



## CASE REPORT

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| 1. Complaint reference number | 53/10  |
| 2. Advertiser                 | Real Insurance   |
| 3. Product                    | Insurance  |
| 4. Type of advertisement      | Pay TV   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 10 March 2010   |
| 7. DETERMINATION              | Dismissed  |

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts two young women driving along a country road. The women drive past a man hitchhiking. The camera pans down the man's torso as the driver's eye would to the shoes and on noticing that the man is standing in manure and that this is on his shoes the driver drives off without offering the hitch-hiker a lift. The viewer is then invited to call the specified number for 'real insurance, real savings'.

## THE COMPLAINT

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

*Absolutely sends the wrong message to young girls (I have a daughter this age) about the dangers of picking up hitch-hikers. its a disgrace that this ad is shown.*

## THE ADVERTISER'S RESPONSE

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

*We refer to the correspondence received by myself on 24 February 2010 relating to a concern raised by a member of the public. The complainant in this matter it appears took offence with regard to two facets of our advertising:*

*1.The nature of the advertising is “quite sexualised” and that it breaches section 2.3 of the code relating to the portrayal of sex/sexuality/nudity. 2.The nature of the advertising “sends the wrong message to young girls (I have a daughter this age) about the dangers of picking up hitch-hikers” and is in breach of 2.6 of the code relating to prevailing community standards on health and safety.*

**Background:***The Hollard Insurance Company Pty Ltd (Hollard) is an APRA licensed, ASIC regulated insurance company that has been operating in Australia for over 10 years. We are a subsidiary of the multi-national Hollard Insurance group based in South Africa and operating globally.*

*Our local operation provides cover across most general and life insurance products, both under our own name and through various trading names and partner providers. We employ over 250 people directly and over 1,000 indirectly through our group companies.*

*Real Insurance (Real) is a related body corporate of Hollard and is staffed and operated from our call centre based in Castle Hill in Sydney. We have been providing this style of product for over 5 years, using a number of differing advertising mediums.*

## **Hollard's Position.**

### **1.Section 2.3**

*We note from the complainant's correspondence that the complainant is concerned that the material is quite sexualised.*

*The material and content of the advert was, as the complaint confirms, to convey a message to the viewer of empowerment to the drivers of the vehicle. In that they have the choice as to whether to pick up the hitch hiker or not and they make that decision based on the fact of the hitch hikers dirty shoes. The reason for not picking up the hitch-hiker is that the driver 'loves' their car and does not want to mess up the interior of the car.*

*The advert is a 'tongue and cheek' reference to the "Thelma and Louise" road movie which, in fact, deals with the empowerment of women. There was, with respect no intention for the scene to be perceived as sexual noting that half of Real's customer base is, in fact, male. If it was our intention to sexualize our products we would then be alienating half our customer base. We note that the driver and her passenger are not scantily clad and one would expect this to be so if the intent was sexualised.*

*The advert in total lasts for 33 seconds. In reviewing the complainant's comments we note there is no "long shot" on the man's crotch and stomach and the advert depicts the hitch hiker's torso for a maximum of 1 second. It does so noting that stylistically the entire advert is shot from the perspective of the driver and her passenger. A bird's eye view, of the overall scene from above, was not used. Consequently, and consistent with the entire advert, the camera pans down as the driver's eye would to the shoes and on noticing the dirt on the shoes the vehicle drives off without offering the hitch-hiker a lift.*

*The hitch-hiker is fully clothed at all times and the 'young girls' referred to by the complainant in the car are both over 18 and are in fact 39 and 42 years old.*

*We are confident that we have created a campaign that makes people smile and that the tone of our campaign is lighthearted enough to be non-offensive.*

*We respectfully disagree that this ad is "quite sexualised" in its nature and submit that it does not violate section 2.3 of the code. We note this section of the code is intended to ensure that advertising treats, sex, sexuality and nudity with sensitivity to the relevant audience. Here, the sale of motor insurance is dealt with by the depiction of the driver not providing a hitch hiker a lift due to the mud on the hitch hikers boots which would mess up the car that the driver 'loves'.*

### **1.Section 2.6**

*We note from the complainants' correspondence that the complainant is concerned that the material portrays "the wrong message to young girls about the dangers of picking up hitch-hikers." Particular attention has been drawn to section 2.6 of the code which states that advertising shall not depict material contrary to prevailing community standards on health and safety.*

*We respectfully draw to the Board's and the complainants attention a report by the Australian Security and Investment Commission (ASIC) which states that the majority of Australians are chronically under insured. We are of the view that as far as community standards go our advertising is actually a step in the right direction as it brings the issue of insurance to the minds of people who might not otherwise be aware of it.*

*This advert is used extensively to portray a situation and to provide the consumer with a scenario to which they can relate. Given the geographical size of Australia there is a well documented culture of hitch-hiking as a means of transportation therefore it is not unusual for viewers to relate to the scene.*

*We respectfully note that in the ad the hitch-hiker is not actually picked up by the car and as such we are at a loss to understand how the ad is in breach of section 2.6. Our current ad tells a story that hitch-hikers are part of everyday life. In no way does our ad send the wrong message. The message that the complainant has correctly expressed in their complaint details that by not picking up the hitch-hiker the car will not be messy due to the dirt on the shoes.*

*We have used this light hearted approach to engage the viewing audience as we have done throughout the current campaign.*

*For completeness, the material the subject of the complaint has run since January '10 this is the sole complaint we have had with regard to it.*

*We appreciate the complainant has taken some offence to this ad and the dangers of picking up hitch-hikers but we do not believe this to be the case. We frequently review our media buying strategies and will consider this feedback at our next planning session.*

*Prior to the production of this style of advertising we spoke to CAD who confirmed verbally that this format did not pose a problem from their perspective.*

*In closing, we welcome the opportunity for scrutiny where a member of the public feels that we may have caused offence, this is never our intent. We primarily operate in an industry sector whose goal is to ease the burdens on our customers in times of stress and worry. Our corporate goal is to "Protect the quality of a million Australian lives". We strive daily to attain this.*

## **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 complainant's concern that the advertisement encourages hitchhiking and is inappropriately sexual.

The Board viewed the advertisement. The Board considered that the advertisement depicted a 'Thelma and Louise' style theme of two women picking up a male hitchhiker. The Board considered that, while the women are intended to be pleased that the hitchhiker is a handsome man, the image where the driver runs her eyes over the man is not overtly sexualised and the advertisement does not focus on the man's crotch. The Board determined that the advertisement is not sexually suggestive.

The Board noted that the advertisement depicts two women stopping with the intention of providing a ride to a man hitchhiking. The Board noted that many people would consider hitchhiking, or picking up a hitchhiker, a potentially dangerous action. However the Board noted that the rules regarding hitchhiking are not uniform around Australia, but where regulated, relate to ensuring that hitchhiking is not done in unsafe road areas such as motorways. The Board considered that the depiction of picking up a hitchhiker is not a depiction of material that contravenes prevailing community standards on health and safety. The Board determined that the advertisement did not breach section 2.6 of the Code.

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