



## Case Report

1	Case Number	0104/15
2	Advertiser	Australian Insurance Holdings
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/03/2015
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

This television advert (TVC) introduces the fictional character “Captain Risky’s” Home his ‘Temple of Risk’.

### THE COMPLAINT

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

*As a electrical engineer any suggestion that water and electricity can be abused is to trivialise a potential serious safety hazard which could lead to serious injury. Children see an adult exposing himself to a playful situation with flashing wires and the inference is that it is fun and acceptable*

*I believe this shows an extremely dangerous scenario to viewers especially those of younger years who may interpret the scene as perfectly safe thereby possibly putting the young viewer’s lives at risk by them believing everything is OK and on harm can come to them.*

### THE ADVERTISER’S RESPONSE

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

*Response to the complaint:*

*The ad in question as identified by the CAD Number P0VQPIAA is known as Captain Risky’s*

*Hot Tub Temple of Risk. It is one of a suite of ads that will use the fictional character "Captain Risky" performing a number of exaggerated and stylised stunts (using CGI technology to achieve some of the effects) to communicate that because Budget Direct says no to high risk takers and risky circumstances, we are able to keep prices low for the majority of people.*

*We have carefully considered the complaints and the TVC in line with the entirety of Section 2 of the provisions of the AANA Code of Ethics ("Code"). The key points that, we believe, should be taken into consideration as regards this complaint are:*

*- The adverts went through an internal and external compliance approval process and were granted a PG rating by CAD and have been scheduled in accordance with the PG rating.  
- The advert is clearly targeted at adults, who are now or may soon be in the market for Home & Contents insurance, and uses humour and exaggerated situations that members of the target audience would easily comprehend. No children are depicted in the advert, children are clearly not being targeted as potential insurance customers and the advert is not scheduled to air in any children's programs.*

*- It is very clear that the advert is not depicting a real world environment but an exaggerated and stylised world, for example, the mirrored array which is the main feature of the ad and which is powering the hot tub (and Captain Risky's house) is made up of thousands of different mirrors are all placed in concentric circles pointing towards the house. This giant power array was created using CGI to look ridiculously larger-than-life and is therefore a form of visual puffery and comedy which would be completely unrealistic for the average household to contemplate building. We note that the ASB has previously dismissed complaints regarding advertisements where the advertisement is, akin to the Budget Direct advert, clearly fantasy (see Case number 246/02).*

*- The scenario is designed to be comedic. The larger than life personality, the character's use of language ("My Temple of Risk" "I have the Sun tamed like a Shih Tzu Poodle"), the props (the fact that the house is surrounded by hundreds of thousands of mirrors) and Captain Risky's appearance all clearly point to the satire of the scenario. No reasonable person could ever suggest other than this is an over the top comedic stance.*

*- All stunts in the advert were overseen by trained professional stunt coordinators and all possible safety measures (including the use of specific electrical safety and Health & Safety experts) were taken to ensure the stunts were safe to perform.*

*- That despite the obvious fictional, exaggerated world in which character performs the stunts the advert includes the prominent warning "Budget Direct does not recommend attempting these stunts".*

*- Budget Direct is not advocating for people to imitate this behaviour in fact the adverts actively discourage such behaviour both by stating clearly that Budget Direct will not insure people like "Captain Risky". We note that the ASB has previously dismissed complaints regarding advertisements where the advert, similar to the Budget Direct advert, does not condone or encourage unsafe behaviour (see Case Numbers 0339/11 and 0212/11).*

*We note that the board has recently upheld several ads that could be seen, at a surface level, as similar either through the spa / hot tub setting or the exaggerated use of power cords. To address each of these:*

*- Unlike i) Foxtel (case 0481/10) which featured a scenario common in many households around Christmas, ii) the Thirst Camel Sauna (case 0005/15) which featured an individual using everyday household equipment in a slightly unrealistic manner, and iii) iSelect Spa (case 0488/11) which features a character using a common laptop in a regular spa the Budget Direct TVC known as Captain Risky's Hot Tub Temple of Risk (as explained above) is depicting an obviously fantastical scenario featuring thousands of mirrors (created in CGI) and intended to be completely over the top, unrealistic and not something that the average*

*member of the general public could even contemplate building.*

*- The iSelect case (0488/11) and determination was understood and discussed at the time of making the TVC and as a result all care was taken when creating the TVC to ensure that the ad could not be perceived as anything but fantasy and as such did not include any everyday household electrical equipment.*

*In addition to the key points noted above, we are confident that our adverts meet all relevant standards enforced by the Codes as:*

- There is no discrimination or vilification in the adverts;*
- There is no exploitation or degradation in the adverts;*
- There is no violence in the adverts;*
- There is no sexualisation or nudity in the adverts;*
- There is no offensive language in the adverts;*
- There is no imagery depicting unsafe use of the product;*
- There are no images which are unduly frightening or distressing to children;*
- The adverts do not undermine parental authority;*
- There is no reference, in any way, to alcohol.*
- The ASB has indicated that the complaint raises issues in relation to section 2.6 of the Code of Ethics. It follows by the operation of section 2.4 of the Code of Ethics that the Children's Code does not apply to the advert. For the avoidance of doubt however we do not consider that the Children's Code applies to the advert as the Children's Code only applies to advertisements that are "directed primarily to Children", being persons aged 14 years or younger. For the reasons set out above, our advertisement is not directed to children at all and is predominantly broadcast outside of times that children would be watching television and thus would be unlikely to be viewed by children; and*
- There is a qualifying statement appearing in the adverts, being: "Budget Direct does not recommend attempting these stunts", is displayed conspicuously and is easily understandable by the target audience.*

*Conclusion.*

*For the reasons set out above, we submit that the advertisement does not breach Section 2, or any other section of the Code, that the general public do not consider building a solar array nor DIY powering a hot tub from said solar array as achievable, and we respectfully request that the complaints be dismissed.*

## **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 advertisement portrays dangerous behaviour involving water and electricity, which if copied by children or others could lead to serious injury.

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

The Board considered 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 noted that the advertisement features a man labelled Captain Risky in his own home leaping into a hot tub. As he talks to the viewer, the camera pans away and a number of electrical cords and power points are seen at the end of the hot tub. There is water flowing over the outlets and there are sparks being released. He states that Budget Direct won't insure people like him so that they can keep prices down.

The Board noted the exaggerated behaviour of Captain Risky and considered that the overall tone is humorous and fantastical. The Board noted that despite the inherent risk in the hot tub, Captain Risky is not shown to suffer any consequences or injuries.

The Board noted the strong public sentiment regarding the combination of water and electricity being in close proximity with each other and the dangers this can create.

The Board noted that it had previously dismissed advertisements for Captain Risky where he is seen carrying out a series of stunts (references 00001/15 and 0024/15). The Board noted that in those advertisements, the stunts were quite outrageous and would not be able to be performed by most adults or children as they involved vehicles or equipment not easily or readily available (eg: a jet-pack).

The Board noted that in contrast to the decisions above, the current advertisement was not a montage of crazy stunts but rather one single activity that involved a hot tub which is the type of item that some home owners would have or would have access to via friends or family.

The Board noted it had previously upheld cases involving the use of water and/or overloaded power boards (0005/15 and 0488/11). In a recently considered case for Liquor Alliance, a man is shown overloading a power board to generate heat from appliances. In case 0005/15 the Board considered that "although the advertisement is exaggerated, it is not sufficiently unrealistic to overcome the depiction of unsafe practices with electrical equipment."

In addition the Board noted that it had upheld a case for iSelect with two men sitting in a hot tub while one of the men is on a laptop. In case 0488/11, the Board noted that "the depiction of the man using an electrical appliance in water is a depiction of behaviour that is potentially unsafe – even if the laptop is operating on battery power. The majority of the Board considered that although the advertisement is unrealistic, the depiction of the man using the laptop in the spa is the focus of the advertisement."

Similar to the decisions mentioned above, the current case shows the man jumping into a hot tub in an exaggerated and humorous way, however in the Board's view the use of electrical equipment in and around water is potentially unsafe and there is significant effort made in the community to educate people about such dangers. The Board determined that the depiction of behaviour which is inconsistent with such messages is contrary to prevailing community standards on safety.

Based on the above, the Board determined that the advertisement depicted material contrary to prevailing community standards on health and safety and breached Section 2.6 of the Code.

Finding that the advertisement breached section 2.6 of the Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Whilst this is a disappointing result, as we considered this execution to be pure fantasy, it does highlight exactly why Budget Direct wouldn't insure Captain Risky (to keep prices low for everyone else). To reiterate Budget Direct does not support or condone potentially dangerous/unsafe behaviour.

This advertisement in its current form will not be aired after Wednesday 8th April 2015.