



## **CASE REPORT**

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| 1. Complaint reference number | 383/08  |
| 2. Advertiser                 | HBF   |
| 3. Product                    | Insurance   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Disability – section 2.1 |
| 6. Date of determination      | Wednesday, 8 October 2008                               |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement cuts between a series of younger men and women talking from a dentist's chair. Their speech is mostly understandable but captions appear to let the viewer know what they say, as their voices are distorted by the dental instruments in their mouths. They speak about why they joined and the benefits they are receiving. It ends with a voice over which states: "With HBF, there's no limits on a range of routine dental services. So claim as much, and as often as you need. Call or visit now." The end shot is the HBF logo with the slogan "Live life well" and the web address.

## **THE COMPLAINT**

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

*I am a social worker who works with the aged in a public hospital and I find the advertisement extremely offensive to people who have suffered strokes and other ailments and unable to speak clearly. I also work with a colleague who has a speech impairment and the advertisement has caused embarrassment. I have heard a lot of negative feedback about the advertisement and the insensitivity it shows towards people with speech impairment. It is made worse by the fact the it is a Health Fund that should show concern for people and not mockery and humiliation*

## **THE ADVERTISER'S RESPONSE**

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

*The purpose of this commercial, which promotes HBF Essentials cover, was to demonstrate to people a light hearted situation of visiting the dentist and attempting to talk to the dentist while receiving treatment (depicted through the actors having swabs and other dental devices placed in their mouths).*

*We aimed to target non-members and members who might see the benefits of HBF Health Insurance by demonstrating use of the most commonly claimed service, which is Dental treatment.*

*With people based values, we aim to develop commercials that accurately reflect the everyday situations facing our members and given we operate in a competitive environment, we aim to deliver them in an engaging and interesting format.*

*We did undertake qualitative market research prior to airing the commercials and they did actually resonate quite positively with our test audiences, the concern that was raised in this complaint did not arise in our market research findings.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.1, relating to discrimination and vilification, on the basis of disability. The Board noted that the advertisement was relevant to the product, which was clearly a dental product. The Board noted that objects (swabs and other dental devices) were clearly visible in the people’s mouths, causing them difficulties with speech. The Board considered that the advertisement was not intended to imply that the people talking were stroke victims or people with any physical disability and that most members of the public would interpret this advertisement in the manner suggested by the advertiser. The Board therefore found no breach of Section 2.1.

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