



Case Report

1	Case Number	0156/17
2	Advertiser	Industry Super Fund
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a girl and her mother locking hens in a hen house before going in to their own home. We then see some foxes watching the hen house before a shadowy figure opens the door to let the foxes in. A voiceover says, "The big banks want to get their hands on your super. And they're putting pressure on our politicians to let them in. Banks aren't super". We see a fox enter the hen house then the girl is shown waking up to the sounds of the hens becoming agitated.

THE COMPLAINT

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

Animal cruelty involving a known predator (fox) and immoral content involving a child and her pets.

It's not a nice topic, and I have chickens and thinking they could be killed by foxes, it's horrible. It's not relevant to banks and lastly the young girl waking up in the end of the add makes me feel really upset, uncomfortable and disturbed.

You don't deliberately let foxes into a hen house. All the morons out there will copy cat it and there is a small child in the ad. Disgraceful.

The advert showed a young girl feeding her chickens. When she went to bed a banker opened the chicken coop to allow waiting foxes into the chicken coop and the outcome was obvious. The advert ended with young girl waking up hearing chickens in distress

How disgraceful to promote cruelty to animals to promote a product which has NOTHING to do with the product. Yes, foxes eating chickens can be a part of nature but showing a human letting them in to do it, is disgusting

I feel this advertisement condones animal cruelty and should not be able to viewed by young children as it portrays a message that it's OK for this type of thing to occur. Surely there are other ways for these people to get their message across. I was quite disturbed by this advertisement and feel it should not be show on prime-time television.

Portrays cruelty to animals & is fear mongering

You can hear the chickens being attacked and the little girl hears it also. It is very distressing.

Dreadful thing to put on television as cruel and not right

This is an extremely distressing advertisement especially for young children who can relate to putting their pets to bed for the night. The advertisement has no link to superfunds. No advertisement should have a link to the harming of animals, it is not ethical what so ever.

Used the killing of a child's pet chickens to advertise superannuation. The advertisement was broadcasted during prime time tv, and should not have passed the advertising guidelines. It was cruel and horrific, especially during a time that would be viewed by children.

Firstly i object to children and animals being used in commercials when it exploits them and are used to gain sympathy or empathy. I find the commercial to be distressing and offensive and has nothing whatsoever to do with Superannuation.

This add was horrific and disgusting, I find it appalling to use the idea of murdering some poor girls chickens. It shouldn't have. Been allowed on tv

The advertisement shows a young girl saying goodnight to her family chickens in their chicken coup in the family backyard. The ad shows the foxes being let into a chicken coup. The ad then alludes to the foxes killing chickens in a chicken coup looked after by a young child. The ad shows the sleeping girl open her eyes when the chickens are attacked by the foxes. The ad alludes to the girl hearing the attack. I am making this complaint about the time in which the advertisement is shown. My young child watches tv before 8pm and this imagery is not appropriate for a time slot earlier than 8:30pm. I respectfully request this advertisement is banned from being shown before 8:30pm.

because me & probably heaps of other people have lots beloved pets to foxes and seeing this insensitive ad brings back horrific memories.

I disagree with this add being shown at this time as it may upset children / people who are about to go to bed.

I felt this was a horrible way to describe the content of the add which was to show people that some super companies are banks (being the fox) and your super (been the chickens) aren't safe with them.

This advertisement upset me as I thought more about the poor young girl who in the morning would discover her beloved pets are gone rather than what the add was about. I don't wish to see that kind of add.

THE ADVERTISER'S RESPONSE

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

RE: Banks aren't super advertisement- Complaint reference number: 0156/17 and 0158/17

Thank you for the opportunity to respond to the above complaints received in relation to Industry Super Australia's (ISA) Banks aren't super advertisement.

About ISA

ISA manages collective projects on behalf of Industry SuperFunds with the objective of maximising the retirement savings of five million members. These projects include research, policy development, government relations and advocacy as well as the well-known Industry SuperFunds Joint Marketing Campaign.

*For further information about the work that ISA does please visit:-
<http://www.industrysuperaustralia.com/about-us/who-we-are/>*

About the Advertisement

The Banks aren't super advertisement brings community awareness about potential changes to the superannuation system, which ISA considers could harm Industry SuperFund members. Approximately 75% of Australians do not choose their super fund or simply go with the fund their employer has chosen as a default fund. Default funds include Industry SuperFunds and bank-owned funds. Industry SuperFunds are run only to benefit members and have a strong performance history. The banks are lobbying federal politicians for it to become easier for employers to adopt bank owned super funds as default funds. It is uncontroversial that bank owned funds do not have the same performance history as industry SuperFunds.

The Banks aren't super advertisement serves as an information service to members of the

community.

The Banks aren't super advertisement was informed by independent research conducted by Essential Research. The research involved surveys of nationally representative samples of Australia's population and found that:

- *68% believe that the banks are already too powerful, and that letting them have more of the superannuation market would make the situation worse*
- *58% think that banks would use the fact that superannuation is compulsory to exploit fund members, and only 8% disagree with this suggestion*
- *58% believe that more involvement by the banks in superannuation could mean people will have less to retire on*
- *68% of people agree that Industry SuperFunds are right to warn the community about what the banks are trying to do.*

The Banks aren't super advertisement utilises the well-known universal metaphor of 'fox in the henhouse' which has been a hallmark of oral, written and pictorial story-telling for hundreds of years. In this case, the metaphor is applied to heighten awareness of political lobbying by the big banks that would harm the interests of Industry SuperFund members if the Federal Government let them have their way. The connection between the metaphor and the subject matter of the advertisement is apparent from the spoken voiceover early in the ad. ISA considers the Banks aren't super advertisement:

- *complies with section 2 of AANA Code for Advertising and Marketing Ethics; and*
- *is appropriate and effective in broadcasting an important message about the changes being sought by the banks, as those changes could, in the long term, diminish member returns or see people placed into funds that would leave them worse off in retirement.*

More information and context for the advertisement is available at <http://www.banksarentsuper.com>

Response to the Complaints

ISA does not believe the Banks aren't super advertisement contravenes section 2 of the AANA Code for Advertising and Marketing Ethics.

As the complaints seem to relate to section 2.3 "Violence" of the AANA Code for Advertising and Marketing Ethics we will address that issue before we address the other parts of section 2.

ISA submits that the advertisement does not contravene section 2.3 of the Code for the following reasons:

- *Section 2.3 of the Code states that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."*

- *The advertisement does not show any violence. The advertisement shows the chickens becoming restless (i.e. moving around in the henhouse) immediately before the foxes are let in to the henhouse. The advertisement does not show any footage of the foxes after they have entered the henhouse.*
- *To the extent that the advertisement implies that the chickens may be harmed by the foxes, the whole point of the campaign, consistent with the well-known metaphor, is that foxes should not be left in charge or allowed in to the henhouse because they can't be trusted not to harm the chickens. Accordingly, such an implication is justifiable in the context of the advertisement.*
- *The advertisement does not in any way promote or condone cruelty to animals. The images of the foxes in the advertisement are computer generated, and the chickens were obviously not exposed to any harm or cruelty in the creation of the advertisement. Again, the whole point of the campaign is to warn the public, through a well-known metaphor, about the harm that ISA considers may be caused by the potential changes to the superannuation system that the big banks are lobbying for.*

The advertisement was also deployed in a manner consistent with the PG rating provided by CAD and is not being shown during children's programming.

Moreover the metaphor of the "fox in the hen house" is well-known, is unlikely to cause undue stress or alarm to most members of the community, and falls well within the PG classification.

ISA submits the Banks aren't super advertisement also complies with the other parts of section 2 of the AANA Code for Advertising and Marketing Ethics and for completeness confirms the advertisement:

- *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 (Section 2.1 – Discrimination or vilification)*
- *does not employ sexual appeal:*
- *where images of minors are used; or*
- *in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 – Exploitative and degrading)*
- *does not include sex, sexuality and nudity (Section 2.4 – Sex, sexuality and nudity)*
- *only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) and does not include strong or obscene language (Section 2.5 – Language)*
- *does not depict material contrary to Prevailing Community Standards on health and safety (Section 2.6 – Health and Safety).*

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts scenes that are cruel to animals and distressing particularly to children.

The Board considered that the intention of the advertisement is to draw the attention of the viewer to a political issue and that it is not the role of the Board to adjudicate on the accuracy of the topic from a political perspective but rather only to make a determination about the content of the advertisement that relates to section 2 of the Code of Ethics.

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 the advertisement shows a mother and daughter locking the hens away in the hen house before going to bed. A man lets a fox into the hen house as the voiceover describes how the big banks want to get their hands on your super. The girl wakes up to the sound of the hens getting agitated.

The Board noted the complainants’ concerns that the advertisements are alarming and cause distress for young viewers.

The Board noted the Practice Note to the Code which states that “The Board has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code.”

The Board considered that the depiction of a fox entering a chicken coop that contains the family pet hens is mildly menacing. The Board noted that the hens are not seen being attacked by the fox but the assumption is that the fox will kill the chickens.

The Board noted it had previously considered an advertisement for Crimsafe (0092/17) that showed an intruder entering a home with the occupants still home. In that case the Board noted that “the realistic nature of the advertisement is what causes the alarming reaction of the viewer.”

In the current case, the Board considered that the use of the chickens in the hen house is an analogy for the message the advertiser is trying to deliver and that the viewer does not actually see any harm come to the chickens. The Board considered that the advertisement uses an acceptable level of menace which is justifiable to the product.

The Board noted that the advertisements have been given a ‘PG’ rating by CAD and that they have been aired at times appropriate for the rating.

The Board noted that the advertisements do not contain any violence or violent acts and noted that similar to the Crimsafe advertisement it is the realistic nature of the advertisement that

causes alarm.

The Board noted that most members of the community are aware that the likelihood of foxes entering chicken coops is realistic and a challenge that chicken owners face even in residential areas. The Board noted that it is not usual that a person would allow foxes into the hen house but in the Board's view, the advertisement clearly depicts this as being part of the analogy about letting the banks take over and that most members of the community would identify this and be able to explain it to young viewers.

The Board determined that the advertisement did not present or portray violence that was justifiable in the context of the product advertised and 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.