



Case Report

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| 1 | Case Number | 0226/17 |
| 2 | Advertiser | Volkswagen Group Australia Pty Limited |
| 3 | Product | Vehicle |
| 4 | Type of Advertisement / media | TV - Free to air |
| 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:

I object to the animals being shown tied to metal chains. The ad also implies the dogs are dangerous or aggressive. Showing dogs tied up and used as "security" is cruel.

The car is being compared to a guard dog. The dog in question is visibly chained up outside the owners house. In this day and age, surely this kind of treatment would be considered cruel to any animal? Thus, I find it unacceptable content for an advertisement.

I was very distressed and offended by seeing a chained dog used to promote a car quality. Chaining of any living creature is cruel and wrong and it must not be condoned.

Done in very Bad taste. Animals should not be tied up. Really upsetting.

The dog in the advertisement is tethered and unable to move very far. In most states of the USA, tethering or chaining a dog under most state laws is ILLEGAL. In fact, due to this practice, many owners leave dogs in this state without adequate water or food. Many, many cases in Australia present dogs being chained and not being able to move for long periods of time. Some owners have these dogs on chains for their entirety of their life.

This advertisement presents an angry, aggressive dog who then gets no social interaction with the male who arrives home in the Amarak. The chain is extremely thick therefore heavy around this poor dogs neck.

I work for the Nsw Police and would absolutely without doubt report this dog if I saw it in these circumstances. The chain looks very heavy. On a legal stance, this dog does not have adequate shelter, food, or water in the advertisement. The dog also looks distressed on the owners arrival. I would be calling the RSPCA to investigate this owner and dog. This dog left unsupervised can become a cruelty case if not managed correctly. The practice of heavy chaining a dog in Australia is seen as cruel and can quickly escalate to distress, anxiety and mental and physical harm to the dog involved.

This practice even though not illegal yet in Australia is not a recommended practice and there are current petitions within Australia to have dog tethering / tethering with a chain illegal. Please take this advertisement off the tv. Men will watch this advertisement thinking it is tough and cool and ok to treat a dog in this way.

This add shows a dog on a chain, dogs should not be kept on a chain. A dog on a chain should not be glorified in an add, I find it offensive and see it as animal cruelty.

I am offended by the depiction of the dog on the chain and its depiction of it as a tough viscous animal. A certain type of person may think that treating the dog in this way is justified. This ad could lead to more cases of animal cruelty and negligence. I shall also be writing to the RSPCA and Animal Welfare.

The car drives into a cemetery? / yard where a dog is chained up alone. The dog seems to be portrayed as a guard dog and starts barking when the vehicle drives into the yard at high speed.

I highly offended of the use of an animal in this manner due to the extremely high rates of animal abuse in this country.

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 it had previously dismissed similar complaints about the same advertisement when aired on Pay television (0214/17) where:

"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."

Consistent with its previous determination, 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.