



Case Report

1	Case Number	0214/17
2	Advertiser	Volkswagen Group Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	24/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

The advertisement concerned depicts a recycled building materials yard with a German Shepherd tethered on the premises. As the Volkswagen Amarok initially turns into the yard the dog senses an intruder to his territory and responds by barking. But on realising that the Volkswagen Amarok is bigger and tougher, the dog relaxes and resumes his normal behaviour.

THE COMPLAINT

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

So many reasons Dog on chain in dirty surroundings going aggressive at ute awful then car stops dog cowers guy gets out walks straight past distressed dog on dirty great chain in awful surroundings cool ute let's forget about ethical treatment of animals very aggressive ad does nothing to promote product in positive manner children should not see ad either.

The ad shows a dog on a chain serving as a lonely unsocialised guard dog in a timber yard. The driver gets out and walks past the chained up dog oblivious to both the dog and it's cruel life. The dog then sadly lies down in submission accepting its life of no freedom. This depiction of animal cruelty is totally non acceptable, as we do not want people thinking it's totally fine to keep dogs locked up on chains and living devoid of family life. Also the fact the driver is utterly oblivious to the cruel plight of the dog is shocking. We must not advertise acts of animal cruelty ever, let alone pass it off as being acceptable.

THE ADVERTISER'S RESPONSE

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

The advertisement was approved by CAD with Key Number 1174521 and CAD rating of "W" (just above G). The advertisement was published and broadcast in all States/Territories across Australia and made available online via Volkswagen's social channels including Facebook and YouTube which commenced 01 May 2017 and due to conclude on 25 June 2017.

Volkswagen Group Australia's advertising agency is DDB Sydney Pty Ltd and media buyer agency is PHD Networks Pty Ltd.

We have reviewed the AANA Advertiser Code of Ethics and comment as follows:

In relation to section 2 of the AANA Code of Ethics, the advertisement does not portray people or depict material in a discriminatory manner. There is no sexual appeal which is exploitative and degrading of any individual or group of people. There is no portrayal of violence in any way whatsoever. There is no sexuality or nudity in the advertisement. There is no inappropriate language used in the advertisement.

The advertisement does not portray any acts that are contrary to Prevailing Community Standards on Health and Safety or animal welfare.

In filming the advertisement, the highest standards of animal welfare were undertaken. The dog depicted was supervised by Kirsko Film Animals who noted that "Memphis" (the name of the dog in the advertisement) is a former security dog, but now lives the life of a family pet. The dog was well prepared for his performance and was only chained up for short periods of time during filming. At this time a wide leather collar and a tether of reasonable length was used. At all times "Memphis" was comfortable and relaxed on set and responded to cues from the handler to elicit the required reaction. Please refer to Appendix A.

The fact that the "Memphis" was tethered in the advertisement does not equate to animal cruelty. The RSPCA does not discourage or ban the tethering of dogs. In fact, the RSPCA Dog Walking Guide provides:

"While different sized animals will have different exercise needs, under new proposed guidelines dogs would be required to be given adequate daily exercise off tether our outside of enclosures. Exercise includes both physical effort and mental stimulation. This could include taking the dog for a walk when appropriate, letting the dog run freely in the backyard, playing a game with the dog or letting them explore and have social contact in a designated off leash park".

As far as the depiction of the dog in the advertisement, his role was to act as a common metaphor for toughness in relation to the Volkswagen Amarok featured and to highlight the dog's natural trait of protecting their territory. At no times was any cruelty or mistreatment of the animal portrayed. The depiction represents a snapshot of a short period in the dog's day and resolves to show a calm and relaxed dog at his owner's workplace where he spends

part of his time. There is no suggestion that this dog is the victim of cruelty or negligence. Volkswagen Group Australia takes animal welfare seriously and worked conscientiously to ensure the highest of standards were maintained and this portrayal referenced fits within Prevailing Community Standards.

Finally, Volkswagen Group Australia is committed to co-operating with the Advertising Standards Bureau and that any issues raised by the Advertising Standards Bureau will be addressed promptly and diligently.

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 dog chained up which is cruel and inappropriate.

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 depicts a dog barking when it hears a vehicle entering the yard it is protecting before noticing the size of the vehicle and lying down.

The Board noted the complainants’ concerns that the dog is chained up. The Board noted that it is not uncommon for dogs to be used to guard property and considered that the depiction of a dog tethered to a post is not of itself cruel or inappropriate. The Board noted that RSPCA Australia provides guidance for the safe tethering of dogs (http://kb.rspca.org.au/Can-dogs-be-safely-confined-by-tethering_406.html):

“...where dogs need to be securely restrained away from their usual home environment, a well-designed and situated tether can provide a secure and humane solution when used for short periods of time... Water should be provided in a heavy container which cannot be knocked over.”

The Board noted the complainant’s concern that the dog’s surroundings appear to be dirty but considered that the yard is clearly storing build materials and there is no litter or suggestion that this is anything other than a workplace environment. The Board noted the dog’s coat looks clean and well-groomed and considered that the overall appearance of the dog, along with the sturdy water bowl next to it, is suggestive that this dog is looked after rather than neglected. The Board noted that it is not clear how long the dog has been tethered for, or how long it will remain tethered, but considered that given the healthy appearance of the dog there is no suggestion that this dog is left outside for long periods.

The Board noted that when the vehicle parks we see the dog lie down and considered that the dog does not appear to be distressed or uncomfortable with its situation, and while the man does not acknowledge the dog as he gets out of the vehicle in the Board’s view this is most likely because the dog is lying quietly and the man has not noticed it.

The Board acknowledged that cruelty to animals is unacceptable but considered that in this instance there is no suggestion that the dog in the advertisement is being treated in a cruel or unfavourable manner but rather is depicted as a well-cared for guard dog.

The Board considered that the advertisement did not depict, encourage or condone cruelty to any animal and 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.