

<b>COMPLAINT NUMBER</b>	21/005
<b>ADVERTISER</b>	Tower Insurance
<b>ADVERTISEMENT</b>	GoCarma, Television
<b>DATE OF MEETING</b>	10 February 2021
<b>OUTCOME</b>	Not Upheld No Further Action Required

### Summary of the Complaints Board Decision

The Complaints Board did not uphold complaints about a television advertisement for the Tower Insurance GoCarma App. The Complaints Board said the advertisement did not portray a situation which encouraged or condoned a disregard for safety.

### Advertisement

The Tower Insurance advertisement which was screened via the OnDemand platform and on television promotes the new GoCarma App which rewards road users for driving safely. The advertisement shows "Jase" being "an excellent driver" including not breaking the speed limit. The voiceover says "Jase even indicates when there's no one around". The advertisement then says with the GoCarma App "The better you drive, the lower the excess."

### Summary of the Complaints

Three Complainants were concerned the advertisement sends the wrong safety message by implying the driver is being overly cautious indicating despite there being no other traffic, when it is part of the road code to indicate whenever turning.

### Issues Raised:

- Social Responsibility
- Safety

### Summary of the Advertiser's Response

The Advertiser defended the advertisement and said the purpose of the advertisement is to encourage and reward safe driving. It said the advertisement shows the character Jase being an excellent driver. The Advertiser said while the voiceover may subtly suggest that some drivers may not use their indicators when no other cars are around, it is clear that the correct thing to do is to always indicate. The App rewards those who comply with the road rules and any suggestion the advertisement promotes non-compliance with the rules is decontextualised from the wider advertisement.

### Summary of the Media's Response

The Commercial Approvals Bureau said the advertisement is about rewarding good drivers in a quirky way. It said the safe and courteous driver is positively acknowledged by the Advertiser by being granted lower excesses on his insurance premium.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaints with reference to the following codes:

### 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(e) Safety:** Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 20/568, which was Upheld and Decision 19/354, which the Chair ruled No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 20/568** concerned a television and Digital Marketing advertisement for Volvo Cars NZ which promoted the Volvo XC60's Lane Keeping Aid safety feature.

The Complaints Board was of the view that the advertisement condoned the unsafe practice of driving while fatigued and the advertisement breached Principle 1 and Rule 1(e) of the Advertising Standards Code.

**Decision 19/354** concerned a television advertisement for OLA New Zealand Global Limited, which showed a car with fog lights on in clear conditions.

The Chair of the Complaints Board said the likely consumer takeout of the advertisement would not be the use of fog lights for most viewers. The Chair the lighting detail was incidental to the overall message and was unlikely to encourage or condone an unsafe practice. The complaint was ruled No Grounds to proceed.

### Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was there is a new car insurance App called GoCarma which rewards policy holders by linking good driving to lower insurance premiums.

The Board noted that the product being advertised was an App and the advertisement demonstrated how it worked.

*Does the advertisement encourage or condone a disregard for safety?*

The Complaints Board unanimously agreed the advertisement did not portray a situation which encouraged or condoned a disregard for safety. The Complaints Board said the Advertiser neither showed nor condoned unsafe driving. The Board said the advertisement uses humour to show how the GoCarma App will reward safe driving practices. While the advertisement acknowledged that some drivers may not indicate if no other vehicles were present, the Board said the intent of the advertisement was for viewers to identify with the character's "excellent" driving and consider whether they too could benefit from the GoCarma App.

A minority of the Complaints Board said the voiceover in the advertisement did contain a hint of ridicule about indicating when no other vehicles were present and said it was not ideal that the Jase character felt the need to defend his correct driving practices by saying he liked the sound of the indicator. However, the minority agreed that in the context of the overall message and allowing for the use of humour, the advertisement did not meet the threshold to breach Rule 1(e) of the Advertising Standards Code.

*Was the advertisement prepared and placed with a due sense of social responsibility?*

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

**Outcome**

The Complaints Board ruled the complaints were **Not Upheld**.

No further action required.

**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 calendar days of receipt of this decision.

## APPENDICES

1. Complaints
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT 1

Tower Insurance shows a driver coming to an intersection with a voice over which says ( words to the effect) "Jace even indicates when there's no one around". The message implies that Jace is being overly cautious. This is a dangerous message. All drivers should indicate when they are turning. This is part of the Road Code. For an insurance company to show such a situation in an advertisement is concerning. NZ has terrible road death statistics and to imply that not indicating is ever an ok situation is irresponsible.

#### COMPLAINT 2

The Tower insurance ad is about good drivers being able to use an app to get discounts on their insurance. In the ad, the voice-over makes fun of the good driver for indicating when no one else is around. I think that sends a really bad message - they shouldn't be doing anything to discourage drivers from indicating, as a lot of drivers fail to do so on a regular basis. I feel that this ad could contribute to the poor attitude some kiwi drivers have about indicating.

#### COMPLAINT 3

The Tower Insurance ad regarding car insurance mentions 'indicating when you think no one is around' as if this is not a legal requirement. With the number of road accidents and deaths in NZ, I feel that we should not be publicly encouraging a lack of indicating or insinuating that indicating when you think there is no one around is normal.

### Appendix 2

#### RESPONSE FROM ADVERTISER, TOWER INSURANCE

Question 3: Digital media file(s) Please accept this response to your information request. We have attached the digital media file(s) of the advertisement for your review.

Tower are seeking to defend the complaints against our recent GoCarma advertisement (**The Ad**). It is alleged that The Ad is in breach of principle 1, Rule 1(e) of the Advertising Standards Code.

Our basis for defence of this complaint is that the purpose of The Ad is to encourage and reward safe driving. The Ad promotes the Tower GoCarma application (**The App**). The App gives rewards and discounts to drivers who drive in a safety conscious manner. It specifically promotes compliance with the Road Rules.

The script (narrated by voiceover) is as follows:

"You've got a problem.

You're an excellent driver.

You've never broken the speed limit.

You even indicate when there's... nobody around?

Actor: ("What? I like the sound.")

Why's that a problem?

Because you're paying the same excess as a bad driver.

But that's now a thing of the past.

Because with Tower's GoCarma app, the better you drive, the lower your excess."

The Ad begins with a voiceover by stating "You're an EXCELLENT driver" as we watch our commercial hero, Jase demonstrating the qualities of an excellent driver. It goes on to state he has never broken the speed limit and shows the speedometer at 50 kilometres per hour – clearly traits of an excellent driver (as demonstrated by a sign stating "U RULE JASE" as he drives past). The Ad then shows Jase indicating while no one is around. While the voiceover may subtly suggest that some people may not use their indicators when there are no other cars around, it is clear that the correct thing to do is to indicate always (as demonstrated by the voiceover prefacing the ad by saying "you're an EXCELLENT driver").

The entire commercial was designed to model safe driving in a light-hearted way in the hope that viewers are reminded what safe driving looks like and download The App to be rewarded for it. So rather than encouraging or condoning a disregard for safety - our intention is exactly the opposite - to encourage fastidious compliance with the Road Rules and safety being the purpose of both The Ad and the App itself. Tower has intended this Ad to use reasonable marketing humour in order to garner interest from its desired demographic. Tower is therefore of the view that no breach of the rules has occurred and any suggestion that that section of The Ad promotes non-compliance with the Road Rules is decontextualised from the wider ad.

Question 4: Is the advertisement still accessible? When and where:

- Yes, the advert is scheduled to play run on TV and Online video until the 28<sup>th</sup> February.
- It is also accessible on the Tower Facebook & YouTube channels

Question 5: List all the media where the advertisement is placed:

- TV
- Online Video
  - YouTube
  - TVNZ On Demand
- Social Media
  - Facebook
  - YouTube

Question 6: CAB Key Number and Rating:

CAB approvals number is 011180

Question 7: Who is the target audience for this product/brand/service? What tools and/or data were used to target this audience?

Target audiences:

- Age 35+ Safety conscious, (potentially with teenage children who are new drivers), who will benefit and motivated by incentives to drive well)
- Age 18 to 35 - Younger drivers without tenure and driving history.
- Both Tower customers & non-customers

Tools:

- TV Trading Demo AP 30-59
- YouTube age targeting 18+
- TVNZ On Demand age targeting 25-54

### **Appendix 3**

#### **RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU**

##### **Complaint 21/005 Tower Insurance TOW0092A 30 1 General classification**

In the past, whether you were a good or bad driver there was no difference in the excess consumers paid on Tower Car Insurance Premiums. Tower Insurance has recently produced a GoCarma app which rewards those who drive well with lower excesses should their car suffer damage.

To be effective, advertising needs to grab the consumers' attention. This slightly quirky advertisement clearly demonstrates a socially responsible message about rewarding safe and careful drivers.

The GoCarma app works on the same principle as karma but relates to cars. By having a safe driving record this courteous driver is positively acknowledged by the company and is therefore granted lower excesses on his insurance premium.

There seems no reason to uphold this complaint.