



CASE REPORT

1. Complaint reference number	484/08
2. Advertiser	Medibank Private Ltd
3. Product	Insurance
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 10 December 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a group of children building a ramp from pieces of wood, bricks, milk crates and other implements. It then shows them admiring their handiwork with one boy giving it the thumbs up. A voice over tells viewers that "Medibank Private has a stack of ways to help families get more for their money to help to cover life's little surprises". The voice over then provides details about the medical cover options available and the screen also scrolls through some of the options. The advertisement ends showing a Medibank logo, web address, phone number and the statement that the offer ends 30 November.

THE COMPLAINT

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

These were my comments to Medibank Private on their contact facility: Your latest tv ad is dangerous. It suggests that building a dodgy backyard ramp is ok. I work with someone who lost their 17 year old son to a dodgy ramp which he tried to use with his dirtbike. Not a good message AT ALL. This message is dangerous to children. The ramp is high, there is implied approval as the young boy nods at the end - it is an ad by a medical insurance company after all. This is NOT children exploring their environment it is a template for experiment. NOT OK. Promotes risky behaviour in that an insurance company will back any outcome. Indicates that MediBank Private trivialises backyard accidents.

THE ADVERTISER'S RESPONSE

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

The complainant's concern appears to be that the advertisement (showing young children building a ramp) may encourage children to build ramps using unsafe equipment that may potentially cause injury.

You have requested Medibank Private's response to the issues raised by the complainants, particularly having regard to section 2 of the AANA Advertiser Code of Ethics ("**Code Of Ethics**"), in so far as the complaint will be submitted to the ASB Board for consideration at its forthcoming meeting.

We have reviewed section 2 of the Code of Ethics and believe the sections needed to be addressed are sections 2.4 and 2.6, which we address below. If you believe there are other sections that need to be addressed, please let us know.

Section 2.4

Medibank Private believes that section 2.4 of the Code of Ethics is not applicable in the circumstances as the advertisement is not a marketing communication directed to children.

Medibank Private does not believe that the advertisement is one which, having regard to theme, visuals and language used, is directed primarily to children aged 14 years or younger and are for goods, services and facilities which are targeted toward and have a principal appeal to children.

The advertisement itself relates to private health insurance, and so is not directed at children or understood by children. In addition, the language used (for example: “to help cover the cost of life’s little surprises”) is clearly directed at adults.

The advertisement will not be appealing to children given that the media buying audience is defined as “Grocery Buyers with Children aged 0-12. The advertisement is principally directed to women and mothers between the ages of 24-54 and relates to private health insurance.

Accordingly, Medibank Private submits that the advertisement does not contravene section 2.4 of the Code of Ethics.

Section 2.6

Section 2.6 of the Code of Ethics provides that:

“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

This advertisement was not designed to encourage children to build and use ramps. It does not show in any significant detail the kids building the structure, and the kids are not depicted using the structure. Rather the advertisement is targeted at parents, to remind them in a light-hearted way that children are mischievous, unpredictable and do strange things that may sometimes put them in harm’s way. Something that can be controlled, however, is health cover for families.

In our view, the advertisement also has a public benefit as it serves to reinforce to parents that children, due to their often fearless nature, may sometimes engage in activities, which to an adult are clearly dangerous.

The advertisement also serves to remind parents that it is necessary to keep an eye on children. It follows that a further protection a parent can have for their child is to take out private health cover.

In our view, the advertisement is an appropriate and necessary safety message to communicate to parents, and the advertisement uses humour to communicate this message effectively.

In addition to this, this advertisement was originally produced and aired on television in 2006 with CAD approval received at that time. We note too that there were no complaints to the Advertising Standards Bureau in respect of the advertisement.

Accordingly, Medibank Private submits that the advertisement complies with section 2.6 of the Code of Ethics.

To conclude, Medibank Private is a responsible advertiser and maintains that the advertisement complies with section 2 of the Code of Ethics.

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 depiction of children building the ramp in this advertisement could encourage children viewing the advertisement to take part in similar activities and this could lead to injury.

The Board considered the application of Section 2.6 of the Code, relating to prevailing community

standards on health and safety.

The Board noted the advertisement depicted scenes of children gathering materials and putting a ramp together, with the final scene showing a young boy testing the ramp with his foot and as it wobbles, he gives a "thumbs up" signal to the other children. The Board noted that the advertisement did not depict any of the children actually using the ramp. The Board considered this depiction was unlikely to encourage children viewing the advertisement to imitate the activity in the advertisement or to take it a step further to riding on such a ramp. The Board therefore considered the advertisement did not depict material contrary to prevailing community standards on health and safety and found no breach of Section 2.6.

The Board also noted that it considered the advertisement was not directed primarily towards children and therefore the AANA Code for Advertising to Children did not apply.

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