



CASE REPORT

1. Complaint reference number	310/09
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, 22 July 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 ridiculous habit, 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:

My initial complaint was about Youi making light of Obsessive Compulsive Disorder in ads where they showed footage of people cleaning glasses and folding newspapers. I was pleased to see the Advertising board take this complaint seriously and was very pleased that Youi were ordered to make changes to their advertising. I was dissatisfied that the existing ads would still play in the mean time but I was pleased that changes were promised.

I have just seen the new ad and am not at all impressed. I think the only change they have made to the ad is the last line: instead of "We cant help them with their compulsive behaviour" they now have "We cant help them with their ridiculous habits" .

This is even more offensive as it indicates that people with obsessive behaviours don't have a true medical problem but that these behaviours are "ridiculous" It proves that Youi really don't get the mental health issue at all. Sufferers of OCD now have to watch, what may be there OCD behaviour made fun of and called 'ridiculous'.

Youi, your lack of understanding in response to a advertising standards judgement is what is Ridiculous.

THE ADVERTISER'S RESPONSE

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

The following represents the company's response in relation to the complaint raised for due consideration by the Advertising Standards Board (ASB) at their forthcoming meeting.

Response

Upon receiving the ASB's previous determinations (Ref: 250/09, 267/09) in relation to three (3) previous television advertisements, Youi unreservedly agreed to amend these advertisements to comply with Section 2.1 of the Australian Association of National Advertisers (AANA) Code of Ethics.

In reviewing the amended advertisements we feel it's imperative that they are judged as new entities in their own right, with no reference to the previous versions.

We respect the decision of the ASB and have taken a good, long look at where we went wrong. We considered the following:

How do we make the right changes? And who would be best qualified to judge these changes? SANE Australia is a national charity working for a better life for people affected by mental illness. Because they are the authority on these issues we decided to review the communication they had sent us prior to the ASB ruling.

In looking at where we went wrong we went back to the mail we received from SANE on 16/06/2009. To quote their mail: '...I am getting in touch to pass that feedback on and explain why the wording has hit a negative chord with so many people. I fully acknowledge this wording was used lightly and not intended to cause distress or trivialise the illness, however anxiety disorders such as Obsessive Compulsive Disorder (OCD) can be a highly disabling and distressing mental illness, which can leave those affected unable to work or maintain relationships.'

We believe the use of the words 'compulsive behaviour' was where we unwittingly erred as pointed out above. For someone with OCD this must have gone to their very core. Using these words did seem that we were judging someone with OCD.

After much deliberation we believe that by removing these two words we remove the association with OCD.

We set about making these changes as soon as possible. The amended advertisements went to air on Monday 29 June. We then sent the amended ads to SANE to get their point of view on the changes we'd made.

Barbara Hocking, 2008 Order of Australia winner for services to Mental Illness and Executive Director of SANE, called us to discuss the advertisements. In her opinion the changes we'd made were satisfactory and she informed us that she would explain this to anyone contacting them with regard the ads.

When we received the new complaint we contacted Barbara to see if she would go on record with the SANE opinion on the amendments. Please see attached her letter stating: '... SANE has viewed the three amended versions of the youi television commercials under re-evaluation by the Advertising Standards Bureau. We are pleased to see that new wording has been introduced which means that, technically, they are no longer stigmatising.'

We also reassured her that from July 1 we introduced 4 more advertisements into the mix so the flighting of the amended advertisements would be significantly reduced. Her response: '...we are reassured that they will be seen less often in future.'

In our opinion the woman folding the newspapers is doing what hundreds of people do everyday on the train. Our chap having a chuckle is a 'moment' between two people. It's about the fact that the woman is distracting him while he's trying to speak. The fact that they have a laugh between them at the end bears testimony to this fact. We changed 'compulsive behaviour' here to 'eccentricities'. We feel this is in keeping with the spirit of the ad and said in jest doesn't have the edge that 'compulsive behaviour' had. It's important to remember that the two of them are having a laugh at the end. Surely no malice is intended if they are laughing together.

The other two advertisements follow a similar construct and ending.

The guy cleaning his glasses is doing something most people with glasses can relate to. It's the 'squeak' that is getting in the way of the Youi guy delivering his lines. Because the 'squeak' is silly we've used 'ridiculous habit' here.

The stay at home mom is a perfectionist and something a lot of people can relate to. It's her mumbling that is distracting the Youi guy. Her reaction at the end is humorous and she and the Youi guy have a good chuckle. She is so involved in what she is doing that she forgets she's making a noise, which interrupts the Youi guy. Because of their mutual sense of amusement we've used 'saving her from herself' here. The manner in which he delivers it is non-judgemental leaving viewers with a slight smile.

We're attaching all 3 amended advertisements for your review. We're sure you will agree that dropping the words 'compulsive behaviour' has taken out the reference to OCD and gets the ads back to being a slight smile at nobody's expense.

We have certainly learnt a lot during this process and will be more mindful in the future. We believe that we've engaged the correct people in wanting to do the right thing. As Barbara Hocking says: 'We also note the responsiveness of the advertisers who understand the nature of the concerns raised and are apologetic about any offence inadvertently caused by the commercial. They are clear that they will be more thoughtful in future.'

In view of the amendments to the television advertisements and comments provided by SANE Australia, we feel every possible measure has been undertaken to ensure compliance with the AANA Code of Ethics and prevailing community standards and we look forward to receiving a favourable response from the ASB in due course.

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 indicates that people with obsessive compulsive behaviours don't have a true medical problem but that these people are ridiculous.

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 'ridiculous habit'. While the Board accepted that the advertiser did not specifically refer to Obsessive Compulsive Disorder (OCD), in the Board's view the advertisement depicts a population group - people with obsessive tendencies.

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 ridiculous 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 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 noted the wording of the letter of support provided by the advertiser.

The Board considered that this advertisement does makes 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.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Please note, in response to the ASB's decision, discontinuation of the television advertisement will occur from Monday 3rd August 2009.