



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0123/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Merial</b>
<b>3</b>	<b>Product</b>	<b>Other</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/04/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

The TV advertisement is an animated cartoon which shows two cows torturing a parasite. The first cow uses a rack to stretch the parasite and then another cow falls from above to land on the parasite and squash it. The voiceover asks, "Do parasites die a painful death? We hope so."

### THE COMPLAINT

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

*This advertisement is very graphic. It is being shown in the early evenings during local and national news and entertainment programmes when families may be expected to be viewing. It caused me several nightmares and would be very difficult to explain to children. It would also be traumatic to anyone who has suffered torture themselves. Ivomec Eprinex advertises with great frequency. In fact they advertised 3 times within the 3 minute time slot I was writing about. The advert is a cartoon cow which has a green parasite on a stretching rack inflicting pain and torturing the thing. Then opens up a hatch and another cow falls from above onto the parasite. My complaint is that kids are watching this cartoon character being tortured by two cows and the parasite screaming in pain as elevator music is played in the background. This is really desensitising kids to suffering and torture*

*and is (I find) a very psychologically disturbing advert. It actually reminds me of the x rated movie Hostel. This advert has to be removed from our screen.*

*I object to this ad as it's saying that it hope the parasites die slowly and show cows using torture. My 4 year old son saw this ad and I then had to try and explain it to him. I just think it's disgusting.*

*Returned service men in my family that have suffered torture during the war in service for their country and I am sure there are hundreds of immigrants that have had family members taken away and tortured by regimes in their countries. This ad is on children's viewing time and I sure the children don't need the message that it is acceptable to torture animals or humans in Australia or anywhere in the world. Many killers' profiles have revealed they started torturing animals before progressing to humans. The advertising agent who came up with this ad needs to volunteer.*

*While it is a cartoon representation about an unwanted parasite it is still very violent with the torture and screaming and not something I think small children should see as they would not understand.*

## **THE ADVERTISER'S RESPONSE**

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

*This is a 30 second TV advertisement promoting EPRINEX – Pour-On for Beef and dairy cattle.*

*EPRINEX is an animal health parasite control product for farmers to use on their cattle. The parasites (worms) are usually several millimetres in length, and live in a cow's stomach. The drench product, Eprinex is designed to kill these worms effectively.*

*The animated style used here is similar to other cartoon humour such as the Looney Tunes ("Coyote & Roadrunner"), "Louie the fly" and others.*

*The combination of passive elevator music, animation of cow and parasite, is designed to portray actions that are purely fictional and not actually real. The intention is that it was to be viewed in a comedic and obviously not literal manner.*

*This tactical advert for EPRINEX was scheduled to only run for a short duration. The advert appeared for a two week only period, in several rural Australia regions. Once completed for these two weeks, the advert has been replaced with another different EPRINEX advert.*

*The advert has deliberately not aired before 6pm news time, when adult supervision recommended TV viewing commences.*

*The cartoon parasite character is being crushed in a manner no more violent than any number of children's cartoon shows, where "characters" frequently get crushed, and or destroyed.*

*There are, and have been many ads on TV depicting parasites getting killed, crushed or blown up. "Louie the Fly" being a recent example.*

*Merial has had numerous comments and feedback from viewers expressing very positive comments about the ads.*

*The advert has completed its cycle, and has now been replaced with another EPRINEX advert.*

*Had Merial planned to continue for a longer duration with this advert, then scheduling would have been moved to an even later adult viewing timeslot. There was absolutely no intention for our organisation to cause undue stress to any viewers of these advertisements. They were aimed at portraying the benefits of our product in a memorisable and humorous way.*

## **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 graphic and is unacceptable in its portrayal of torture.

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 advertisement features cartoon imagery of cows torturing a parasite.

The Board noted that cartoon style advertisements can be attractive to children and considered that whilst some children’s cartoons can feature violent acts (Tom and Jerry, Roadrunner) in this instance the violence is not portrayed as slapstick and humorous and the victim does not recover. The Board considered that advertisers should exercise caution in depicting violence in a cartoon style, as the cartoon style can be attractive to children. The Board noted the advertiser’s response that the advertisement is not shown prior to 6pm and considered that any children watching after 6pm are likely to be under adult supervision and the content of the advertisement is not so strong as to be unacceptable.

The Board noted some complainants’ concerns over the use of torture being disturbing to real torture victims. Whilst the Board is sensitive to this issue, in this instance the Board considered that the cartoon style of the advertisement combined with the nature of the product advertised combined to minimize the impact of the violence.

Based on the above the Board noted its concern over the use of cartoon characters to portray violent acts in such a prolonged manner but considered that in this instance the advertisement did not present or portray violence in a manner which would breach the provisions of the Code.

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.

