



## **CASE REPORT**

1. Complaint reference number	131/09
2. Advertiser	IAG (SGIC)
3. Product	Car Insurance
4. Type of advertisement	Outdoor
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor billboard features the large wording “Women Un-pay more.” Below which are the words “Because they’re better drivers.”

The fine print states “Lower premiums are based on a comparison between female and male drivers with all other rating factors being equal.”

## **THE COMPLAINT**

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

*This ad is blatantly sexist. Stating that one sex is better than the other at driving is sexist. I believe that if the ad stated that men are better at something the ad would have been deemed sexist immediately.*

*I note that you have dealt with the TV commercial before and this was dismissed as it apparently listed the statistical backing for their discounts. However, this billboard does not reflect this and merely incinuates that women are better drivers because of their gender. Surely people should be judged on their actions and not those of whatever basket a corporation would like to place them in.*

## **THE ADVERTISER’S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*You have informed us that the Advertising Standards Bureau has received a complaint (“Complaint”) in relation to a SGIC outdoor billboard titled “Women un-pay more”, located on the corner of Morphett and Hindley Streets, Adelaide, South Australia. As requested, we enclose a copy of the billboard advertisement.*

*We understand that the basis of the complaint is alleged to be discrimination against a section of the community on account of gender, contrary to section 2.1 of the Advertiser Code of Ethics.*

*SGIC is part of the Insurance Australia Limited group of companies. IAG and SGIC are equal opportunity employers and we do not condone gender discrimination. It was not our intention in this advertisement to be sexist or discriminatory.*

*“Women un-pay more. Because they’re better drivers”*

*The SGIC outdoor advertisement features the headline claim “Women un-pay more” followed by the smaller print words “Because they’re better drivers”.*

*The advertisement is part of SGIC's "Unworry" campaign, which features puns using the prefix "un" to make words/phases that use unconventional grammar. In this advertisement, the claim is essentially that women pay less ("un-pay more") for SGIC's insurance because they're better drivers.*

*The claim that women pay less for SGIC's insurance because they are better drivers is factually accurate. The claim is based on an actuarial analysis performed by SCIG's research department, which has monitored and reviewed historical statistics for motor vehicle accidents in South Australia for many years.*

*Specifically, an actuarial analysis of the data shows that in South Australia over the 12 month period ended 31 August 2008, male drivers were 5.4% more likely to make an insurance claim for a motor vehicle accident compared to female drivers and the average cost of this claim is likely to be 0.8% higher. This makes male drivers a 6.2% higher insurance risk than female drivers assuming that all other rating factors such as driver age, vehicle type/value, location and use of vehicle, prior claims history, length of history and driving record are equal. This information is consistent with our Risk and Reality Research Report (September 2005) which found that overall, women are 1.2% less likely to be at fault in a collision. These figures increase for younger drivers: between the age ranges of 16-19 years, women are 20% less likely to be at fault in a collision and between the age ranges of 20-35 years, women are 2% less likely to be at fault in a collision.*

*In our view, the billboard advertisement communicates a statistical fact regarding women drivers and sets out the financial benefits offered to women drivers by SGIC as a result. The claim is empowering towards women to whom the billboard advertisement is principally directed, evidenced by the use of the women's symbol in the "o" of the word "woman" in the headline. The tone of the billboard advertisement is a little tongue-in-check evidenced by the use of the phrases "un-pay more" and "unworry".*

*The billboard advertisement does not portray men in a negative way (in fact there are no visuals or statements made about men at all). Objectively viewed, SGIC does not believe that the billboard advertisement discriminates against men or arbitrarily places people in a "basket" as suggested in the Complaint.*

*A similar complaint received in relation to a claim made in a television commercial broadcast in 2007 (Reference 124/07) that women are safer drivers was dismissed by the Advertising Standards Board on the grounds that "the advertisement...did not depict a product in a way which discriminated against men". The Complaint suggests that our 2007 television commercial was dismissed as it "apparently listed the statistical backing for their discounts", but that in the present case, "this billboard does not reflect this". In fact there is a statement at the bottom of the billboard advertisement which states that SGIC's "Lower premiums are based on a comparison between female and male drivers with all other rating factors being equal."*

*As you would be aware, an advertiser is not legally required to include substantiation material in the body of an advertisement, provided that appropriate substantiation exists to support the claim. The requirement is that the advertisement be truthful, accurate and not misleading. SGIC's claim that "Women un-pay more", namely pay less for SGIC's insurance "because they're better drivers" is fully substantiated and based on valid actuarial data. Therefore, the Complaint makes an incorrect distinction between our 2007 television commercial and the current billboard advertisement.*

*For the reasons set out above, SGIC submits that there is no reasonable basis for finding any breach of the Advertising Code of Ethics.*

### Summary

*SGIC places a very high value on its relationships with customers and the community. SGIC did not and would not voluntarily depict material in a way which discriminates against a section of the community on account of gender. SGIC is very conscious of the image it portrays in its advertising.*

*We trust that the Advertising Standards Bureau members will agree with our assessment that our advertisement does not breach the AANA Advertiser Code of Ethics. We request that the Advertising Standards Bureau dismiss the complaint and welcome your feedback.*

### **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 this billboard advertisement suggests women are better drivers because of their gender without any justification and considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of gender.

The Board noted that it had previously considered and dismissed a television advertisement by the advertiser based on a similar concept (Case Reference No. 124/07). The reasons for the Board's dismissal of that complaint included the following:

"The Board noted the complainant's concern that the advertisement was sexist and discriminates against men. The Board noted that the statements in the advertisement are based on the advertiser's own research. The Board noted that it is not within its jurisdiction to determine whether the research upon which this advertisement is based is accurate or whether or not it supports the statement made in the advertisement.

However, the Board considered that the advertisement made a reasonable statement and that although offering a different product to women the advertisement did not depict a product in a way which discriminated against men."

The Board noted that the advertisement includes fineprint stating that "lower premiums are based on a comparison between female and male drivers with all other rating factors being equal".

The Board also noted the advertiser response regarding the basis of the claim in the advertisement on historical statistics produced by its own research, which it uses to determine premium levels for drivers purchasing its insurance products. As in Case 124/07, the Board noted it is not within its jurisdiction to determine whether the research upon which this advertisement is based is accurate or whether or not it supports the statement made in the advertisement.

The Board considered that the statement suggesting that women are "better drivers" was fairly broad, but was clarified by the fine text appearing at the bottom of the billboard as relating to insurance-based statistical information. Accordingly, the Board was of the view that the statement did not go so far as to be regarded by most members of the community as discriminating against, or vilifying of, men in general. The Board therefore determined the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.