



## Case Report

1	Case Number	0030/17
2	Advertiser	RSPCA Australia Inc
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a dog who could be in distress and asks the viewer if they would know what to do if their pet had an accident. The ad then offers a free Pet First Aid guide put together by the experts at the RSPCA to provide people with basic information that could help them save their pet in an emergency situation.

### THE COMPLAINT

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

*It's incredibly confronting. Anyone who has lost a pet could be triggered by this awful content. My niece has had to switch off the TV when the ad comes on as her pet passed in December and it makes her burst into tears. As she suffers anxiety I feel that this is unnecessary and quite brutal. I also feel that the ad may be a bit of a trick. Once they have your mobile number what else will they do with it? It's manipulative and has dishonest intent. Why do they not simply advertise positive images of pets and tell us to head to their website for a free brochure on emergency responses should your pet get into trouble? It's a cruel, triggering ad and I don't know how it got put on air without anyone realising the negative impact it could have on many animal lovers.*

### THE ADVERTISER'S RESPONSE

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

*RSPCA takes any concerns with our advertising and fundraising activities expressed by the public very seriously. It is extremely unusual for one of our TV appeals to attract even one complaint. We're very sorry to hear the complainant found this advertisement to be distressing.*

*Our TV advertisement aims to represent a truthful, honest and accurate representation of a dog in an emergency situation, in order to inform consumers of the need for sound pet first aid advice.*

*It does not, however, show any graphic imagery of injured animals, animals in distress or suffering. Indeed, as we explain below, we have self-censored the footage and descriptions as we do not believe viewers should be exposed to graphic or distressing imagery without adequate warning.*

*As well as limiting what is shown and described on-screen, we and our media agency have paid meticulous attention to ensuring the appeal is not broadcast alongside children's programming.*

*Throughout all we do, we strive to balance our responsibility to work within established broadcast and fundraising guidelines, with our moral and legal responsibility to help animals.*

*While the appeal raises an important issue, it is not intended to be 'confronting'. It is intended to bring the critical issue to the attention of pet owners, and to offer concerned people the opportunity to find out how they can obtain trusted advice on how to help their animal in an emergency situation. In talking to supporters, we find that this is really valued.*

*People support organisations like ours because they want to help solve a problem – to cure cancer, to help refugees, to protect animals. But people will only be inspired to give if they have an indication of the serious nature of the problem that needs solving. So at the RSPCA, we know that we have to show some sort of problem, but we do so while adhering rigorously to all codes of practice, legal frameworks, and fundraising best practice. The complainant suggests that it would be better to show images of happy animals. Of course, the RSPCA loves happy animals, and we do use positive imagery in many of our communications and campaigns. However, in this instance, we know using images of happy animals would not accurately communicate the seriousness and urgency of the problem we are trying to solve. People simply would not respond and that would be a waste of our limited charitable funds.*

*The complainant suggests the ad is manipulative and has dishonest intent. The RSPCA offers public services to assist the public with caring for their pets and to help ensure the safety and protection of all animals. There is absolutely no 'dishonest intent' in the appeal. As part of this mission, we want more pets to survive emergencies that can be prevented if pet owners know how to administer basic pet first aid. It is for this reason that we want as many people as possible to have the guide, in the hope that it equips them with the basic skills required to save the life of a pet if they ever find themselves in such a difficult situation. And the advertising campaign is an important part of reaching as many people as possible.*

*The complainant asks why we don't tell consumers to head to our website for a free brochure on emergency responses. The reason we offer people the guide via SMS is that this form of response is quick, cost-effective and simple for people to respond - by just texting one word - instead of having to call or go online to provide details. We then give interested people a call to get their mailing details and to send them their copy of the guide.*

*The issue of cost-effectiveness is important, as we are determined to ensure effective use of our limited resources.*

*The guide is provided free of charge, so when people receive a call there is no dishonest intent, no trick or manipulation. We ask for their details so we can send the guide out. We talk a little about the RSPCA to reassure people that our experts have put the guide together and the information is accurate and reliable. It is specifically designed for Australian audiences, whose pets face unique threats such as heatstroke and snake bites.*

*Not surprisingly, the people who want the guide are often animal lovers. As such, they often have a keen interest in our work. Some are already RSPCA supporters, and even those who are not tend to express great appreciation for our work. Where that is the case, we do offer people the opportunity to support our work if they wish to. This is simply the responsible thing for us to do as a charity, and we find that many people hugely value the chance to express their love of animals by supporting us so that we can do the work they value.*

*In common with many good causes, RSPCA relies upon the generosity of the public to fund its important work. And the response to our fundraising TV activity has been overwhelmingly positive. Our TV appeals inspire people to show their love, care and compassion for animals. The funds raised through our TV campaign are being put to work to save the lives of animals who have been abused and neglected.*

*When people give money to good causes, they do so as an expression of their passionately held beliefs and their desire to make the world a better place. Fundamentally, people want to make a difference. In order for them to make a difference, good causes need to make people aware of both bad things, and the good things that are done to alleviate the bad things. There needs to be a balance of a problem that needs to be solved, and enough hope or optimism to show that the organisation is able to do this important work.*

*For example, an appeal to feed starving children needs to show children who need food. This is something no one hopes to see, but is important so that people understand where and how they can help.*

*In RSPCA TV appeals across the country, we feature a wide range of animals, we show the threats they face, and we offer people the opportunity to support our work to save animals from being harmed.*

*The people who answer the phone for this campaign have been clearly instructed to ensure their priority is to get pet life-saving guides into the homes of as many Australians as we can – and only then we offer an opportunity to help RSPCA in our vital work. In fact, since the campaign started in 2015 we've received over 50,000 requests for the First Aid guides. We've heard stories of how the guide has already saved lives, and this makes us so proud of the work we do and the organisation we work for. The attached PDF include just two of the testimonials we've received from people who have used the guide.*

*The complaint says the ad is cruel and triggering, and refers specifically to the distress caused to a family member who had recently lost a pet. Of course, we empathise deeply with this feeling. We love animals and understand the grief of losing their pet. Indeed, we carry out our work precisely in order to prevent distress.*

*Like most charities, we must accept that we cannot control how every viewer will respond emotionally to our appeals. Some may find them very poignant, others may find them quite routine. The same is true for any charity appealing for help. A cancer charity's appeal could potentially be upsetting for someone who has cancer, or someone who has lost a family member to cancer. An appeal from a refugee-support charity may cause uncomfortable feelings for any refugees who are watching. And an animal welfare appeal may create a response of sadness in someone who has lost their pet. We do not believe that any of this means that good causes should be prevented from appealing for help.*

*Unfortunately many pet owners are not aware of these risks that may face their pets, so we need to explain the seriousness of these threats in our ad. This cannot be done by showing happy pets, as it makes it too easy for people to dismiss the idea that something serious could even happen to their pet.*

*We take very seriously our responsibility to tell the truth. However, we know we cannot tell the whole truth of the threats faced by animals – because the full reality would be too strong to feature in a TV appeal.*

*Therefore we do very strongly self-censor our TV appeals. Of course, we do not wish to alienate people and have them turn away, but quite the opposite. RSPCA cannot operate, and neglected or abused animals cannot be saved if we alienate the public on whose support we rely. And the positive response to date does strongly indicate that people both support this work, and our approach.*

*In terms of our self-censorship of our appeal, we:*

- Have not included any graphic scenes of animals suffering*
- Have ensured that the viewer is given a clear sense that animals can be saved from life threatening situations if first aid is administered in time.*

*In addition, in order to properly discharge our responsibility towards children, we have also briefed our media agency to follow the CAD guidelines that followed this ad being classed as a PG:*

*CAD Requirement:*

*PG – Parental Guidance “P” Definition: Parental Guidance Recommended May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Product Description: Commercials which comply with the PG classification criteria in Appendix 1 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision.*

*We have gone through the CAD approvals process to ensure that this ad is acceptable to be broadcast during PG viewing times. In order to obtain this PG rating, we have supplied scripts, substantiation to back up claims made in the ad and a final copy of the ad. After*

*reviewing all this, a PG rating was given. TV networks will not run PG classified ads in, or adjacent to any children's programming.*

*We do not believe we could have done more either morally or legally to act responsibly.*

*We appreciate that every individual who watches the appeal will see it in a different way. We try hard to ensure that our TV appeals do not make people turn away – if we make people turn away, we deny them the opportunity to give, and we can't afford that.*

*We seek to offer people the opportunity to put right something that is wrong, and we do this responsibly.*

*In terms the code of ethics, we believe the appeal complies entirely. Namely:*

- *It complies with the law.*
- *It is neither misleading nor deceptive.*
- *It contains no misrepresentation likely to cause damage to the business or goodwill of a competitor.*
- *It does not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.*
- *It does not make claims about the Australian origin or content of products advertised in a manner which is misleading.*
- *It 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 preference, religion, disability, mental illness or political belief.*
- *It does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- *It does not present or portray violence unless it is justifiable in the context of the product or service advertised.*
- *It treats sex, sexuality and nudity with sensitivity to the relevant audience.*
- *It uses only language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is avoided.*
- *It does not depict material contrary to Prevailing Community Standards on health and safety.*

*We completely understand that the ad could be uncomfortable for some viewers, which is why we ensure it is only run during PG viewing times and not adjacent to any children's programming as specified by the CAD guidelines.*

*We appreciate that there are some viewers who find some of the less pleasant things in life – hungry children, homeless people, people who are sick, animals that are sick or abused – difficult to watch, but we also believe that TV can play a crucial role in enabling good people to support good causes and thus make the world a better place.*

## **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 complainant’s concerns that the advertisement features confronting information about dogs dying which causes alarm and distress to children.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement features a close up image of a dog’s face while a voiceover talks about the dog being in distress and asks if the viewer would know what to do if their pet had an accident.

The Board noted the content of the advertisement could be upsetting to some viewers but considered that the voiceover only talks about what-if scenarios and the dog featured is just lying down: it is not shown to be in distress or having come to any harm.

The Board noted the advertisement had been rated ‘PG’ by CAD and considered that in the context of an awareness advertisement regarding looking after the health and welfare of animals, the actual content of the advertisement does not depict or suggest violence.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.