



Case Report

1	Case Number	0015/13
2	Advertiser	Fremantle Arts Centre
3	Product	Other
4	Type of Advertisement / media	Transport
5	Date of Determination	30/01/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

Advertisement to promote the exhibition “we don’t need a map – a Martu experience of the Western Desert” at Fremantle Arts Centre. The photographic image features two elderly Martu women situated in Pilbara desert country, adjacent to a road, under a big blue sky, with one of the women swinging a large goanna overhead. (In some versions of the advertisement there is only one woman.)

THE COMPLAINT

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

Not only is it pathetic that the inhumane killing of a protected animal is being photographed for purposes other than documentation, but being used for the purpose of advertising and profiteering. The use of this photo for advertisement has nothing to do with the continuation of the Aboriginal culture as it promotes the killing of native animals outside of an Aboriginal cultural setting (western clothes and machined road).

I understand that keeping the Aboriginal culture alive and educating others is important but publicising a manner that is illegal for others to do and through the death of a native animal is morally objectionable. Children seeing this advertisement may believe that it is ok to go around killing native animals, let alone in this manner?

Because it condones the abuse of these poor creatures. We work so hard to try and raise

awareness against animal cruelty - and abuse against living creatures. Bungarras are lovely reptiles.

I contacted the Fremantle Arts Centre about it and said how concerned and offended I was, along with others that have also seen this ad. But they said that it's art because it's how Aboriginals live.

Just because it's the way a person lives does not make animal / reptile abuse acceptable. I'm not sure if I'm the only person who has complained about this. But I've certainly spoken to others who have said they were offended and upset when they saw this advertisement.

I could understand if it were a campaign showing the abuse of animals / reptiles to stop this abuse and raise awareness. But when it's promoted as art, for the benefit of the Fremantle Arts Centre - that's just plain disturbing and wrong.

Every time I see this advert, i have chills running down my spine. The sheer fact the "cruelty to animals" is depicted in this advert, totally shocks me that it was even passed by the Billboard and Bus advertising companies. It's also not a good image to have in the public eye, where children are exposed to "animal cruelty" and children may think that, it's except able behavior to handle animals in this way.

THE ADVERTISER'S RESPONSE

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

The purpose of the advertisement is to raise public awareness and build visitation to the exhibition "we don't need a map, a Martu experience of the western desert" (WDNAM) at Fremantle Arts Centre 17 November 2012 to 20 January 2013.

The advertisement appeared on public buses, on billboards, in newspapers, on printed flyers in and around Perth and on the FAC web-site. The image from the advertisement appears in the exhibition and in the full-colour publication.

WDNAM is a project presented by Fremantle Arts Centre in partnership with two Martu arts and cultural organisations based in Newman (WA), Martumili Artists and Kanyirninpa Jukkurpa (KJ). All three partners are not-for-profit organisations. WDNAM is not a profit making project and has been presented via funding and subsidy, with free entry to the public.

The Martu people are the traditional owners of a large segment of the Western Desert, Western Australia, west of Newman stretching east to the Canning Stock Route and beyond. The Martu people still live on their traditional country and their traditional cultural practises, including care for and management of the land, continue to this day.

The key curatorial premise of WDNAM was to enable the Martu to present their story, and living culture in the way that they wanted to – that this was not a project with heavy curatorial gate-keeping by the "presenting" institution, which is typical of many contemporary visual arts projects. Consequently all major decisions including the key marketing image were suggested or approved by the Martu mob, transacted via their relationship with KJ and Martumili.

The goanna image was chosen because it symbolises and reflects a key fact of Martu life and represents some of the key content in the exhibition: the image is included in the exhibition and a substantial work, Still Walking Country a video by Lynette Wallworth, documents and presents a group of elderly Martu women hunting goanna in the Western Desert in this traditional way.

At the planning stage when we questioned the Martu mob that non Martu may have a negative reaction because “some white fellas might think it is cruel to chase a lizard, swing it around to kill it and eat it”. Their response was “this is how Martu people have hunted for thousands of years, that animal walked around free, we catch him and kill it straight away and eat it. It feeds lots of people and its good healthy food. We don’t kill animals that we aren’t going to eat”.

Commentary on AANA Code of Ethics

It would appear in this scenario that the only relevant code to consider is;

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The goanna image was chosen because it directly and fundamentally presents the themes and context of the exhibition and the content of the project. It is in no way gratuitous or irrelevant to the project.

The image of two elderly Martu women hunting in the Western Desert, adjacent to a road, under a big blue sky, with one of the women swinging a large goanna overhead, in a snap shot presents this larger context – the quest for traditional life and practise (the hunting), to coexist with the reality of the modern world (the road).

APN Outdoor

The billboard and bus advertising campaign was booked via APN Outdoor, Perth office.

Conscious of the possible breach of AANA Code of Ethics 2.3 APN Outdoor subjected the design work to their internal assessment process and approval was given.

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 features confronting images that are alarming and not suitable for viewing by 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 of the Code 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 the purpose of the advertisement is to raise public awareness and build visitation numbers to the exhibition "we don't need a map, a Martu experience of the western desert" (WDNAM) at Fremantle Arts Centre 17 November 2012 to 20 January 2013.

The Board noted that the advertisement features two elderly Martu women situated in Pilbara desert country, adjacent to a road, under a clear blue sky, with one of the women swinging a large goanna overhead with the intent of killing the animal for food. The advertisement is to promote the exhibition "we don't need a map – a Martu experience of the Western Desert" at Fremantle Arts Centre.

The Board noted that the image used reflects indigenous culture in a fair and balanced way and the depiction of the imminent death of the goanna is an accurate and realistic portrayal of how animals are killed and that the image accurately reflects the most humane, quick and effective method used by Aboriginals to kill a goanna.

The Board noted the advertiser's response that the goanna image was chosen because it symbolises and reflects a key fact of Martu life and represents some of the key content in the exhibition and is relevant to the product being advertised ie: the exhibition.

The Board noted that in the past it has dismissed complaints relating to advertisements around animal welfare or animal abuse which have contained confronting and sometimes graphic imagery and that in almost all of those cases, the Board has recognised that the message of the advertiser does require a degree of confronting material to be shown or suggested.

In this instance, the Board considered that the image is an accurate representation of traditional practices of hunting and gathering food and does not reflect a particular message around animal cruelty.

The Board considered that the use of this image on a bus meant that the relevant audience would likely include children. The Board agreed that the image does not include graphic scenes of a dead or dying animal and that it is unlikely that a child would attempt to mimick this type of behaviour.

In the Board's view the advertisement does not present violence and the suggestion of violence is justifiable in the context of the service being advertised.

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 complaint.