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| <b>COMPLAINT NUMBER</b> | 19/111                                   |
| <b>COMPLAINANT</b>      | L Read & eight others                    |
| <b>ADVERTISER</b>       | Partners Life                            |
| <b>ADVERTISEMENT</b>    | Partners Life Television                 |
| <b>DATE OF MEETING</b>  | 9 April 2019                             |
| <b>OUTCOME</b>          | Not Upheld<br>No Further Action Required |

### **SUMMARY**

The Partners Life television advertisement for life insurance is set in a fantasy “Afterlife Transit Lounge”. There are a range of people there, each having died for different reasons. One woman choked on an apricot, another was a smoker and one man died naked. The advertisement ends with the text: “Being dead is easier when your family’s taken care of”.

There were nine complaints about this advertisement. Eight complainants were concerned the advertisement was offensive and in poor taste because it makes fun of death, and this is especially upsetting to people who have recently suffered a bereavement.

A majority of the Complaints Board said the advertisement didn’t reach the threshold to cause harm, or serious or widespread offence.

The majority acknowledged the advertisement is taking a fresh and slightly confronting approach to a difficult subject. While some people may find the imagery in the advertisement in poor taste, serious health events and making provision for those that might be left behind are important subjects to be discussed. The themes used in the advertisement were not unrelated to the product being advertised.

The minority said the advertisement was likely to cause serious offense, especially for those who have recently experienced a bereavement or were terminally ill because of its confronting, realistic depiction of unnecessary images.

One complainant was offended by the use of an expletive. The Complaints Board said the use of an expletive in the advertisement did not reach the threshold to cause serious or widespread offense.

The Complaints Board ruled the complaint was Not Upheld.

**[No further action required]**

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Principle 1 and Rule 1(c) of the Advertising Standards Code.

Principle 1 required the Board to consider whether the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) required the Board to consider whether the advertisement contained anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

**The Complaints Board ruled the complaint was Not Upheld.**

### The Complaints

There were nine complaints about this advertisement. The Complainants were concerned the advertisement was offensive and in poor taste because it makes fun of death, and this is especially upsetting to people who have recently suffered a bereavement.

### The Advertiser's response

The Advertiser said the advertisement seeks to take a fresh approach in addressing a serious issue. The advertisement uses less cliché messaging and tries to take a satirical approach. It is an attempt to address the 'under-insurance gap'.

The Advertiser said they will be changing the end frame of the advertisement. Currently it ends with "Being dead is easier when your family's taken care of". From 14 April 2019 this statement will be changed to: "You never know when you'll go, but you can plan for it. Partners Life | Get Life Right".

### Precedents

In considering this complaint the Complaints Board referred to two precedent decisions. Decision 09/236 concerned a television advertisement for STIHL Chainsaws. It was Not Upheld, by majority vote. The advertisement showed a gravely ill father figure lying in bed, with his family gathered round him. The father requested one of his sons to come closer, and he whispered into his ear. After the father has died, another of his sons asks what is was their father said. The brother replied: "He said I could have his chainsaw".

Decision 18/298 for LifeDirect life insurance shows the cartoon character "Simon the Sloth" falling off a cliff, just as he is saying "...since I got my life insurance sorted through LifeDirect, I haven't had a worry in the world..." The complaint was ruled No Grounds to proceed

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board said the consumer takeout of the advertisement was death can happen at any time and buying life insurance is one thing you can do to prepare for it.

The Complaints Board noted the use of satire and black humour in the advertisement and agreed some of the imagery used was challenging and even unpleasant. The scene where a woman vomits up an apricot which she has choked on was cited as an example.

The Complaints Board noted there had been a significant number of complaints about this advertisement and the scenes depicted would be especially upsetting to people who have recently suffered a bereavement.

The Complaints Board noted there are 60 second and 90 second versions of the advertisement. The advertisement had been aired a significant number of times in a short period of time and both of these factors would have contributed to the impact the advertisement has had.

The Complaints Board noted the advertisement was rated PGR (Parental Guidance Recommended) and had not been aired during programmes aimed at young viewers.

*Does the advertisement contain anything that is likely to cause harm, or serious or widespread offence?*

A majority of the Complaints Board said the advertisement didn't reach the threshold to cause harm, or serious or widespread offence.

The majority acknowledged the advertisement is taking a fresh and slightly confronting approach to a difficult subject. While some people may find the imagery in the advertisement in poor taste, serious health events and making provision for those that might be left behind are important subjects to be discussed. The themes used in the advertisement were not unrelated to the product being advertised.

A minority of the Complaints Board disagreed. The minority said the advertisement was likely to cause serious offense, especially for those who have recently experienced a bereavement or were terminally ill. This is because of the confronting, realistic depiction of pay to view funerals and pay to view to observe life continuing on Earth, a woman still choking after her death and a deceased person naked. The minority felt the inclusion of these images were unnecessary for the advertiser to deliver its message. The minority said this is what made the advertisement more offensive than either of the precedent decisions.

One complainant, A Hurley, was concerned that the use of an expletive "shit" was offensive. The Complaints Board referred to the Broadcasting Standards Authority report "Language that May Offend in Broadcasting", published in June 2018. The word "shit" is ranked at number 30 on the list of the 31 most unacceptable words or phrases in broadcasting. The Complaints Board noted that the actor did not pronounce the "t" at end of the word. The Complaints Board held that the use of the word in the advertisement did not reach the threshold to cause serious or widespread offense.

*Is the advertisement socially responsible?*

A majority of the Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

The Complaints Board ruled the complaint was Not Upheld.

## **DESCRIPTION OF ADVERTISEMENT**

The Partners Life television advertisement for life insurance is set in a fantasy "Afterlife Transit Lounge". There are a range of people there, each having died for different reasons. One woman choked on an apricot, another was a smoker and one man died naked. The advertisement ends with the text: "Being dead is easier when your family's taken care of".

## **COMPLAINT FROM L READ**

I find the advertisement disgusting on so many levels. It portrays a heaven scene with people recently deceased discussing how they died and what they left behind, including:  
A women smoking who proclaims "what does it matter i'm already dead"  
A statement about those left behind "moving on"

A women spitting up apricots because she "choked" to death  
 A naked man which is repulsive  
 And most abhorrent of all, partners life's statement at the end of the advertisement is "being dead is much easier when you've the right life cover"  
 No it's not. Being dead isn't easier on anyone. I am watching my wonderful mum dying from lung cancer at the moment and this ad is wrong on so many levels. It is insensitive to the many, many people out there who have lost people in similar circumstances. Please don't glorify death in this way, it's not something to promote.

#### **COMPLAINT FROM A McCARDLE**

I would like to make a complaint under the code "advertisers must not use a shocking claim or image merely to attract attention". Myself and my family find this ad shocking and in very, very poor taste. For us, after recently loosing our parents and our pet!, we especially were upset with the message this ad put across. We felt the advertisers were trying to "shock and upset us" to unfairly to make their point that we should have life insurance. The ad has inappropriate and undignified imagery, and although we are not religious, i can only imagine that it would offend people who believe in god as well! To use such content that cheapens death while trying to be funny, is not an appropriate way to sell their life insurance. I am not a prude - there's so much media and advertising these days that i turn a blind eye to, but this piece of advertising was the one that broke the camel's back! Thank you.

#### **COMPLAINT FROM A HOWEY**

I'd like to report this extremely distasteful and upsetting advert for life insurance from partner's life. In the advert they make a joke of someone who has died from choking. They show her in the afterlife repeatedly choking on the same item of food that caused her death. Please understand that for viewers who have lost a loved ones to choking, this advert is extremely distressing. Even worse is fact that this person's death is portrayed as being funny in the advert adds insult to injury. I'm genuinely appalled. Does this break any of the asa rules? I'm certain this advert will be causing lots of unnecessary stress and upset to viewers. I'd love them to pull this advert as soon as possible.

#### **COMPLAINT FROM A HURLY**

Use of offensive/expletive language. Normalises the use of the word "shit". Offensive to not just children but adults as well.

#### **COMPLAINT FROM C METCALF**

A very distasteful and offensive depiction of deceased people commenting about their spouses. No respect for people with recently deceased family, terminally ill or seriously ill people. There is a total lack of respect and integrity. I am in my 70s and object to advertisers making fun of people in this offensive way.

#### **COMPLAINT FROM G FRY**

This advert is very insensitive. It would be horrible for someone who has loss someone close to them recently and anyone, like me, that has a terminal illness. I find it absolutely horrific, i imagine it has been written by someone in their 20's who hasn't even thought about dying. It has also been pointed out to me that the final message could be an encouragement to anyone considering suicide. Please remove it as soon as possible.

#### **COMPLAINT FROM G TAYLOR**

This ad is about being ready for death.  
 For people where this is a sensitive issue - recently bereaved or with a terminal illness (our case) the advertisement trivializes the situation.it shows someone with no clothes, someone puking, and it seems very disrespectful.  
 In our house we saw this on sunday the 3 march and monday 4 march at dinner time. Spoiled dinner time both nights.

### COMPLAINT FROM J COOTES

About 8 o'clock this culturally insensitive advertisement was aired. As this is a common time for people eating there tea it's Really not appropriate to have a naked man and a lady choking on a peach talking about death and heaven implying there all dead this is the questions we face when explaining what there talking about to the kids I'm very disappointed I had to explain what the people were talking about to a 6 year old this should not of meet New Zealand standards in the first place we have our own beliefs not being religious but none the less very shocked TVNZ has let this add to be broadcasted as this same advertisement has been playing throughout the day and kids all over New Zealand will be asking about death and to be fair putting us all in a awkward position Aotearoa has a lot of cultures and ethnic backgrounds and on behalf of my iwi and all the people of New Zealand we ask to remove this advertisement (partner life) has put on us all.

### COMPLAINT FROM R KARA

I believe this is an ad made in bad taste. It is a bunch of dead people discussing their deaths and paying \$1 to watch a portion of their lives on a monitor. For people who have lost a loved one, it is upsetting and I don't believe we should be subjected to this sort of ad.

### CODES OF PRACTICE

#### ADVERTISING STANDARDS CODE

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c): Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

### RESPONSE FROM ADVERTISER, PARTNERS LIFE

Please find enclosed Partners Life response to the complaints lodged with the Advertising Standards Authority (ASA) regarding the Partners Life television commercial.

The Get Life Right television advert is part of a wider communications strategy that seeks to take a fresh approach in addressing what we see as a serious issue in New Zealand – the significant underinsurance gap that exists in New Zealand and the cultural attitudes and norms that underpin New Zealander's long-term understanding of the consequences of what can happen when their lives are unexpectedly interrupted.

Life Insurers have long tried to communicate to the New Zealand public in a subtle manner, predominantly consisting of positive, 'happy' imagery and 'soft' messaging. By and large, the category has systemically failed to deliver a meaningful, challenging message. This systemic failure to challenge the status quo is particularly concerning to Partners Life when considering the following facts:

New Zealand has the 2<sup>nd</sup> lowest life and health insurance penetration amongst all OECD countries (premiums as a % of GDP); and

Of those New Zealanders who have purchased any form of Life Insurance, only 7% sought to purchase those products directly meaning that 93% have required a person to provide or advice the products appropriate to them.

These confronting statistics would suggest that New Zealanders may have a somewhat unique cultural aversion towards thinking and talking about the realities of serious health events (including premature death) interrupting the financial futures of themselves and their families. Previous industry attempts at messaging has done little to address these cultural barriers, and indeed recent statistics have shown a shrinkage in life insurance penetration over recent years.

One of the founding tenets of Partners Life has always been the goal to reduce, and ultimately close, this significant under-insurance gap in the New Zealand market, and protect Kiwis against the financial impacts of unexpected health-driven interruptions to their lifestyles. This is where the Get Life Right communications plan has originated, of which our current above-the-line brand campaign is the first step.

Working with our creative agency partners, Assignment Group, Partners Life determined that the only way to start 'cutting through' the cultural barriers was to try less 'cliché' messaging, and specifically to take a more satirical approach, heavily utilising 'Kiwi humour' to deliver what is, ultimately, a very important message and a challenge to the New Zealand public to take responsibility for themselves and their families by at least acknowledging that serious health events can happen, and do have financial consequences.

Separately, following the unprecedented and tragic events that occurred in Christchurch on the 15<sup>th</sup> March 2019, Partners Life made the decision to suspend all TV, digital, social media, electronic billboards / adshels etc until further notice. This action was taken promptly on Friday afternoon as events became clearer as to what had occurred. No decision has been made as to when the communication strategy will re-commence, or if any changes will be made to any of the content of the creative. Partners Life commits to communicating to the Advertising Standards Authority any updates or changes to this position.

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| <p>A basic, neutral description of the advertisement</p> | <p>Through our Get Life Right brand communications strategy, we've created a platform that gives us the opportunity to address the under-insurance gap in NZ by challenging New Zealander's to think about their future and take personal accountability for how vulnerable their families might be if they don't protect themselves. NZ ranks the 2<sup>nd</sup> lowest in the OECD (premiums as a % of GDP)<sup>1</sup> for the rate of insurance coverage across its population and in 2017, the death rate of those aged between 18-65 years of age was 19%<sup>2</sup> - highlighting the need to start a conversation with New Zealanders about the importance of risk and taking responsibility for themselves and their families. The advertisement is set in an 'Afterlife Transit Lounge' which is a vast, beautiful space with a touch of the bizarre and science fiction to it. This is an 'arrivals area' for those who have passed on. It's full of people from all walks of life, moving in different directions and onto different destinations. The advert starts by panning through this to arrive at a group of seated New Zealanders. In the middle of this group is Allan, our main character, who is coming to terms with having just passed on and is being comforted by others. The</p> |
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<sup>1</sup> Swiss Re Publication Sigma 03/2018 (data 2017)

<sup>2</sup> stats.govt.nz – births and deaths (2017)

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|  | <p>characters in the group are a mix of Kiwis – different ethnicities, genders and ages.</p> <p>The advertisement is about educating people and does not say ‘buy now’ or recommend a product. That there is no call to action is deliberate – the campaign’s intent is to prompt the audience to think and understand the risk not having adequate protection puts them and their families in.</p> <p>We have designed the communication to leverage aspects of the Kiwi culture and the iconic way in which we communicate; using a satirical approach has proven an effective way of getting an important message to cut through to a younger target audience.</p>  |
| Date advertisement began   | Sunday, 3 <sup>rd</sup> March 2019   |
| Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)   | TV, Cinema, Billboard, Adshels, Bus Signage, Online Video  |
| Is the advertisement still accessible – where and until when?  | Media schedule attached for the 2019 calendar year. Key launch period for TV, Cinema and OOH is during March and April 2019, with TV and digital then pulsed throughout the year. TV also includes spots during the Rugby World Cup.   |
| A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version. | See attached 90” TVC<br>See attached examples of OOH and digital creative  |
| Who is the product / brand target audience?  | The 25 – 54 year old demographic; specifically the large group of New Zealanders who have not yet, and may otherwise never engage with the ‘traditional’ independent adviser network.  |
| Clear substantiation on claims that are challenged by the complainant.   | <p><b>Claim: Principle 1 Social Responsibility, Rule 1c Decency and Offensiveness</b></p> <p>Protecting themselves from serious life and health interruptions (including premature death) for many New Zealander’s is one of those things they prefer not to think about or simply don’t think about until they reach a certain ‘trigger’ life stage. To draw the public’s attention to the need to protect their family, we felt there was a need to break through in a category that has always used cliched and anodyne advertising. Insurance advertising has long been a category of dreary pictures of old people depicted having a good life and has tiptoed around the concept of early or impromptu death. This type of advertising does not appeal or talk to the younger target audience group. A satirical and humorous approach is an effective way of getting this important message to cut through to that younger target audience. We appreciate that for some viewers some of the scenarios may be personally close to home, which effectively proves the point we are trying to make – these things do happen.</p> <p>There have been many examples of popular and</p> |

satirical ads where scenes of the afterlife have featured; as follows:

**Ghost Chips Drink Driving.**

<https://www.youtube.com/watch?v=CtWirGxV7Q8>

This ad shows the Ghost of George after he's died in a car crash offering his Ghost Chips to his friend.

**DB Draught** set an ad in a pub in heaven filled with dead people which included a tv screen to allow the patrons to look down on earth at what the living were doing.

<https://www.youtube.com/watch?v=dTvVbWWLGpc>

**Pineapple Lumps** TV ad shows a panel of country representatives vying for hand-outs from God.

<https://youtu.be/q800G-x8qA0>

**Claim: the advert is indecent, offensive and distasteful by showing nakedness, swearing, showing vomiting and uses provocative copy/images.**

Prior to shooting the TV advert we took the precaution of consulting with the Television Commercials Approvals Bureau (TCAB) and as a result of this, made subtle modifications to the scripts in order for the advert to be approved. The advice was:

- Not to show the girl actually smoking a cigarette but we could show it lit. We opted to not show her smoking, or to show the cigarette lit and instead showed her simply attempting to light it.
- The man who was scripted to be undressed in the talent line-up was deemed to be acceptable as we didn't show any genitalia. At no time is genitalia shown during the advert; with a computer screen used to obscure at all times.
- We were advised that the word 'shit' is considered low grade swearing and if the actor pronounces the word without sounding the 'T' that it would be permissible. Consequently, he says 'Awww shi, I forgot to shut the gate!'
- Similarly, we were advised use of the word 'God' may offend some viewers so we agreed we would use the colloquial expression of Goooord but not sound the 'd'.

The ad ends with the observation, 'Being dead is easier when you've got the right life cover' and are designed to get adult New Zealanders thinking and talking about the reality that bad things can and do happen unexpectedly whether or not we want to believe it or think about it. They also deliver the message that thinking and talking about this reality means we have a chance to put financial plans in place to support those that are unexpectedly left behind.

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|  | <p>We believe we have taken every step available to ensure our advertising meets the ASA Advertising Standards code, while endeavouring to create a powerful and effective campaign to encourage the target audience to find out more about why they might need to protect themselves and their families.</p> <p><b>Claim: cultural, religious widespread offence or likelihood to cause harm</b></p> <p>There is no reference or specific comment relating to religion or particular cultures in the advert; nor any encouragement to anyone to harm themselves. What is encouraged is the message that thinking and talking about the reality of an untimely death means we have a chance to put financial plans in place to support those that are unexpectedly left behind.</p> |
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### RESPONSE FROM COMMERCIAL APPROVALS BUREAU

We have been asked to respond to this complaint under the following codes:  
Advertising Standards Code – Principle 1, Rule 1(c)

CAB approved this Partners Life commercial on 27/11/18 with a ‘PGR’ classification.

The PGR classification means this commercial can only play during times and programmes where parental guidance is recommended. It is unsuitable for programmes aimed at young viewers and is barred from such shows.

Without exception, complainants viewed this commercial between 6:40pm-10:50pm. This timeframe falls within the definition of PGR programming, and for the most part (into the very late evening) is beyond the time children will be awake.

Life insurance – by its very nature – deals with the subject of death. Obviously death is a sensitive topic, but it must be addressed as a matter of planning for the future.

This commercial shows what can happen when death comes unexpectedly, and how important it is to plan for that possibility.

Everything within the ad is suitable for the applied ‘PGR’ classification, and it has been viewed by adults during the national news or during later adult programming.

CAB does sympathise with those who have been recently bereaved, and we also encourage the right of advertisers to help the public prepare with suitable life insurance.

### APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.