



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0006/17</b>
<b>2</b>	<b>Advertiser</b>	<b>PETA</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The television advertisement opens with a shot of a car being parked. The driver exits the car and locks the doors, while the camera reveals that a woman is lying across the back seat. She looks for water drops in an empty bottle, tries to open the locked car door, shakes the door lock, begins panting, bangs on the windows, and kicks the car door before seemingly losing consciousness. Text appears on the screen that reads, "Dogs can suffer from heatstroke and die in a matter of minutes when left in a car on a warm day. Leave your dog at home".

### THE COMPLAINT

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

*I object and I was offended by the ad. The woman trapped in the car was good looking and dressed in a sexy way. Her attempts to out the car seemed like she was trying to make her seem sexy by pushing herself up against the windows. Then words something like 'you can't leave dogs in hot cars, so leave your dog at home' it was offensive because it was implying she was a dog, in my opinion and I object to a good looking woman being locked in a car in*

*that manner*

*Instead of a dog, a human being was used. She was a female and the ad is clearly sexist and degrading. Peta is known for its offensive ads, specially objectify women. I wonder who approved the ad in the first place. The ad isn't very creative at all but rather makes me think it comes from a sadistic person's mind.*

*Portrayal of a woman suffering as an imprisoned dog is offensive.*

## **THE ADVERTISER'S RESPONSE**

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

*We are in receipt of your letter regarding complaints received by the Advertising Standards Bureau (ASB) about PETA's hot cars community service announcement featuring actor and model Elisabetta Canalis. Our comments regarding why PETA believes the advertisement complies with all aspects of section 2 of the Australian Association of National Advertisers Code of Ethics ("the Code") follows:*

### *1. Preliminary Information*

*a. Description of the advertisement: The advertisement opens with a shot of a car being parked. The driver exits the car and locks the doors, while the camera reveals that a woman (portrayed by Canalis) is lying across the backseat. She looks for water drops in an empty bottle, tries to open the locked car door, shakes the door lock, begins panting, bangs on the windows, and kicks the car door before seemingly losing consciousness. Text appears on the screen that reads, "Dogs can suffer from heatstroke and die in a matter of minutes when left in a car on a warm day. Leave your dog at home".*

### *2. PETA's Comments Regarding Code Compliance*

*We note that the complaints received object to PETA's use of a human to convey the distress experienced by dogs left to suffer and die in hot cars. At the outset, we would emphasise that the sole purpose of the advertisement is to raise awareness of the dangers of leaving dogs inside hot cars. The actor featured in the advertisement conveys the equivalent distress exhibited by such dogs, in a manner designed to convey to viewers the reality of conditions inside hot cars and the short amount of time it takes for temperatures to rise in such conditions. In PETA's view, the advertisement complies with all sections of the Code for the reasons stated below:*

#### *a. Section 2.1 – Discrimination or Vilification*

*The ASB's letter states in relation to this section that "[i]ssues raised to date" include "Gender". The relevant language of section 2.1 states that advertisements "shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... gender".*

*PETA's community service announcement does not portray a woman, nor women, in such a manner. There is no suggestion in the advertisement that the featured woman is trapped in the car on account of her gender, nor any suggestion that she should be depicted as she is on*

*account of her gender. On the contrary, the advertisement aims to highlight the life-threatening conditions that can quickly arise for any being left inside a hot car, dog or human, man or woman.*

*b. Section 2.2 – Exploitative and Degrading*

*The ASB's letter states in relation to this section that "[i]ssues raised to date" include "Objectification Exploitative and degrading – women". The relevant language of section 2.2 states that advertisements "should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people".*

*As mentioned above, the featured woman – Canalis, who volunteered her services in the hope that her fame would help call attention to this important issue – is portrayed in a manner intended to convey the suffering endured by any animal, human or non-human, trapped inside a hot car. A concern raised in some of the complaints received by the bureau is that depicting a human suffering inside a hot car the way a dog would in such conditions is in itself degrading, by virtue of the fact that women are not dogs – and that since dogs are "lesser" than humans, equating their suffering with that of humans demeans the latter. PETA's point, which is all the more crucial to convey, given the evident presence of such attitudes in the community, is that when it comes to the pain and distress endured by a man, woman, or animal trapped inside a hot car, there is no difference – all beings capable of feeling would and do panic, try to escape, and succumb to heatstroke in an alarmingly short time. PETA uses a woman to convey this point in a manner focused on audience relatability, not exploitation or objectification.*

*c. Section 2.3 – Violence*

*The ASB's letter states in relation to this section that "[i]ssues raised to date" include "[c]auses alarm and distress". The relevant language of section 2.3 states that advertisements "shall not present or portray violence unless it is justifiable in the context of the product or service advertised".*

*Violence is not depicted in PETA's advertisement – therefore, this section does not apply. The suffering depicted as being endured by the sole person appearing in the advertisement is inflicted upon her by the environmental conditions created inside a car during hot weather. If the bureau disagrees and takes the view that such a depiction constitutes violence, we further say that any such "violence" portrayed is justifiable in the context of the community service announcement's purpose and message. The reality is that leaving dogs trapped inside cars in hot weather, even for just a few minutes, is torturous to them. The distress depicted is intended to reflect the likely experience of such dogs accurately. There is no gratuitous depiction of violence or suffering nor depiction of violence or suffering beyond the type and likely extent endured by dogs trapped in hot cars.*

*Furthermore, much as with advertisements about – and depicting the realities of – the horrors of domestic violence or the dangers of drunken driving, the audience can be trusted to deduce that the woman is acting. By trying to breathe fresh air through the slightly open window, panting, and attempting to kick the door open, she merely helps the viewer better understand how quickly this type of situation can induce panic, heatstroke, and death.*

*As to the concern that the advertisement has the potential to cause alarm and distress, community service announcements aimed at lessening the occurrence of tragic incidents unavoidably deal with distressing subjects and frequently strive to drive the importance of the*

*message home by appealing to the audience's emotions. This advertisement aired late in the evening. The audience is intended to be adults, who are principally responsible for ensuring that dogs in their care are not left to suffer inside hot cars. The advertisement does not aim to cause fear or distress to a level disproportionate to the risks of leaving dogs in such conditions. It was born of a sense of social responsibility and aims to inform audience members of the risk and urge them to take steps to avoid it so that the incidence of the distressing conditions depicted can be reduced.*

*d. Section 2.4 – Sex, Sexuality, and Nudity*

*The relevant language of section 2.4 states that advertisements "shall treat sex, sexuality and nudity with sensitivity to the relevant audience". There is no nudity displayed in PETA's advertisement, nor any depiction of sex. As regards the arguable "sexuality" present in the advertisement, PETA considers Canalis to be appropriately dressed for the intended audience, the majority of whom – given the timeslot during which the advertisement was aired – are adults. As explained above, Canalis' actions in the advertisement are intended to convey the types of suffering endured by dogs trapped in hot cars.*

*e. Section 2.5 – Language*

*PETA's advertisement complies with this section of the Code. The brief amount of text that appears onscreen at the conclusion of the advertisement is neither strong nor obscene and is appropriate under the circumstances.*

*f. Section 2.6 – Health and Safety*

*PETA's advertisement complies with this section of the Code. The advertisement is, in fact, intended to draw attention to a health and safety concern for the community.*

*For the foregoing reasons, PETA maintains that the complaints received are without merit and that its advertisement complies with all relevant aspects of the Code.*

*We trust that this information and these explanations of PETA's objectives regarding the advertisement resolve this matter.*

## **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 complainants' concerns that the advertisement depicts a woman in a sexualised manner and implies she is a dog.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted that this television advertisement features a woman locked inside a car getting hot and bothered as she looks for water and tries to get out.

The Board noted the advertiser's response that the woman and her behaviour is intended to represent the equivalent distress experienced by a dog left locked inside a hot car and that there is no suggestion that the woman is herself equivalent to a dog or that she is trapped in the car because of her gender.

The Board noted the important community message conveyed in the advertisement regarding not leaving any animal in a hot car and considered that in the context of a well-known animal rights organisation promoting this important message the use of a woman to represent a dog is not suggestive of this, or any woman, being equivalent to a dog.

The Board noted that advertisers can use whomever they wish in their advertisements and considered that in this instance the use of a woman, and not a man, to represent a dog is not of itself discriminatory or vilifying to this, or any other, woman.

The Board considered that the advertisements did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the complainants' concerns that using a scantily clad woman to represent a dog is degrading.

The Board noted that the woman in the advertisement is wearing a singlet and shorts and considered that her body is well covered and appropriate wear for a hot day and there is no undue focus on any part of her body. The Board noted that the woman and her actions are intended to represent how a dog would feel if left in a hot car and considered that the advertisement is not suggesting that this woman, or any woman, is a dog, or is the equivalent of a dog, but rather that the woman's behaviour is intended to highlight the distress felt by a dog.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainant's concerns that the advertisement suggests that the woman is being deliberately tortured or punished which is disturbing.

The Board noted that the woman does appear to get more distressed the longer she is in the car but considered that this is the point of the advertisement: to raise awareness of the distress caused to animals left in hot cars. The Board noted that the woman appears to be sweating and thirsty and considered that this level of distress is not excessive and is relevant in the context of the advertised message.

The Board considered that the advertisement did present or portray violence which was justifiable in the context of the product or service advertised and determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that the woman in the advertisement is wearing a singlet and shorts and considered that this clothing is not inappropriate or sexualised. The Board noted that we see the woman sweating and considered that while her appearance is attractive in the Board's view her actions are not sexualised and the focus is on her predicament rather than her appearance.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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

