



Case Report

1	Case Number	0103/13
2	Advertiser	Eskanders Betstar Pty Ltd
3	Product	Gaming
4	Type of Advertisement / media	Radio
5	Date of Determination	10/04/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

The advertisement starts with a male voice over asking, "Do you have a black cat? If you do, why not hand it in to us... and we'll get rid of it for you."

The voice over then goes on to say that Eskander Betstar have set up a black cats only Motel and that you can send them live cats, not dead ones.

THE COMPLAINT

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

I find the ad offensive as it alludes to animal dumping and animal cruelty. There is a large part of society that still thinks cruelty to animals, especially cats, as acceptable, which it is definitely not.

THE ADVERTISER'S RESPONSE

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

Betstar is a brand that often uses humour in advertising. In this case the humour is making an obviously absurd and comical request for people to send Black Cats to our Motel. For the sake of clarity Betstar do not have a Black Cat motel, nor did we receive any black cats as a result of this advertisement.

Eskander's Betstar understands that under the AANA Code of Ethics 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" and that under 2.6 "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community standards on health and safety"

The complaint received stated that the reason for concern was that:

"I find the ad offensive as it alludes to animal cruelty. There is a large part of society that still thinks cruelty to animals, especially cats, as acceptable, which it is definitely not."

Eskander's Betstar disputes these claims on two levels. The first being the obvious humour in the ad and that the ad is clearly not intended to be taken literally.

Humour is subjective and whilst we would prefer everyone had the same humour and everyone liked our ad, this is not case and it's unfortunate that the complainant doesn't see the humour and is offended by the ad. We make no apology for the differing of humour preference but are sympathetic to it and to the fact the complainant was offended.

The second being that if the ad was interpreted literally it does not actually condone animal cruelty.

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 is offensive in its allusion to dumping animals and animal cruelty.

The Board reviewed 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 this radio advertisement features information about a motel for black cats and says listeners can send their live, not dead, black cats to them so they are kept out of the way on the 13th of each month.

The Board noted the advertisement opens with the question, "Do you have a black cat? If you do, why not hand it in to us and we'll get rid of it for you" and considered that whilst this could suggest that something bad would then happen to the cat the Board noted that the advertisement then goes on to make it clear that the cats will be looked after and they are to be handed in purely to stop them crossing the paths of anyone on the 13th of each month as this is considered unlucky by some.

The Board noted the complainant's concerns that the advertisement alludes to animal cruelty and considered that the final statement in the advertisement, "BYO milk and kitty litter" makes it clear the welfare of the cats is important. The Board considered that as the advertiser is offering a motel for cats in the Board's view this does not allude to dumping a cat or to animal cruelty.

The Board determined that the advertisement did not encourage or condone cruelty to animals and did not depict material which would be in breach of Section 2.3 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.