



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0203/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Mars Petcare Australia</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/05/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheled - Modified or Discontinued</b>

### ISSUES RAISED

- 2.3 - Violence Bullying
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Violence
- 2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a group of young men fighting in a street before putting their differences to one side to rescue a dog that is stranded in the middle of a busy road. The voiceover says, "Dogs bring out the good in us. Pedigree brings out the good in them. Feed the good."

### THE COMPLAINT

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

*I'm sure of there are plenty of other angles that could be used without the need to portray the possibility of an animal getting hurt. While I accept this might be acceptable in some cases. This is not the RSPCA or Animal Australia, such an angle is not necessary for selling dog food.*

*I was appalled by the violent new advertisement on Channel 10 for Pedigree Dog Food, showing gangs fighting on the street and then showing a German Shepherd dog trapped between traffic while his elderly owner looks on in distress, only to be saved by these useless pieces of trash, gang members. The ad was distressing at all levels and it should be removed*

*from television. It condones and encourages violence, which first appears to be a real life situation or a documentary.*

*Shows strong violence and distress.*

*This ad is extremely disingenuous from Pedigree, relying on appealing to the fearful nature of people in order to plug their product at the end. There is no logical connection between dog food and brawls, nor is there a connection with dog food and oncoming traffic. I believe the ad is a subversive attempt to make people fearful for either their safety or for the life of their pet, and then by extension associate the product Pedigree with a return to safety/stability. Tasteless and shameful advertising*

## **THE ADVERTISER'S RESPONSE**

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

*We write on behalf of our client, Pedigree (MARS Petcare) in response to complaints against the Pedigree 'Good Fight' TVC, specifically relating to the following section of the AANA Code of Ethics:*

*2.1 - Discrimination or vilification*

*2.2 - Exploitative and degrading*

*2.3 - Violence*

*2.4 - Sex, sexuality and nudity*

*2.5 - Language*

*2.6 - Health and Safety*

*On 30th April, 2015, the Pedigree 'Good Fight' TVC went to air on multiple channels across FTA and subscription TV.*

*'Good Fight' delivers the message of Feeding the good dogs bring to the world.*

*It begins with a couple of boys on a street corner. They confront each other and begin to push and shove each other around. Just when it starts to become heated, one of the young men suddenly notices a dog loose on the road. It's floundering in the middle of the intersection, looking confused.*

*The other guy spins around too. Suddenly they forget about their issues and both run out to save the dog. They are working together, one guy stopping traffic whilst the other settles the dog carrying it back to the sidewalk, and back to its owner.*

*Before the end it shows the three of them petting the dog – the fight long forgotten.*

*In regard to complaints that have been made to the ASB regarding sections 2.1 – 2.6 of the AANA Advertiser Code of Ethics, we take the opportunity to refute this as follows:*

*2.1 and 2.2 We strongly disagree that our ‘Good Fight’ TVC discriminates, vilifies, exploits or degrades the young men, any persons involved or section of the community in any way and actually shows the good that’s within.*

*2.3 The physical violence presented is not out of context, nor do we believe the physicality to be extremely violent. The groups of boys only push and shove each other. No fists are clenched or hands raised against each other in any way.*

*The physical act of confrontation is on screen for less than 4 seconds of the 30 second spot. The physicality is justified to show that anybody and everybody has good within them and this is particularly true in the human response to dogs and dogs in need. Pedigree, at a fundamental organisational level, believe that dogs bring out the good in all of us.*

*The CAD ruling is attached to this response and we believe the physical activity fits within the rulings regarding the rating and timeslot aired.*

*2.4 and 2.5, we deem these sections to be irrelevant to this as the ‘Good Fight’ TVC uses appropriate language with no obscenities and in no way promotes sex, sexuality and nudity.*

*2.6 We believe the TVC does not depict material contrary to community standards on health and safety. The confrontation between the two groups of boys is not related to any particular group, ethnicity or social status. We believe that the confrontation would be considered by those in the community as an arbitrary moment without further maliciousness or subtext.*

*We believe the boys’ response to the dog in danger to rescue the dog is not contrary to community standards on safety. As per the CAD recommendation and classification requirements, the boys moving onto the road are never in significant danger, the cars are not travelling at speed and the risk of real danger is low. The actors in the TVC thoroughly rehearsed their choreographed movements with the director before and during filming of the commercial to ensure that no one was harmed in the process. We also had a safety officer, road control and policemen on site to ensure there was no traffic threats when the boys did move into the middle of the street.*

*Lastly, it is worth noting that all TV media for the ‘Good Fight’ TVC received approval by the CAD prior to the TVC going live.*

*Please see CAD details below,*

*Reference number: 1082333*

*Rating (rating details included): P*

*PG – Parental Guidance "P"*

*Definition: Parental Guidance Recommended*

*May be broadcast during the following hours, except during P and C programs or adjacent to P or C periods:*

- *Weekdays 8.30am – 4.00pm*
- *Weekdays 7.00pm – 6.00am*
- *Weekends 10.00am – 6.00am*

*Exercise care when placing in cartoon and other child – appeal programs.*

#### *Digital Multi-Channels*

*In addition, may be broadcast during the following hours:*

- *Weekdays 6.00am – 8.30am*
- *Weekdays 4.00pm – 7.00pm*
- *Weekends 6.00am – 10.00am*

*Product Description: Commercials which comply with the PG classification criteria in Appendix 4, Section 3 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision.*

#### ***RESPONDING TO THE COMPLAINT***

*We do not believe that this TVC spot encourages or supports bullying or fighting.*

*There is no content or endorsement of violence and the physical confrontation between the boys is used only as a moment of tension that the introduction of the dog resolves. The physicality is not celebrated, endorsed or presented in a way that encourages the same behaviour. Nor is it presented in a glamorous way or with any appeal. Because of this presentation, we do not believe anyone of any age would be compelled to replicate or copy this behaviour.*

*In no way does the advertising encourage bullying, imply that fighting is fine or accepted, or condone the confrontational behaviour.*

*Mars Petcare believe pets make the world a better place and they do bring out the best in people, and in turn, our vision is to make the world a better place for pets.*

*We trust upon receiving our written response that you will agree that the Pedigree ‘Good Fight’ TVC does not breach the AANA Advertiser Code of Ethics.*

#### **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 features men fighting and a dog and its owner shown to be in a state of distress, all of which is not appropriate and has no relevance to the advertised product.

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 the complainants’ concerns that the dog is placed in harm’s way and that the depiction of both the dog and the owner looking distressed is not appropriate.

The Board noted that whilst the dog is depicted as being stuck on the road and we hear car brakes being used to prevent hitting the dog, no actual harm comes to the dog. The Board noted that dogs running out on the road was not an uncommon occurrence and considered that in this instance the advertisement depicts a happy ending by showing the dog being rescued and returned to its grateful owner.

The Board noted the complainants’ concerns about the depiction of men fighting in the street. The Board noted that this section of the Code is very specific with regards to depictions of violence and that violence is only justifiable in the context of the product or service advertised.

The Board noted that the advertisement depicts a group of men pushing one another and engaging in physical contact. A minority of the Board noted that, whilst we do not see the men hit one another, their actions are intimidating and the advertisement shows behaviour which is bullying and threatening. A minority of the Board considered that the advertisement depicts violence and that this violence has no relevance to the product or service advertised.

Following considerable discussion however the majority of the Board considered that whilst the men are clearly engaging in a tussle in the Board’s view their actions are consistent with groups of young men asserting their dominance within a group and the actual level of contact between the men is aggressive rather than violent. The Board noted it had previously dismissed a complaint about a similar scenario in an advertisement in case 67/10 where:

“The Board noted the complainant's concern that the advertisement was normalising violence between young men, who form disparate groups...

... The Board noted that the advertisement depicted a scenario that anticipated violence, however, no actual violence was portrayed. The Board noted that the advertisement might be construed as normalising the formation of tribes whereby men come together to challenge others in a negative manner but considered that most people in the community would not take this interpretation. The Board determined that the advertisement did not depict violence and was not strongly suggestive of violence and did not therefore breach of section 2.2 of the

Code.”

The Board noted in the current advertisement that the men soon put their differences to one side in order to work together to save the dog from harm and considered that the lasting impression is that the men have settled their differences through this cooperation. The Board noted the message of the advertisement is that dogs bring out good behaviour in people and considered that in this context the depiction of the men tussling in the street is portrayed as negative behaviour which should not be copied.

Overall the Board considered that the advertisement did not depict violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainants’ concerns about a dog being placed in a harmful situation. The Board noted the advertiser’s response that the advertisement was filmed under controlled conditions and considered that most members of the community would be aware that the dog, and the men who rescue it, were not placed in any real danger at any time throughout the making of the advertisement.

However the Board noted that the action of running out in front of on-coming traffic is dangerous. A minority of the Board noted that the advertisement has a creative and cinematic feel to it and considered that most members of the community would recognise that the men’s behaviour is wrong and should not be copied. The majority of the Board however considered that although the men, and the dog, would not have been in any danger during filming, this behaviour is dangerous and the use of car horns indicates that their behaviour is disrupting the flow of traffic. The Board considered that the advertisement is depicting the running out on to a busy road as acceptable behaviour because it leads to the rescue of a dog and harmony between the men. The Board considered that the depiction of men running on to a busy road is a depiction which is contrary to Prevailing Community Standards on safe road use.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaints.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

In response to complaint reference number 0203/15 against the Pedigree ‘Good Fight’ TVC and the ASB Board decision to uphold the complaint.

For almost 50 years, the Pedigree brand was held the vision to make the world a better place for dogs. While we do this through the dog food we make, we also believe that part of our responsibility is to build community awareness of the positive benefits dogs have on people and communities. We do this with initiatives like Pedigree Adoption Drive which raises awareness and donations for shelter dogs, through our charity partner PetRescue. We also believe that ‘The Good Fight’ TVC achieves this goal by demonstrating the good dogs bring out in people.

We acknowledge the finding of the majority of the Board in relation to section 2.6 of the Code. With respect, our views on the advertisement remain aligned with the minority of the Board who ‘noted that the advertisement has a creative and cinematic feel to it and considered that most members of the community would recognise that the men’s behaviour is wrong and should not be copied’.

However, in order to address the concerns of the majority of the Board we agree to modify the advertisement as follows:

Removing a section of the advertisement so that the footage of the men running onto the road in front of the cars is no longer shown and replaced with scenes that show no cars and no car sound effects, specifically horns and tyre squeal. This revised edit will reduce the Board’s concern regarding the boys running into oncoming traffic by not depicting this element.

We trust that the above actions would alleviate the Board’s concerns in relation to the advertisement.