

Decision of the ADVERTISING REGULATORY BOARD

First Complainant	Jennifer Hill
Second Complainant	Michael Hourquebie
Advertiser	King Price Insurance Ltd
Consumer/Competitor	Consumer Complaints
File reference	41 + 45 / King Price / Jennifer Hill And Another / 19-12-18
Outcome	Dismissed
Date	26 February 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider the complaints lodged against a King Price Insurance television commercial.

Description of the advertising

The commercial in question was flighted on Mnet during the festive season. The commercial starts off with an image of a house that is beautifully decorated for the Christmas season. There is a sudden sound of shattering glass, and then we are shown

three guys wearing black burglar masks and black outfits walking into the house. The house is clearly not theirs, but they are shown enjoying the Christmas dinner, drinking the wine, wearing the family's Christmas sweaters, reading Christmas stories by the fire place, opening presents and having a great time.

Complaint

The First Complainant argued that the commercial is in poor taste as this country is riddled with crime and violence, and this commercial appears to celebrate burglaries. She also submitted that she is a survivor of an armed robbery that was horrific, and she finds the commercial shocking.

The Second Complainant argued that the commercial is very insensitive to anyone that has been burglarized or suffered a home invasion.

Response

The Advertiser pointed out that it is not a member of the ARB and do not submit to its jurisdiction. However, it chose to respond to the complaints:

- It noted that the complainants are of the opinion that the advertisement is insensitive towards someone that has undergone a robbery.
- It submitted that as a short term insurance company it regularly deals with people who have been victims of burglaries and robberies. King Price Insurance is currently implementing a program through which it will have professional trauma counsellors available for its clients who have suffered any traumatic experience in an insured event.

- The Advertiser submitted that the high frequency of burglaries in SA is common knowledge and it is also a fact that there are even more of these incidents over the festive season. The public needs to be made aware of this and the importance of insuring these risks, and there were two ways it could have done this. The first option was to display the reality of burglaries and robberies in a serious manner; and the second option was to keep it light hearted, and not to include any victims. It chose the second option.
- The Advertiser rejected the Complainant's allegation that the burglaries are celebrated in the advertisement. The intention was not to spoil the festive season and therefore it kept the message light-hearted.

Application of the Code of Advertising Practice

In light of the complaints the following clause was considered relevant:

Offensive advertising - Clause 1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

Clause 1 of Section II of the Code states “No advertising may offend against good taste or decency or be offensive to public or sectorial values and sensitivities, unless the advertising is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.”

The Directorate understands and sympathises with the complainants and others who have suffered trauma as a result of burglaries. It recognises that a commercial such as this might be somewhat triggering and in bad taste for such people. However, the ARB is not “the taste police” and a commercial must be more than in bad taste for it to be withdrawn.

The Directorate needs to determine the probable impact of the commercial on the hypothetical reasonable person. This fictional, reasonable person is the normal balanced right thinking person who is neither hypercritical nor over sensitive.

The commercial shows a burglary scene during the Christmas season. The music playing in the background is festive and jovial, and the three criminals are having a good time enjoying the food, clothes and gifts of the home owners. Although the scenario that the commercial alludes to – a Christmas home invasion - is horrific, the commercial itself is executed in a light, unrealistic and fun tone. No images of violence or harm are shown towards victims (indeed, there are no victims pictured in the commercial, and one presumes the house is empty of people) and no damage property is shown, except for the sound effect of shattered glass at the beginning of the commercial. The crime that is shown is clearly an over the top and humorous depiction, and shows no traumatic scenes over and above the fact of it being a housebreaking.

The hypothetical reasonable person would understand that the scenario depicted serves to illustrate a possible event in which the Advertiser’s service could prove useful. It is a reality that the Advertiser’s services relate solely to traumatic life events, and it would be impossible for them to advertise without some reference to these.

It is also noted that the commercial was flighted extensively, yet only two complaints were received. While this is indicative of some level of offence, and while the number of complaints is never decisive, it would not appear that the offence is widespread, sectoral or serious in terms of Clause 1 of Section II of the Code.

Based on the above the commercial does not contravene Clause 1 of Section II of the Code.