



Case Report

1	Case Number	0046/16
2	Advertiser	World Animal Protection
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows animals being used for entertainment in tourist destinations around the world. A voiceover asks, "How do you turn wild animals into a tourist show?...With cruel chains, starvation and beatings...Right now animals are crying out for you to help. Please call now on 1800 123 1234 or visit worldanimalprotection.org.au to give just \$15 a month and end their suffering."

THE COMPLAINT

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

This advertisement is too graphic, this ad makes my children cry - they need to leave the room every time this ad comes on. This ad makes me feel uncomfortable, (we even sponsor animals) but at the very least this ad should not be aired until late when children are generally not going to be exposed to this ad.

THE ADVERTISER'S RESPONSE

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

World Animal Protection response

World Animal Protection takes all comments from the public very seriously. It is exceedingly unusual for one of our TV appeals to attract even one complaint anywhere in the world.

Our TV appeal is true, responsible and restrained in the context of the terrible abuse suffered by animals used for entertainment around the world. Indeed, as we explain below, we have self-censored the footage and descriptions as we do not believe viewers should be exposed to it all.

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

We cannot, of course, monitor what takes place within private homes. We cannot monitor which family members watch which sort of TV at which times.

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

In common with many good causes, World Animal Protection relies upon the generosity of the public to fund its important work. And the response to our fundraising TV activity has been overwhelmingly positive since we started using this media as a fundraising tool almost 10 years ago. 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 some of these animals from being abused, just to entertain tourists.

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.

Appeals for cancer research may feature people who have cancer.

For animals being poorly treated or abused, people need to understand the reasons why this is happening and why we need to stop it. What we never do is show any of the extremes of animal abuse. Never.

In World Animal Protection TV appeals around the world, 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.

We take very seriously our responsibility to tell the truth. However, we know we cannot tell the whole truth of the threats that face animals who are used for entertainment – 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. World Animal Protection cannot operate, and endangered 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 the most powerful parts of the footage*
- *Have ensured that the strong footage that is included, is on screen for a short time.*
- *Have ensured that the viewer is given a clear sense that we can stop animals being harmed.*

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.

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 depicts graphic imagery of animal cruelty which is not appropriate for children to be exposed to.

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 is raising awareness of how animals are used for entertainment in tourist destinations and that images are shown of animals performing and the conditions they are often kept in.

The Board noted it had previously considered similar complaints in case 0186/10 where:

"The Board considered that the images of the bear tied to a pole being attacked by dogs was likely to be distressing to some viewers but that the intention of the advertisement is to raise awareness of cruelty to animals.

The Board considered that the suggestion of violence was not inappropriate for the service or company being advertised..."

The Board noted in the current advertisement that whilst some of the images show animals that appear in distress the Board considered that these images are emotionally engaging rather than violent. The Board noted that the voiceover is softly spoken and considered that although a problem is highlighted – that of animals mistreated for the purposes of the tourist industry – the voiceover does highlight the success they have had in some areas of reducing or preventing animal cruelty. The Board acknowledged that the content and subject matter of the advertisement would be upsetting to some viewers, including children, but considered that the advertisement is using factual information in an informative manner to raise awareness of an issue and that by indicating that their work has been successful in the Board's view the overall tone is that positive action works and this is a message which children should be able to process and therefore the overall impact of the advertisement is not violent and in any case is justified by the content of the service advertised.

The Board noted that the advertisement had been rated 'PG' by CAD and considered that the content of the advertisement was not inappropriate in the context of the relevant broad audience which would include children and was relevant to the service 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.

