



CASE REPORT

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| 1. Complaint reference number | 267/09 |
| 2. Advertiser | Youi Pty Ltd |
| 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 a male and a female character, the product spokesman and a woman depicted as sitting on a train. The spokesman introduces the woman as “Anita” and states that “most insurance companies would assume that Anita drives to work every day, and charge her for it.”

Whilst the spokesman is talking, the passenger (Anita) is shown to be obsessively folding her newspaper. The spokesman identifies that “At Youi we don’t assume, we ask. So when Anita told us she drives to the station and catches the train to work every day, we saved her lots of money on her car insurance.” Anita continues to obsessively fold her newspaper.

The spokesman looks at Anita and says “But saving her from her 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:

This text discriminates against people with mental illness. I understand that it is illegal to discriminate in such cases. Furthermore, people who suffer such conditions often suffer from depression and a reference such as this could trigger suicidal behaviour.

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.

- 1. features a woman folding paper in an obsessive compulsive manner for a prolonged period.*
- 2. Similarly, the other depicts a man cleaning his glasses in an oc manner for a prolonged period, and is very similar to one of my oc behaviours.*

Near the end of each ad is the following statement:

'Saving him/her from his/her compulsive behaviour. That's beyond us'

As the purpose of each ad is to promote car insurance, reference to OCD is clearly unnecessary, and in the context of this ad demeans its sufferers, and is ignorant of its destructive impact on peoples' lives.

Every YOUI ad I have seen aside from these two which offend me use humour to promote their products. It is therefore clearly apparent that they regard OCD as humorous.

On behalf of all fellow OCD sufferers, I urge that the screenign of the two offensive ads cease asap.

Refers to previous correspondence dated 6 May - hasn't received a reply.

THE ADVERTISER'S RESPONSE

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

(Youi) Pty Ltd 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 car driver.*

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 repeatedly folding a newspaper very neatly and specifically refers to her '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 woman folding the paper was consistent with this target audience of people who commute to work, and that people who commute to work do read and fold their newspapers. The Board considered however that the advertisement clearly referred to the woman'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 looks at the woman strangely and as the advertisement progresses he is depicted becoming more amused at the woman's behaviour. The Board considered that the depictions in this advertisement makes fun of a behaviour which can be a feature of mental illness over which sufferers have no control and that this advertisement is likely to be seen as condescending to people with mental illness and to 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).