



Case Report

1	Case Number	0595/16
2	Advertiser	Comparethemarket.com.au
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 Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

DESCRIPTION OF THE LIE DETECTOR ADVERTISEMENT:

We open to Aleksandr holding up a newspaper with the latest headline “Comparison Websites: The Truth”. He then throws the newspaper at Tom who seems to have wires taped onto his head, looking confused. During this, Aleksandr says “Mr. Tom, you have some explaining to do!” Aleksandr then asks “How much does it cost to use Compare the Market?” Tom replies quickly with “Nothing.”

The camera then cuts to a lie detector operated by Sergei, revealing that Tom is hooked up to the machine and is being interrogated. The straight line of the needle on the lie detector shows that Tom is telling the truth.

Aleksandr moves onto the next line of questioning asking “Do you mark up your prices?” Tom responds with, “Never”. Aleksandr then proceeds with, “So how do you make your roubles then?” Tom explains, “The insurer pays us a commission for each policy we sell.” Again, the lie detector needle demonstrates that Tom is still telling the truth.

As the dramatic music comes to its climax, the final question is asked by Aleksandr “Did you eat all the office biscuits?” Tom pauses and tries his best to answer calmly “...No.” Suddenly, the needle starts jumping around erratically, indicating that Tom is the biscuit culprit. Aleksandr is not impressed and states “Ha! I knew it”. The camera then zooms out to the door of the store room, showing that this is where the interrogation has been taking place the entire time.

The scene cuts to a blue Compare the Market end frame showing health, life, car, home and energy icons, as well as Compare the Market's logo. We then hear the new voiceover saying, "Compare and save at comparethemarket.com.au. We've got your back." Aleksandr then pops up in the frame and says, "Simple".

DESCRIPTION OF THE TRUTH SERUM ADVERTISEMENT:

We open with Sergei chuckling to himself while stirring a cup of coffee. He then hands the cup of coffee over to Tom saying, "Here Mr. Tom". Tom thanks Sergei and takes a drink from it. The camera then cuts to Aleksandr who swivels around in his chair opposite Tom, saying, "Ah ha, now that you have drunk truth serum, answer me this. Do you only recommend health funds that make you the most roubles?" Tom looks confused at his cup while Aleksandr talks and then answers back confidently, "No, not Compare the Market, our funds all pay the same commission."

Aleksandr looks at Tom suspiciously while continuing his line of questioning, "So how do you pick best policies?" The camera cuts back to Tom who answers, "We match our customer's needs to the right policies at the lowest prices." Aleksandr then stands on his chair and shouts his final accusation, "Is it you who's been eating my butter?"

The camera pans out to show a confused Tom saying, "No?" Sergei is then seen approaching the table eating a piece of toast with butter on it. They both look at him as he bites into the toast and responds with, "What?"

The scene cuts to a blue Compare the Market end frame showing a phone number to call for health insurance, as well as Compare the Market's logo. We then hear the new voiceover saying, "Compare and save at comparethemarket.com.au. We've got your back." Aleksandr then pops up in the frame and says, "Simple".

THE COMPLAINT

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

Though it may sound ridiculous, considering the ads have meerkats as the employer, to me the ad shows bullying and harassment and shows the employee becoming frightened.

THE ADVERTISER'S RESPONSE

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

COMMENTS IN RELATION TO THE COMPLAINT:

OUR RESPONSE

Compare the Market disagrees that the television commercials in question breach Section 2.6 of the Australian Association of National Advertisers' Code of Ethics (the Code).

The Practice Note to the Code gives an indication of the type of images that could be deemed to contravene Prevailing Community Standards on health and safety. These images tend to relate to two things: (i) activities that are illegal and could lead to serious injury or death and (ii) bullying behaviour. Given our television commercials feature fictitious cartoon meerkats, created to be loveable and cute, we do not believe that it is reasonable to interpret their comedic behaviour as contravening Prevailing Community Standards on health and safety and non-violent bullying. Our commercials are clearly light-hearted, and this is emphasised through the script, especially when Aleksandr (the boss meerkat) questions Tom about eating all of the 'office biscuits' and using 'his butter'.

The meerkats' primary role is to amuse the audience, and we have worked hard to develop their individual personalities over time. They are seen as loveable and mischievous characters who, since taking over Compare the Market, are trying to understand the comparison industry with the help of patient and loyal 'Tom'. The meerkats and Tom have built up a strong relationship over the last 12 months, and their antics with the lie detector and truth serum are just another example of the good-humoured nature of our commercials, which are written to make the audience feel amusement and empathy towards tolerant Tom.

Given the light-hearted nature of all of our commercials – and reiterating that the characters undertaking them are cartoon Russian meerkats – we do not believe that it is reasonable to assume that Tom is being bullied or harassed.

The main message within both television commercials is how Compare the Market makes money. This message in itself would not make for an interesting commercial, which is why we have incorporated the lie detector and truth serum gags to make the information as entertaining as possible. Office workers don't have access to lie detectors or truth serum which makes the joke even funnier because it's so unrealistic. Also, it means the meerkats' antics would be impossible for anyone to replicate.

It is worth noting that this complaint is the only complaint we have received from viewers of these television commercials. Feedback has been overwhelmingly positive, and when we posted both the commercials to our Facebook page, we received in total 2096 'likes' and 173 comments, which say things such as:

"I love meerkats. I love the ads. I even look forward to them coming on!"

"I thoroughly enjoy the antics of Aleksandr, Sergei, Oleg and now Tom. It is very entertaining"

"Love this one...Tom's a good guy with a sweet tooth!"

Of the approximately 111,000 times both our commercials were viewed via Facebook, we have not received any negative commentary, let alone in relation to Tom being bullied or harassed.

We regret that the complainant has taken offence to our television commercial, but do not think this complaint falls under Section 2.6 of the Code, as both the scenes in question were intended for humorous purposes only.

Conclusion

In conclusion, while we regret that the complainant has taken offence at the television commercial, we reject the allegation that the commercials promote bullying behaviour. Our cartoon meerkats are designed to be humorous and the commercials in question are funny as they depict a silly situation i.e. Russian meerkats questioning someone in a stationery cupboard about eating the last office biscuit. It's comedy; it's certainly not bullying and therefore we do not believe there has been any breach of the AANA Advertiser Code of Ethics.

We value the role of the Advertising Standards Bureau and appreciate that it is obligated to follow up on complaints raised, however, we believe in this instance the complaint is unfounded and therefore should 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 workplace bullying and harassment.

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 there are two versions of this television advertisement: one shows a meerkat using a lie detector on a Compare the Market employee, the other shows a meerkat using truth serum.

The Board noted that it is not common practice for employers to use lie detectors and/or truth serum on employees and considered that Tom, the employee in the advertisement, does not appear to be distressed or upset by the meerkat's methods of questioning him and in the Board's view the meerkat's behaviour is humorous rather than harassment. The Board noted that the meerkats featured in the advertisement are computer-generated and considered that consistent with previous determinations for similar advertisements in this campaign (0060/15, 0119/16, 0432/16) the behaviour of the meerkats was clearly slap-stick and not intended to be taken seriously.

The Board acknowledged that workplace bullying is a serious community concern but considered that in the context of a fantasy situation involving animals proving that the advertiser's statements are truthful, the advertisement's depiction of a man being questioned by a computer generated meerkat using a lie detector or truth serum would not be seen as bullying behaviour.

The Board considered that the advertisement did not depict material contrary to Prevailing

Community Standards on bullying and 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.