



Case Report

1	Case Number	0168/17
2	Advertiser	Inland Waterways Rejuvenation Association (IWRA)
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

Promotion of fishing competition over Easter. Finishes with shot of man holding fish and moving its mouth like it is talking

THE COMPLAINT

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

At the very end of the ad, there is footage of a large live fish being held by a man. The man also has hold of a very large hook in the fish's mouth and uses it to move the fish's mouth open and closed to look as though it is talking and laughing. I find this very offensive as it would be very painful for the fish to have a hook pulled on in its mouth. This part of the ad promotes cruelty to animals and does it in a comedic way, which is even more offensive. Cruelty to animals is not a joke and is not acceptable in society and should not be shown on public television. I do not have a problem with the rest of the ad; just this last section and I believe it should be removed from the end of the ad. Thank you for your consideration.

THE ADVERTISER'S RESPONSE

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

Thank you for your email. We have given the content due consideration and can supply the following information.

Please note that this advertisement is for a not for profit, community fishing competition which donates 100% of proceeds towards bettering river health and sustainable fisheries and therefore insinuates that any allegation of animal cruelty is completely unnecessary and totally against every objective of the Inland Waterways group.

The Murray Cod in question does not in fact have a 'large hook' in its mouth, rather a set of boga grips that are a non intrusive fish handling device which is readily sold on the recreational fishing market. The fish was caught by a leading inland fishing journalist, held in the correct comfort lift technique as recommended by NSW Department of Primary Industries and promptly released. Please note that this fish could have legally been put in a keeper net for days on end, gutted and gilled, and removed from the eco-system, however that is totally against the objectives of our organisation that promotes environmentally friendly and sustainable fishing practices. The plaintiff behind this allegation is totally misled, there is no hook in the fish's mouth at all, and I suggest that they google 'boga grip' and take up any further complaint with the Australian Federal Government which allows this tool to be used by hundreds of thousands of recreational fishers every day.

After winning several major awards for this community event we are not only shocked but also offended to think that anyone could think that we would stand for animal cruelty or detrimental behaviour that had a negative effect on inland fishing stocks.

Please contact me at any time if further clarification is needed or simply go to www.iwra.com.au to read about the hundreds of thousands of dollars that we have raised for the improvement of native fish habitat in inland NSW.

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 depicts a scene of a fish with a hook in its mouth which is cruel to fish and disturbing to watch.

The Board viewed the advertisement and noted the advertiser's response.

The Board then 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 features the details of the competition and footage of fishing action and prizes that can be won. At the end of the advertisement a man is seen holding a fish. The fish has a fish handling device – "boga grip" in its mouth. The man uses the device to move the mouth of the fish up and down like it is talking.

The Board noted the advertiser's response that the advertisement is for a not for profit, community fishing competition which donates 100% of proceeds toward bettering river health and sustainable fisheries. The Board noted that it is not the role of the Board to

comment on the fishing practices but only on the advertisement and the depiction used in the advertisement.

The Board noted the content of the advertisement and considered that it is reasonable for a promotion for a fishing competition to show fish being caught. The Board noted the final scene that shows a man holding a fish and using the device to make its mouth move.

The Board noted that advertiser's response that the particular fish was "held in the correct comfort lift technique and promptly released." The Board considered that the depiction of the man using the grip device to move the mouth of the fish is intended to be humorous. The Board noted that the fish by nature of the type of animal is quite vulnerable and that the use of the animal for the purposes of attempted humour was not something that that Board condones.

In the Board's view, the depiction of the handling of the fish in making the fish "talk" was not ideal but did not amount to a depiction that was violent and there was no apparent injury or harm caused to the fish in this action.

The Board acknowledged that some members of the community would find the image to be distressing but considered that in the context of an advertisement for a fishing competition, it did not amount to violence that was unjustifiable 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.