

## Case Report

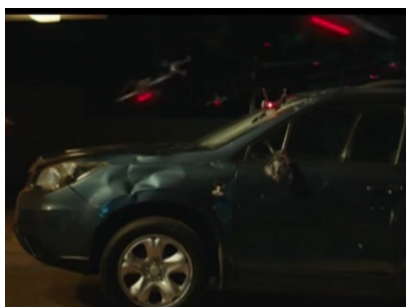
1. Case Number :	0133-24
2. Advertiser :	Auto & General Holdings - Budget Direct
3. Product :	Insurance
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	5-Jun-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a family looking at a drone show from their balcony. The drones have formed a smiley face until a comet strikes the drones, and the drones begin chasing the family around their house, destroying the contents of the house.



## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*The latest Budget Direct TV commercial for home insurance depicting drones attacking a house is incredibly tone deaf? I am disgusted and offended. They have made a TV commercial that trivializes the way Israel is killing thousands of innocent children and babies in Palestine (Gaza and West Bank).*

*My 11 year old son watched the ad and asked me if that is what is happening in Gaza with fear in his eyes. My 14 year old daughter started crying. This is unacceptable. I am not directly related to anyone involved with this brutal genocide, so imagine how terrifying this TV commercial would be for a relative or friend of persons directly involved.*

*Over 250,000 homes have been completely destroyed in Palestine (Gaza) by Israel bombs and drones. Over 2 million people are not homeless because Israel has been targeting the population, and their homes, with drones, bombs, illegal white phosphorous and other weapons. Thousands of men, women and children have been killed while the rest of the world watches on their mobile phones helplessly.*

*The Ad would confuse and frighten children. It is not clear what the smile, then sad face and then red lights coming at you into your home is for. This ad was run during NBN news at 6.00pm*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We refer to complaints received in relation to Auto & General Holdings' Night Lights advertisement (Advertisement) under section 2.3 of the AANA Code of Ethics.*

*The Advertisement*

*The Advertisement tells a fantastical and comical story of a family gathering on their deck to marvel at a captivating light display painting the night sky with a giant smiley face.*

*Their enjoyment is halted by the sudden appearance of a comet, sending ripples of disruption through the display. The once cheerful scene takes a bit of a turn as the display drones head towards the family's house.*

*Amidst the action, Sarge, Jacs, and Chief rush to the scene to restore order. Chief swiftly deals with the lead drone, causing the remaining display drones to fall from the sky. As calm returns, Sarge offers some reassuring words to the family and Jacs highlights Budget Direct's outstanding review ratings.*

*The theme of the Advertisement*

*We have an established history of creating TV commercials that show fantastical insurance events that are 'solved' by our 'Insurance Detectives'. Our strategy for developing these commercials is to take a familiar cultural observation and throw in an element of fantasy to create engaging insurance storylines. In the past Australia has seen a family home felled by a Jack Russell wielding a light-sword, a super powered leaf-blower creating a minor cyclone event damaging properties, and shopping trolley that takes on a life of its own and crashes into a customer's car.*

*This Advertisement is consistent with these themes. The Advertisement uses the fantastical device of small light display drones to add drama and fantasy to an event which causes property damage.*

*The Advertisement is a comedic treatment of the emergence of "display drone light shows", in which hundreds of display drones form symbols, spectacular colours and formations across the night sky for entertainment. Just as in the real world, sometimes these shows don't go perfectly to plan.*

*Examples of these shows are provided below for reference:*

*Vivid Sydney Drone Show (2023)*

*<https://easternsuburbsmums.com.au/written-in-the-stars/>*



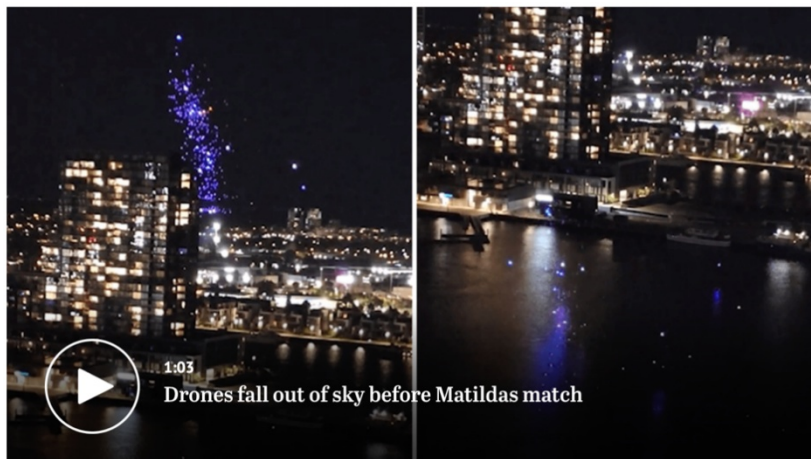
*Tokyo Olympics Drone Show (2021)*

*<https://olympics.com/ioc/news/spectacular-intel-drone-light-show-helps-bring-tokyo-2020-to-life-1>*



*Drone malfunction in Yarra River (2023)*

<https://www.brisbanetimes.com.au/national/queensland/brisbane-olympic-drone-show-axed-after-matildasmalfunction-20230717-p5dory.html>



*Our “Insurance Solved” advertisements are well established having been on air since 2018. Our ongoing consumer research and tracking tells us that Australians understand our commercials are light-hearted and created to entertain, and that they feature exaggerated and fantastical elements. The ABC program Gruen Transfer recently spoke of this approach (Season 15, Episode 6).*

### *Section 2.3 of the AANA Code of Ethics*

*The Advertisement is clearly theatrical, fantastical and intended to be humorous. Consistent with our previous “Insurance Solved” advertisements, the Advertisement uses cinematic sequences and devices to create a storyline which highlights the availability of our insurance products.*

*While the Advertisement depicts display drones approaching and entering the family home, this is done in a clearly fantastical and stylised manner. For example, the drones are “brought to life” in an unrealistic manner by the appearance of a comet, and the once “smiley face” formation is replaced with a “sad face”.*

*The advertisement features over-the-top and stylised visuals, music and sound effects. The music was specifically scored to be non-menacing to minimise any perceived tension in the Advertisement.*

*The action sequence depicting the toy drones entering the home is fleeting. It is approximately 2 seconds of a 45 second Advertisement. The toy drones do not target or attack any individual family members within the home, and while the family members appear to be shocked, they are not frightened.*

*The drones were deliberately selected to resemble the popular light-weight toys. They are small, with a plastic exterior, and when they hit the ground or property, the sound effects are deliberately “tinny” and nonthreatening, and the drones themselves break and fall apart.*

*These mini drones cannot reasonably be interpreted as bombs or military devices, and we submit that the Advertisement has no direct or indirect association with any form of war or armed conflict.*

*The mild impact of the toy drones is emphasised in the scene depicting the insurance detectives walk straight past and through them on their way into the family home without any reaction to the drones.*

*The damage caused by the drones in the Advertisement is minimal and consistent with the minor amount of damage that a small toy drone would make in real life.*

*To further clarify that the drones are fake and their action fake, at the start of the Advertisement there is an on-screen super which reads: “All drones are fictitious and a product of computer-generated imagery.”*

*We also note that:*

- *no person is depicted as being harmed or in pain;*
  - *there is no blood or gore depicted;*
  - *the Advertisement does not portray unreasonably frightening or distressing images;*
- and*
- *the Advertisement does not include any graphic violence nor any strong suggestion of menace.*



*The dialogue and action show that something out-of-this-world is taking place. It is the drones themselves which have come to life. The drones are not controlled by any humans.*

*On seeing the drones, 'Sarge' states: "Well that's not part of the show", and when inside the home, Sarge states: "Well that's positively glowing". This is a play on common detective movie or TV series "one-liners" spoken by lead characters.*

*Additionally, the Advertisement shows "Chief", a small Jack-Russell dog, collect the "leader" drone from midair, bringing a halt to all of the drones. This scene emphasises the fantastical nature of the action depicted in the Advertisement and the mild impact of the toy drones.*

*We submit that the majority of viewers would understand that the Advertisement is fantastical and comical, and that the minor property damage depicted in the Advertisement does not constitute violence.*

*If the panel does consider that the action sequences constitute violence, we submit that it is very mild and low-level for the reasons outlined above.*

*The Practice Note to the Code of Ethics specifies that more leeway is permitted where the depiction is stylised rather than realistic, as is the case with this Advertisement.*

*Any suggestion of violence is justifiable in the context of the insurance product being advertised. The product being advertised is the provision of insurance for unexpected events which result in damage to property.*

#### *Consumer Research*

*Our advertisements are designed deliberately to be light-hearted and never intend to poke fun of those suffering from an insurance event. We do testing at all stages of script development to ensure we're not alienating any groups.*

*For this Advertisement, we also proactively engaged a globally recognised third party research provider, System 1 Research, to better understand the emotional response of viewers to the Advertisement. The research tested a nationally representative sample of Australians aged 18 to 55+ and used qualitative responses alongside quantitative diagnostics to measure how the Advertisement elicited emotions from viewers.*

*The research elicited high levels of happiness from the sample viewers and there were no negative comments about the drones. The top key associations were positive, including: Entertaining (45%); Unique (26%); Interesting (23%); and Fun (23%). Furthermore, none of those that took part in our research mentioned any*

*association whatsoever between and our advert and the uses of drones in warfare or terrorist activity.*

#### *Other sections of the Code of Ethics*

*We note that the Community Panel's consideration may not be limited to Section 2.3 of the Code or the specific issues raised by individual complainants. We submit that the Advertisement is compliant with all other sections of the Code. Particularly:*

- The Advertisement does 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, gender, age, sexual orientation, religion, disability, mental illness or political belief*
- The Advertisement does not employ any sexual appeal.*
- The Advertisement does not portray any acts that are in reference to sex, sexuality or nudity.*
- The Advertisement does not include strong or obscene language.*
- The Advertisement does not depict material contrary to prevailing standards on health and safety.*
- The Advertisement is clearly distinguishable as advertising.*

*We submit that no other codes are applicable to the Advertisement.*

*Particularly, we submit that the Advertisement is not "advertising to children" for the purposes of the Children's Advertising Code and, as such, the Children's Advertising Code does not apply to the Advertisement. The nature and intended purpose of the product being promoted is not principally or significantly appealing to children. The Advertisement promotes insurance products.*

*We have obtained audience data relating to the shows or times that are mentioned and identifiable in the complaints. Children comprised a very small percentage of overall viewers, being 3% for the broadcast on 29 April 2024 and 7% for the broadcast on 7 May 2024.*

#### *Final Comments*

*We take our responsibilities under the AANA Code of Ethics and the Children's Code seriously.*

*We regret if any member of the public was offended by the Advertisement, however we submit that the Advertisement does not depict content contrary to prevailing community standards, and we request that the complaints be dismissed.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- is violent
- is reminiscent of drone strikes in Gaza.

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

**Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

**Does the advertisement contain violence?**

The Panel noted that it had considered a similar issue in an advertisement for the same advertiser in case 0010-24. In this case:

*"The Panel noted that the advertisement featured imagery of a pool cleaner destroying a poolside structure and appearing to attack residents of the home, who appear visibly frightened.*

*The Panel considered that the advertisement contained a level of menace and destruction of property that may be considered violence by some members of the community."*

The Panel considered that this advertisement also contained depictions of property destruction, and a family running away in fright. The Panel considered that while no people were harmed in the advertisement, this depiction of property damage and the frightened family did constitute violence.

**Is the violence portrayed justifiable in the context of the product or service advertised?**

The Panel noted the Practice Note for this section of the Code which states

*"Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code."*

The Panel noted that there are a number of conflicts currently in the world, which involve civilians and that many children are being hurt and killed. The Panel acknowledged that the theme of this advertisement could be distressing to anyone aware of these conflicts, and especially to those who have been directly affected by the conflicts.

The Panel considered that the advertisement is not a portrayal of a war, the drones depicted appear unsophisticated, no one in the advertisement is depicted as being



hurt by the drones, and there is no depiction of weapons or their use. Overall, the Panel considered that the scenario depicted in the advertisement is reflective of popular drone shows and does not depict or suggest armed conflict.

The Panel considered that the depiction of drones causing property damage was justifiable in the context of an advertisement promoting property insurance.

The Panel considered that while the family initially appeared concerned about the drones, they were shown as unharmed and unafraid at the resolution of the advertisement. The Panel noted that the drones were seen to merely hit and bounce-off the detective character without harming him, and the dog is shown easily catching one, underscoring their lack of danger. The Panel considered that this provided a sense that the people were not being intentionally attacked or threatened, but were instead the subjects of an unfortunate drone malfunction. The Panel considered that in combination these elements contributed to an atmosphere that lacked a high level of tension or threat.

The Panel considered that any sense of menace or threat in the advertisement was low. Overall, the Panel concluded that the low-level of violence in the advertisement was justifiable in the context of promoting property insurance.

### **Section 2.3 Conclusion**

The Panel concluded that the advertisement did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.