



## **CASE REPORT**

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| 1. Complaint reference number | 250/09  |
| 2. Advertiser                 | Youi Car Insurance                                      |
| 3. Product                    | Insurance   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Disability – section 2.1 |
| 6. Date of determination      | Wednesday, 10 June 2009                                 |
| 7. DETERMINATION              | Upheld – discontinued or modified                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television commercial has two male characters, the product spokesman and a man depicted as sitting in the driver's seat of a vehicle. The spokesman introduces the driver as "Jack" and states that "most insurance companies would assume that Jack, drives miles and miles to work every day, and charge him for it."

Whilst the spokesman is talking, the driver (Jack) is shown to be obsessively cleaning his eye glasses. The spokesman identifies that "At Youi we don't assume, we ask. So when Jack told us he drives a very short distance to work every day, we saved him lots of money on his car insurance." Jack continues to obsessively clean his glasses.

The spokesman looks at Jack and says "Saving him from his compulsive behaviour, that's beyond us." Voice over then provides details of Youi insurance.

## **THE COMPLAINT**

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

YOUI car insurance - 2 ads continue to be screened and offence to each remains re insensitive and hurtful depiction of Obsessive Compulsive Disorder (OCD).

Having suffered from this mental illness for over 25 years, I can assure you that many of its sufferers lead a miserable life with minimal enjoyment and am not surprised that the WHO has listed it as one of the top 10 most disabling illnesses in terms of lost income and reduced quality of life (source: Sunday Herald Sun, 19 August 2007, Body & Soul section, page 5. Features a woman folding paper in an obsessive compulsive manner for a prolonged period.

It is with horror that people have to sit through your insulting commercials where in you make fun of people with OCD If you or your advertising agency knew what it is like to live with this mental disorder and be partner of someone who has the problem you would not make such light of the illness People have taken there lives because of trying to live with this mental illness While I believe that you will not take much notice of this E mail I would strongly suggest that you have someone within you organisation at least find out what you are making fun of and you may then think twice before continue with these insulting commercials.

Each ad in the series shows some one with obsessive compulsive disorder.This is so wrong to base the ads for car insurance around people with obsessive behaviuor. It is a form of ridiculing these people and has nothing to do with car insurance.

I am writing to lodge a complaint about an advertisement now running on TV. this ad is for YOUI Car Insurance and people with mental illnesses (Obsessive Compulsive Disorder) are treated with lack of

respect (would this happen if these were a physical illness such as cancer). There is no excuse for this sort of behaviour today and is certainly not funny. I do not know the company who produced the advert but even though this type of insurance would suit me, I or any member of my family would never use YOUI. To add insult last night this advert was shown on Channel 9 during a medical program. I look forward to the cessation of this type of advertisement.

I wrote to Youi as follows: I have just seen the second of your recent television commercials using "compulsive behaviour" as a punch line. This is in very poor taste. Let me assure you that those unfortunate people who do suffer from "Obsessive Compulsive Disorder" (and yes this is a very serious condition) would be similarly disgusted. Mental illness affects 1 in every 5 Australians. Alienating 20% of your target market isn't a very smart business move. I urge you to suspend these advertisements ASAP.

I received this reply: At Youi, we pride ourselves in ensuring that all of our marketing and advertising messages and images meet the highest ethical criteria and both social and legal standards. We apologise if you were offended by our television advertisement. However, we would like to reassure you that our message seeks to focus upon areas whereby Youi may assist in providing car insurance for those customer's with individual driving behaviour and other behaviours, for example - a compulsive tendency, were outside of our control. At Youi, we are extremely conscious that Obsessive Compulsive Disorder (OCD) is a very serious condition. OCD as well as any other physical or mental illnesses should never be trivialised, nor at any time should they be the subject of any joke within advertising or elsewhere. However, we believe Youi's current advertisement does not currently seek to; and/or; convey this type of message to viewers. But rather, the advertisement refers only to certain individual behaviour or traits, as opposed to the more serious issues of personal illnesses/conditions/ disorders, such as OCD. We trust this provides a suitable explanation. However, should you disagree with our response, you may have this matter referred to our Internal Dispute Resolution Service (IDRS) by replying to this e-mail or by contacting myself on the telephone number below or 1300 00 9684. We will provide you with a formal response within 15 working days.

The response from Youi, confirms, that as far as mental illness goes, they just don't get it. The advertisement DOES trivialise compulsive behavior as being 'out-of-control' and serves to reinforce the stereotypical view of those with a mental illness, as being 'out-of-control'. These subtle almost subliminal messages regarding mental illness, make the job of seeking a non-discriminatory environment, just that bit harder.

## **THE ADVERTISER'S RESPONSE**

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

Youi Pty Lid (Youi) is a new general insurer in the Australian marketplace, who has developed a unique behavioural risk-based approach to underwriting and determining customers' insurance premiums. Youi asks more questions about how customers use their cars. For instance – where do they park during the day? How is their car parked - securely or otherwise? Do they use their car for commuting-to-work-purposes? etc

This behaviour approach provides Youi with many additional risk variables that provides us with a better understanding of how people use their car and behave generally, which we believe enables Youi to more accurately determine a price befitting that individual risk. This is opposed to the more traditional insurance rating methodology of assuming an "average" for all customer behaviour.

"Behaviour" has been a central tenet for all of Youi's communications, inclusive of television advertising, within our overarching message of "We don't assume, we ask."

The three (3) television advertisements upon which the complaints have been based have been specifically designed to look at certain lifestyles or "behaviour". They were intended to reach Youi's target market and more specifically, for reasons mentioned above, persons who:

· commute to work; · work from home; and · drive their car less on a daily basis. Also central to these television advertisements is the "compulsive behaviour" reference. However, this was utilised as a

means of providing customers with a common link/reference point between the three (3) advertisements and the Youi brand.

Further, the behaviour depicted by the actors in the advertisements was specific to the relevant target market and was in no way discriminating against the serious mental illness such as OCD, namely;

- commuter - folding a paper she reads when sitting in the train as she normally does every day as a regular commuter
- home duties - folding washing at her home as she normally does being a housewife
- driver - cleaning spectacles as a driver as he normally does being a regular cardriver.

In taking into consideration the complaints provided to the ASB for these television commercials, Youi does not believe these advertisements seek to; and/or convey a message that discriminates against; vilifies; belittles; or in any way trivialise the very serious mental illness/condition of Obsessive Compulsive Disorder (OCD).

OCD is never mentioned within the television commercials, nor does it appear in any other communication issued from Youi. We firmly believe the advertisements in question focus solely upon a behavioural trait or idiosyncrasy, e.g. a compulsive tendency. These traits, in part, may also be quite commonplace to many people within their daily lives and everyday activities, to varying degrees. These traits may also never escalate to the status whereby a person is diagnosed with a mental illness and/or suffers from a debilitating condition, such as OCD.

To this end, we do not believe these advertisements breach any of the Australian Association of National Advertisers (AANA) Code of Ethics, inclusive of Section 2.1 which states:

"Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion disability or political belief"

Youi would like to take this opportunity to sincerely apologise to any persons that may have been offended by our advertisements. However, we believe these advertisements more than comply with moral, social, legal and prevailing community standards and are not in any way directed towards sufferers of OCD or any other mental illness or condition.

## **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 depicted people with obsessive compulsive disorder and treats them with disrespect.

The Board considered whether the advertisement complied with section 2.1 of the Code which requires that advertisements or marketing communications 'shall not portray people or depict material in a way which discriminates against or vilifies a person on account of ...disability.'

The Board noted that the advertisement depicts a person cleaning his glasses constantly and specifically refers to his 'compulsive behaviour'. While the Board accepted that the advertiser did not specifically refer to Obsessive Compulsive Disorder (OCD), in the Board's view the advertisement did identify a population group - people with obsessive tendencies and also people with OCD.

The Board noted the advertiser's contention that the depiction of a man cleaning his glasses in his car was consistent with this target audience of people who drive to work, and that people who drive to work do clean their glasses. The Board considered however that the advertisement clearly referred to the man's behaviour as compulsive behaviour suggesting that this is therefore not 'usual' or 'normal' behaviour.

The Board considered that the advertisement does intend to depict or at least make the audience think of people suffering from OCD or obsessive behaviour. The Board noted that the man talking does look at the car driver strangely and has a tone of voice that suggests that he finds the man's behaviour amusing. The Board considered that this advertisement does make fun of a behaviour which can be a feature of mental illness over which sufferers have no control and that this advertisement could cause offence and demean.

On this basis the Board determined that the advertisement does discriminate against people on the basis of their disability and is in breach of section 2.1 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaints.

**ADVERTISER'S RESPONSE TO THE DETERMINATION**Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*We are in receipt of your e-mail of 12 June 2009. The Advertising Standards Board's ("The Board") comments and determination have been duly noted and considered. We now provide the following **Advertiser's Statement:** Youi Pty Ltd ("Youi"), whilst surprised by The Board's determination, unreservedly accept their finding and agree to modify all television commercials currently depicting compulsive behaviour to ensure all elements contained therein which may be considered offensive, or in contravention to the Advertiser's Code of Ethics Section 2.1 are removed. We anticipate these modifications to be completed by no later than Friday 26 June 2009. Youi sincerely apologises for any message/s unintentionally conveyed that were found offensive by sufferers, or those directly or indirectly affected and mental health care group/charities currently working within the community providing assistance, raising awareness and better understanding of Obsessive Compulsive Disorder (OCD).*