



## **CASE REPORT**

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 386/09                                   |
| 2. Advertiser                 | iSelect                                  |
| 3. Product                    | Insurance                                |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Language – use of language – section 2.5 |
| 6. Date of determination      | Wednesday, 16 September 2009             |
| 7. DETERMINATION              | Pending                                  |

## **DESCRIPTION OF THE ADVERTISEMENT**

A young blonde woman is sitting in a chair speaking into her mobile phone, filing her nails and a high-pitched voice says "oh, that stinkin Medicare surcharge", in a whining voice - stuff em at iselect you can get basic cover from around \$600 a year, and save on tax. There is a male voice over and then she says you'd be barren ravens to get hospital cover any where else.

## **THE COMPLAINT**

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

*I found the ad to be offensive as they used the words "stuff them" referring to how people should not pay the medicare levy surcharge for not having private health insurance. The words "stuff them" are highly inappropriate especially for 7:40am when children are watching. My son was watching at the time and I was appauled that ISelect could use such a poor choice of words. We hardly want our kids walking around the house saying "stuff them" when they don't get there way.*

## **THE ADVERTISER'S RESPONSE**

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

*iSelect's view is that the use of the term "stuff em" was used in this creative not to offend the audience but rather make consumers aware that they may be unnecessarily paying additional tax if they earn over the Medicare Levy Surcharge threshold and do not have private health insurance.*

*The second point to consider is that the TVC with 'stuff em' communicated is rated PG. This creative will only run during programs that do not have a G or C rating. This creative will not run during children's programming. Unfortunately, the 'Today Show' does not have a G or C rating. I suggest the complainant should take this up with the relevant media network. As such we reject the consumer's complaint but nonetheless respect their concerns.*

## **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' concerns that the language used in the advertisement was offensive and inappropriate for the time of screening.

The Board considered the application of Section 2.5, relating to the use of language.

The Board noted that, the tone and character of the woman in the advertisement and use of the words "stuff em" was mild and intended to be reflective of the thought that a younger person might have upon finding out that there was a much cheaper alternative available.

The Board considered that words "stuff em" were used in a context that was consistent with common Australian usage and there was no breach of Section 2.5 of the Code.

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