



CASE REPORT

1. Complaint reference number	527/09
2. Advertiser	HBF Health Insurance
3. Product	Insurance
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man leaving work, and then driving. A voice in his head is saying: "you know that she thinks that you do not spend enough time with her and you know she would like that you work less, but can you afford to? because you also know that she would like to re-do the floors, and the kitchen and go on a holiday and have a small celebration to renew your wedding vows and a small second wedding ring to go with it and you know that she would like to live closer to her parents and move to the country and you know that none of it makes any rational sense but you couldn't care any less because right now you would give it all to her in a heart beat, if she would just get better." The advertisement depicts the man arriving at the hospital to see his wife who has had chemotherapy and is wearing a headscarf.

THE COMPLAINT

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

I believe this type of advertising is nothing more than scaremongering and is abusing the emotions of the public, aiming to frighten people into thinking about getting sick/unwell and then looking into purchasing private health insurance. I have nothing against private health insurance and am a member of HBF myself. I feel people should make rational informed choices about their help and not let emotions rule.

THE ADVERTISER'S RESPONSE

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

Over the past decade or so, the private health insurance industry in WA has become rife with discount competitors and a promotional mindset. The effect over time has been to diminish the value of the entire private health insurance industry. After years of being told that health insurance can be bought for the cost of a cup of coffee, people have placed it in the same mental folder as car insurance; a necessary but negative purchase that they seldom see the value of. As a not-for-profit organisation, HBF were required to re-frame the entire category; to invite consumers to consider their priorities in life. Every day hundreds of HBF members go through exactly the type of experience we have tried to show in these advertisements. In fact the advertisements have been inspired by personal stories HBF members have related to us in the many research groups conducted prior to launch.

As a not-for-profit organisation, HBF's purpose is to help West Australians when they are sick and in need of the best possible healthcare. While health is an emotional and very personal subject (and one we often prefer not to think about) it really is why HBF exists.

We recognise that these advertisements are quite confronting but it is certainly not our intention to upset people. Instead the advertisements are intended to capture the moments which remind us that there really is nothing more important than our health - and the health of those we love.

Incidentally, in future advertisements we will show just how HBF is able to help West Australians in times of sickness. These first advertisements really set the context for these.

We are therefore of the opinion that the commercials in question, while emotional and confronting, do not breach any of the clauses in Section 2 of the AANA Code of Ethics, whether directly or broadly.

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 complainant's concerns that the advertisement was doing nothing more than scaremongering and frightening people into thinking about getting sick/unwell and then feeling fearful so they purchase health insurance.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states:

"Advertising or Marketing communications shall not depict material contrary to Prevailing community standards on health and safety."

The Board viewed the advertisement and noted that the tone and nature of the advertisement did draw upon people's emotions and vulnerability. However, the Board agreed that although some members of the community might be distressed by the advertisement, most members of the community would understand that the advertiser was intending to provoke an emotional response in order to persuade people to purchase its product.

The Board noted the husband's reference to all the things that his wife would like and that he would give them to her in a second if she would just get well was used to highlight the relative importance of things in peoples lives.

The Board determined that in this instance, the advertisement did not depict any material that was in breach of prevailing community standards on health and safety and was not in breach of section 2.6 of the Code.

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