



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0210/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Telstra Corporation Ltd</b>
<b>3</b>	<b>Product</b>	<b>Telecommunications</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/05/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.2 - Violence Cruelty to animals

### DESCRIPTION OF THE ADVERTISEMENT

This advertisement promotes a feature of the T-Hub, with Alexander Graham Bell's head in a jar laughing and watching a youtube video of a cat playing the piano.

### THE COMPLAINT

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

*The cat is clearly being forced to play this piano does not appear to be comfortable and quite frankly I think it's cruel to depict a living animal being treated like a puppet. The fact that the person in the ad is revelling in the discomfort of a helpless animal is not something that should be promoted in society.*

### THE ADVERTISER'S RESPONSE

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

*The Keyboard Cat clip is now a part of popular culture amongst internet enthusiasts and was ranked number 2 in the list of the world's most popular viral videos. It has been viewed on*

*YouTube by more than 6.9 million people worldwide: <http://www.youtube.com/watch?v=J--aiyznGQ>*

*Keyboard Cat is a home video, created by Charlie Schmidt in 1984 which features his much cherished cat, Fatso. Mr. Schmidt posted the video on YouTube some years after recording it and it became a world-wide phenomenon. According to an account on Wikipedia, Fatso was dressed up in a t-shirt which enabled Mr. Schmidt to hold his arms without being seen, and play the piano with his paws, as if Fatso were doing it himself.*

*Our understanding is that Fatso was well loved by Mr. Schmidt and was not harmed in the creation of the video. We have also sought the RSPCA's view on whether this kind of activity is considered to be cruel. Their advice was that as long as the pet is loved, and not distressed it is not considered to be cruel. It is clear in the video clip that Fatso is not distressed. Quite the contrary, he appears very at ease, and laid-back, and completely comfortable with the situation.*

*We would also argue that common sense also suggests it is very difficult to make a cat do anything it does not like without an obvious struggle.*

*The video repeats what is a very short filmed piece, making the session seem much longer than it is. Given Fatso's demeanor, and the brief nature of the activity, it is evident that he is not being subject to cruelty or force. Far from the audience "reveling in the discomfort of a helpless animal" we marvel at his skill and apparent enjoyment of the activity.*

*For these reasons we maintain that the advertisement does not condone or promote cruelty to animals and does not breach section 2.2 of the AANA Advertiser Code of Ethics by depicting material that depicts violence in the form of cruelty to animals.*

## **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 complainant's concern that the advertisement condones cruelty to animals by forcing the cat to play the piano.

The Board viewed the advertisement and noted the advertiser's response that the 'Keyboard Cat Clip' is a home video featuring the owner's cat 'Fatso' which was ranked number 2 on the list of most popular viral videos and has been viewed by more than 6.9 million people worldwide.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 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 the advertisement was promoting a feature of the T-Hub and the ability to access the internet using the YouTube website with the 'Keyboard Cat clip' as an example. The Board noted the RSPCA's advice 'that as long as the pet is loved and not distressed it is not considered to be cruel'. The Board considered that it is very difficult to make a cat do anything it doesn't want to and considered it is clearly evident by the cat's demeanour that

'Fatso' is comfortable in the video and also considered that most members of the community would consider the depiction of the cat playing the piano as humorous.

The Board considered that the cat is not being subjected to cruelty or force and determined that the advertisement does not depict or condone cruelty to animals and that it does not breach section 2.2 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.