



Case Report

1	Case Number	0149/16
2	Advertiser	Aldi Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with a small dog looking at the screen. A metal “claw” – the kind that is seen in arcade claw machine games - appears above the dog. The claw closes - as if to grasp something – and the dog appears lifted up. Although the claw and dog are lifted up at the same time, the claw is superimposed over the footage of the dog, to suggest the dog is being lifted by the claw although the claw and the dog do not come into contact at all.

As the dog disappears from the screen, an image of ALDI’s Cowbelle shredded cheddar cheese appears. A bird then appears - flying across the screen - holding a sign saying “was only \$5.49. Now \$5 every day”. A voice over then says: “700 grams of shredded cheese now only \$5 every day. Oh Aldi. Now it makes sense”. At the end, the ALDI logo appears briefly.

THE COMPLAINT

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

This ad trivialises animal cruelty issues. It is not funny. Children will imitate it - lifting dogs by their heads. Animals are not toys and should not be equated with toys.

*A live cream coloured dog is sitting and then a 3 prong hook comes down on the head of the dog and lifts the dog up out of the picture and a photo of shredded cheese comes onto the screen from the left. This act of lifting the dog is **TOTALLY INAPPROPRIATE**. This is called cruelty to a live animal. This ad also encourages children to copy this act.*

THE ADVERTISER'S RESPONSE

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

The complainant states that "a three prong hook comes down on the head of the dog and lifts the dog out of the picture", and that this amounts to "cruelty to a live animal". The complainant also states that the advertisement "encourages children to copy this act".

If the complaint was an accurate portrayal of the advertisement - which it is not - it might engage section 2.3 of the AANA Code of Ethics (the Code):

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

However, as is clear from a viewing of the advertisement, the complainant does not accurately describe the advertisement. The claw does not "come down on" the head of the dog, nor does the claw "lift the dog". The claw is superimposed over the footage of the dog. No reasonable viewer would conclude that the claw ever touches the dog, that the dog is hurt by the claw, or that the claw was in the vicinity of the dog when the dog was being filmed.

Viewers would understand the advertisement to be a depiction of images, none of which can be rationally explained (including a play on an arcade claw machine game, with a real dog portrayed in place of a soft toy) until there is intrusion of one real element; ALDI's association with low and reduced prices.

There is nothing in advertisement that amounts to animal cruelty. Nor is there anything in the advertisement that would be capable of encouraging children to carry out acts of cruelty towards animals.

ALDI submits that the advertisement cannot be said to be in breach of section 2.3 of the Code.

We note that the ASB's letter to us of 30 March 2016 has indicated that our response should not be confined to section 2.3, but should address all parts of Section 2 the Code. We can see nothing in the advertisement which could possibly raise any objection under any other part of Section 2 of the Code.

For the sake of completeness, we have also considered the AANA Food and Beverages: Advertising and Marketing Communications Code and the AANA Code for Advertising and Marketing Communications to Children, and can see nothing in either of these codes which could be an issue having regard to the content of the advertisement.

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 trivialises animal cruelty in its depiction of a metal claw lifting a small dog and could encourage children to copy this behaviour.

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 this television advertisement features a metal claw, similar to arcade game claws, appearing above a small dog then lifting the dog out of the shot and revealing a packed of shredded cheese in its place.

The Board noted it had previously dismissed complaints about animal cruelty in another advertisement for ALDI in case 0231/15 where:

“The Board noted this television advertisement features a caveman demonstrating the price difference between Aldi tin foil and brand name tin foil before using a stick to prod a tin-foil clad mammoth shape he is cooking over a fire.

The Board noted that when the caveman prods the mammoth we hear it make a noise and see its front legs move. The Board noted that mammoths are extinct and considered that most reasonable members of the community would recognise the imagery of a caveman and mammoth is not a real-life depiction and a living mammoth is not being cooked over a fire. The Board acknowledged that the cooking of a live animal would be upsetting to some members of the community but considered in this instance we can only see the shape of an animal and as that animal is extinct the Board considered that the overall theme of the advertisement is far-fetched and humorous enough to not be depicting, condoning or encouraging violence towards living animals and is not an act that could be copied by members of the community.”

In the current advertisement the Board noted that the claw is superimposed over the dog and considered that the manner in which the claw closes around the dog’s head is unrealistic. The Board noted that the dog’s body does not change its pose when it moves from the screen and considered that most reasonable members of the community would understand that this scene is a computer generated image and it does not show a real metal claw lifting a real dog in this manner.

The Board noted the complainant’s concern that the advertisement could encourage children

to copy the act of lifting a dog with a metal claw. The Board noted that the lifting of the dog with a claw is reminiscent of arcade games and considered that children would be more likely to view the scene in this context, given the dog's similarity to a toy and its lack of reaction, rather than as an encouragement to try lifting a real animal with a metal claw.

Overall the Board considered that the advertisement does not depict, encourage or trivialise animal cruelty.

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 complaints.