



## CASE REPORT

1. Complaint reference number	501/08
2. Advertiser	BUPA Australia Health Pty Ltd
3. Product	Insurance
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Race – section 2.1
6. Date of determination	Wednesday, 10 December 2008
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from BUPA Australia Health for its HBA insurance products features a man dressed in green. The man in green asks questions of the man at the insurance counter. The man at the counter provides details about the insurance available and at the end says in an Irish accent, "To be sure, to be sure, to be sure". The man in green shakes his head and says he does not understand the last bit. The man behind the counter appears embarrassed. The advertisement ends with a screen with the words "Be sure" and then cuts to the contact details for HBA.

## THE COMPLAINT

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

*I object to this advertisement as I find it to be racist in that the man dressed in green is quite obviously intended to be recognised as Irish (he even has a Shamrock on his lapel) and he is depicted in a most negative way.*

*An untidy, shabby, unkempt man dressed in green comes to HBA and asks a representative to tell him about their product. The representative presumes he's Irish. The stereotype of the Irish as dirty and untidy and stupid is offensive.*

## THE ADVERTISER'S RESPONSE

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

*I am writing to respond to the above advertising complaints forwarded in your email of 21 November 2008 ("the Complaints").*

*Bupa Australia Health Pty Ltd ("Bupa Australia") maintains that the television advertisement in question ("the Advertisement") is not in contravention of Section 2 of the AANA Advertiser Code of Ethics ("the Code").*

*The Complaints allege that the Advertisement is "racist in that the man dressed in green is quote obviously intended to be recognised as Irish", that the man "is depicted in a most negative way" and "the stereotype of the Irish as dirty and untidy and stupid is offensive".*

*You have asked us to respond to the Complaints in view of Section 2 of the Code.*

*Bupa Australia responds as follows:*

*1. Sections 2.2, 2.3, 2.7 and 2.8 of the Code are clearly not relevant to the Advertisement.*

*2. The Advertisement does not contravene Section 2.1 of the Code. The Advertisement is intended to*

*be light-hearted and humorous and is not intended to be taken seriously.*

*Bupa Australia notes that the man dressed in green who appears in the Advertisement is not Irish, as evidenced by his broad Australian accent. It is not Bupa Australia's intention that any characters in the Advertisement be depicted in a negative way, but rather in a humorous way. The Advertisement does not portray people in a way that discriminates against or vilifies a person or section of the community on account of their race, ethnicity or nationality.*

*3. The Advertisement does not contravene Section 2.4 of the Code as it is not "directed to children 14 years old or younger" because:*

*(a) the theme of the Advertisement concerns adults as it relates to private health insurance;*

*(b) the visuals of the Advertisement are concerned with two adults engaging in a conversation about private health insurance; and*

*(c) the language and conversation in the Advertisement is directed to adults as it encourages them to purchase private health insurance.*

*In addition, the services being advertised are private health insurance, which is targeted towards adults, rather than children.*

*4. The Advertisement does not contravene Section 2.5 of the Code as it uses language that is appropriate in the circumstances and avoids strong or obscene language. The language used in the Advertisement is appropriate in the circumstances as it reflects a typical conversation between a prospective customer and an employee about the purchase of private health insurance.*

*5. The Advertisement does not contravene Section 2.6 of the Code as it does not "depict material contrary to prevailing community standards on health and safety". As set out above, the Advertisement is intended to be humorous and entertaining in nature and at no time shows or depicts violence.*

*Outlined below is further background on the product, campaign strategy and creative execution in relation to the Advertisement.*

#### *Product*

*This Advertisement intends to communicate to the audience that if they are seeking reassurance and certainty from their private health cover, with Bupa Australia (trading as HBA), they can "be sure". The key messages to support this surety message/proposition include:*

*· In 2007, over 97% of all medical claims through HBA's Ezyclaim system were fully covered.*

*Ezyclaim is Bupa Australia's direct billing system that specialists can use to eliminate or reduce 'gaps'; and*

*· Bupa Australia offers cover for less than \$1.70 a day and customers can lock in that low rate until 2010. The conditions for this offer are that it is available on the Active Sports Saver product and includes the 30% Federal Government rebate. A lifetime health cover loading may apply. The price lock ends 31 March 2010.*

#### *Campaign strategy*

*Bupa Australia (trading as HBA) is a well known and trusted brand in the health insurance category and its origins can be traced back over 70 years.*

*The campaign strategy is to position Bupa Australia as a private health insurer that provides reassurance and certainty to customers. The main message within the execution is 'With HBA, you can be sure'. The key messages being highlighted in the Advertisement set out above attest to our quality and affordability.*

*Bupa Australia has intended to present an integrated, highly visible and engaging campaign that builds brand personality through targeted messages via television and other mediums (including radio, press, outdoor and online advertising).*

*Bupa Australia's brand personality is reassuring, engaging, proactive, positive energy and the tone is real, engaging, fun & entertaining (clever not slapstick) and expert.*

#### *Creative execution*

*The Advertisement shows an Australian man with a very broad Australian accent, dressed in green (like a leprechaun) enquiring about private health cover. After some explanation by a mock Bupa Australia customer service consultant (including the key messages mentioned above) the customer*

*service consultant says to the man, in a light-hearted manner, "Ahh ... to be sure, to be sure, to be sure". The man, however, fails to comprehend the joke intended by the customer service consultant.*

*The Advertisement depicts a situation that is not intended to be taken seriously, but rather is intended to be a clever and engaging means of communicating Bupa Australia's key messages with the aim of generating calls by prospective customers to Bupa Australia's call centre or generating visits to Bupa Australia's website or branch network.*

*In summary, Bupa Australia does not believe that the Advertisement contravenes Section 2 of the AANA Advertiser 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 considered the application of Section 2.1 of the Code, relating to discrimination and vilification.

The Board noted the man dressed in green in the advertisement has a broad Australian accent, as pointed out by the advertiser in its response, and is clearly not intended to be Irish. The Board did not agree that the man dressed in green appeared stupid or dirty. Rather, the character making the assumption about the man being Irish because of the colour of his clothes was made to appear foolish. The Board considered the tone of the advertisement was light-hearted and did not portray people from Ireland in a negative way.

The Board determined the advertisement did not discriminate against, or vilify, people from Ireland or any other section of the community and therefore found no 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.