are still required to look for other road users prior to crossing the road but considered that most reasonable members of the community would recognise that the

environment presented in the advertisement is clearly controlled as the man is seen to move seamlessly from one place to another while continuing the same conversation and there is no suggestion that the man is in any danger when on the road. The Board noted that advertiser's should take care when depicting pedestrians using road related areas in advertising but considered that in this instance the man's actions are very unrealistic and therefore unlikely to encourage people to walk on to roads without first checking for other road users.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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.