



## **CASE REPORT**

1. Complaint reference number	412/09
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, 9 September 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

Television advertisement showing a male (Frank) playing a video game and the insurer sitting next to him explains how Youi tailored Frank's insurance the insurer then refer to Frank's behaviour as obsessive.

## **THE COMPLAINT**

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

*Denigration of a disabled person/one with a medical condition, and therefore discrimination against same.*

*Moreover, whilst this is a separate youi advertisement to those previously found by the ABS to constitute a breach of the Code of Ethics, its reinforcement of the idea that it is acceptable to humour compulsive behaviour seems to me to compound the breach of the earlier advertisements. Given also the subtleties originally identified by the ABS, this re-emphasis of the former theme is in itself considered to be a breach of the Code.*

## **THE ADVERTISER'S RESPONSE**

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

*Youi Pty Ltd (Youi) is a new general insurer in the Australian marketplace, who has developed a unique risk-based approach to underwriting and determining customers' insurance premiums. Youi asks more questions about the insurance risk. For instance - is the house surrounded by large trees? Is the house close to bushland, river canals or other watercourses? etc.*

*This approach provides Youi with answers to many additional risk variables and provides us with a better understanding of the risk of storms, bushfire, flood, water inundation, etc. We believe this enables Youi to more accurately determine a price befitting the individual insurance risk. This is opposed to the more traditional insurance rating methodology of assuming an "average" for all risks.*

*Insurance risk management and saving money have been central tenets of all of Youi's communications, inclusive of television advertising, within our overarching message of "We don't assume, we ask."*

*The television advertisement upon which the complaint has been based is specifically targeted at homeowners, their houses, lifestyles and associated insurance risks such as tall trees close to the house that may impact in the event of a storm. In taking into consideration the complaint provided to the ASB for this television commercial, Youi does not believe this advertisement seeks to; and/or*

*conveys a message that denigrates a disabled person or one with a medical condition or discriminates against; vilifies; belittles; or in any way trivialises any type of condition ...*

*We firmly believe the advertisement in question reflects activities that are commonplace to many people within their daily lives and everyday activities. Both actors portrayed are depicted as able, happy and contented. Neither their expressions nor verbal script relate to; nor can be construed to relate to; any person with a disability or medical condition.*

*To this end, we do not believe this advertisement in any way breaches 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"*

*We note the complainant's reference to an earlier and separate television advertisement shown by Youi that was discontinued, following a ruling by the ASB. Since this ASB ruling, Youi has taken all care and precaution to ensure that no depiction or verbal scripting within advertisements could be construed as being humorous towards any persons with a disability of medical condition.*

*Any reference to a former relationship or re-emphasis of a former theme between any of the television advertisements would be incorrect and represent an unfair, unjust and inaccurate associative link or connection.*

## **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 young man playing a video game and does not refer to 'compulsive behaviour' but instead refers to Frank's obsession which in this instance is a passion for video games. The Board accepted that the advertiser was not referring to Obsessive Compulsive Disorder (OCD), and instead was drawing on Frank's passion or for computer games.

The Board noted the advertiser's response that the advertisement was consistent with this target audience (homeowners) and did not consider that the advertisement intended to depict or at least make the audience think the subject was suffering from a disorder.

The Board considered that the depictions in this advertisement were not aimed at a particular segment of the community or those people that have no control over their actions.

On this basis the Board determined that the advertisement does not discriminate against people on the basis of their disability and is not in breach of section 2.1 of the Code.

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