



Case Report

1	Case Number	0004/17
2	Advertiser	Enably.com.au
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a man in his hallway explaining that he agreed to teach his cat how to change lightbulbs in order to pay off his loan. We see the Cat attempt to reach the lightbulb but instead leaps down the ladder to save himself a fall. The Cat then climbs back up the ladder to try again. A male voiceover says that the problem with some lenders is that they make you pay back your loan in a way that is almost impossible but Enably will help you create a loan that is right for you.

THE COMPLAINT

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

It is a pointless ad which has nothing to do with cash loans. It is distressing to watch as the cat tumbles off the ladder head-first and viewers do not know if the cat is okay. It demonstrates animal cruelty as the man does nothing to help the cat which he is responsible for and instead he just looks at the camera. The ad is trying to make animal cruelty funny.

The advertisement is highly objectionable due to the treatment and possible harm of the cat and also the poor attempt at humour portrayed through the image of disregard for animal welfare.

THE ADVERTISER'S RESPONSE

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

Our response to Section 2 of the Code of Ethics is outlined below.

The cat in our ad, Dr.Pepper was accompanied by his owner for the duration of the shoot. Any decision made for the actions of Dr.Pepper on the day were discussed and managed with the cat owner both in advance and as the day progressed. Dr Pepper's owner was happy with the way Dr.Pepper was managed and has confirmed in writing that "he wasn't harmed in any way".

I was personally present on set for the day of filming, and I can confirm that the cat was happy and completely unaffected by the fall shown in our ad. I was confident in the abilities of the crew and trusted in Dr.Pepper's owner to make the best judgement call for him on the day. We did not place any pressure on the owner or Dr.Pepper to deliver a particular 'scene' and our approach going into filming was an understanding that you can't predict an animal's behaviour. We agreed with the agency that we'd work with whatever footage we captured of the cat on the day. It wasn't our plan specifically to capture a fall, but when we did, the intention was that it would be seen in a light-hearted way, similar to many of the cat videos that appear online for entertainment.

Due Diligence + Care

Prior to the shoot TogetherCo sent the script to Animal Welfare to take their advice on the management of Dr.Pepper at the shoot. The response from them asked us to ensure there was a soft landing for Dr. Pepper and on the day Dr.Pepper was provided with that soft landing. The owner was also at the base of the ladder during the shooting. The owner has kindly sent us an email (see attached) to confirm that Dr.Pepper was not harmed in anyway during the shoot.

The advertisement was created by TogetherCo an agency that loves its animals and has team members' animals in the office most days. The owners of TogetherCo have 30 + years in the advertising business. TogetherCo partner on production with Luscious International who are also a highly experienced senior team. The company has been making TVCs for 16 years.

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 depicts a cat falling off a ladder which is animal cruelty.

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 man teaching his cat how to change a lightbulb and shows the cat falling off a ladder before climbing back up to try again.

The Board noted the advertiser's response that the cat's welfare was considered throughout filming: a soft landing was provided and the cat's owner was present throughout to ensure they were happy with the cat's treatment.

The Board noted it had previously considered complaints about the same advertisement when it was aired on free to air television (0509/16) where:

"The Board noted that after the cat falls off the ladder we see the cat climb back up to try again and considered that this demonstrates that the cat was not injured as a result of falling from the ladder. The Board noted that it is normal cat behaviour to climb and fall and considered that the phrase '9 lives' relates to cats' dexterity and agility and their ability to always land on their feet (<https://www.reference.com/pets-animals/say-cat-nine-lives-442ed64e9adf4c9f>).

The Board acknowledged that the cat's fall from the ladder could cause concern to some members of the community but considered that overall there is no suggestion that the cat has been harmed and in the Board's view the advertisement does not depict, encourage or condone cruel behaviour towards this, or any other, cat."

Consistent with its previous determination, the Board considered that the current advertisement did not depict, encourage or condone cruel behaviour towards this, or any other, cat.

The Board 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 complaints.