



CASE REPORT

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| 1. Complaint reference number | 231/08 |
| 2. Advertiser | Australian Pensioners Insurance Agency |
| 3. Product | Insurance |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 9 July 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins with a blue screen and graphic: APIA logo and text THE GETTING OF WISDOM with MAX WALKER

Female voice over: APIA presents The Getting of Wisdom with Max Walker.

We see present day Max Walker telling a story. We inter-cut this with some re-enactment scenes of Max's story.

Max: I was driving home from cricket practice and I came up behind this Torana...

We see a beautiful still shot of a gleaming Torana from the 70s and then see Max dressed up as though back in the 70's - driving his car.

Max's voice over continues: I don't really know how it happened ...

Through the window of a car, we see an attractive blonde woman in tennis gear. She accidentally lifts the back of her tennis skirt.

Max's voice over continues: ... but I just run into the back of him.

Present day Max: And then woof he's done the two 360's and ...

A model torana is shown doing a 360, sound effects of screeching breaks are heard.

Present day Max: I walked over to this bloke and I said Giddy mate! These days I'd just walk the two blocks home.

We now see 70s Max leaning into the other guy's car, with a big goofy smile, mouthing the words "Giddy mate".

Voice over: Driving less? You could save up to 20% on your comprehensive car insurance premium. So call 13 50 50.

Blue screen and graphic: Save up to 20% on your car insurance premium.

Disclaimer: Australian Alliance Insurance Company Ltd issues this product through its authorised representative Australian Pensioners Insurance Agency Pty Limited. Refer to the PDS by calling 13 50 50.

Final Text: Wise move. Apia logo. 13 50 50. Over 50 and not working full-time

A jingle for APIA plays over graphic 'Wise move. APIA'

THE COMPLAINT

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

It describes a car crash in which Max drives without due care and hits the rear of the car in front, causing it to spin twice apparently on the other side of the road, after which Max is shown seemingly unconcerned and merely saying G'day to the injured driver rather than asking him if he was alright or apologising. This trivialises a serious car crash that could have killed people. I would have thought an insurance company would be the last institution to make light of this sort of thing. I appreciate this is probably not based on a real event in Max's life, but it really does send the wrong message. Car accidents are no joke, and should not be portrayed as such.

THE ADVERTISER'S RESPONSE

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

As a specialist insurer for people over 50, not working full-time, Apia believes that people should be rewarded for their wisdom and experience which they have gained over time.

The latest ad featuring Max Walker, is about Max's "getting of wisdom" and we see Max reflecting on an incident which happened when Max was returning home from cricket practice in the 1970s.

Max reflects on a car incident he had in his younger years. As Max tells his story we see "flash backs" or "re-enactments" of the story. The flash backs are not real footage or intended to be so, but rather put together to demonstrate the point..and in true Max Walker story telling style, perhaps a little exaggerated to what actually happened.

Unfortunately we don't have time in the ad to show the conversation that followed between Max and the other driver, but we do show Max going up to the car to talk to the driver to see if he's ok. In reality he ended up offer the other driver a lift home.

The ad finishes with Max reflecting that now he drives a lot less and if he had to travel only a few blocks, like he did in the story – that he would probably walk.

Apia in no way intended to trivialize car accidents which can be traumatic or show that Max believes they are humorous, but rather Max is reflecting on something which happened to him a while ago, where no one was hurt, and something which he has learnt from.

We do apologize if we have offended any individuals and can only re-enforce again, that the advertisement is based on a light-hearted story from Max Walker's memoirs.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the television advertisement which features Max Walker recounting a story from his cricketing days during the 1970s.

The Board noted that Max is well known as a 'spinner of yarns' and that he plays the role of the likeable boofhead.

The Board considered that the tale was one that most members of the community could relate to and that the advertisement was not suggesting that Max was irresponsible when it came to obeying the road rules.

The Board further noted that Max immediately upon causing the accident went to check that the other driver was not hurt.

The Board found the advertisement to be humorous and noted that if the event in question actually occurred it took place over 30 years ago.

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