



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0238/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Sanofi Aventis</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/07/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

Bear Grylls, best known for his television series 'Man vs Wild' is challenged by Nature's Own to use his survival skills to demonstrate how much fish must be eaten by an individual per day to source the same amount of fish oil found in a Nature's Own Concentrated Fish Oil Capsule.

In the advertisement, Bear Grylls steps into the water with a tree branch he has fashioned with a hunting knife into a three-pronged spear and appears to then spear a fish and begin to eat it raw. Unbeknown to Bear, a lone wolf preying on him while he was fishing charges and leaps at him and runs off with the stolen speared fish.

### THE COMPLAINT

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

*I found this ad very disturbing as the fish is eaten alive. It is not a prop as you can see the fish voiding when it is bitten. It is one thing to promote a vitamin tablet and another to eat a live fish to promote healthy living. It is also a cruel death for the fish. This was shown during the block when young and I impressionable children are watching. I have also sent an email to nature's own expressing my concerns.*

*I was offended because bear grills eats the raw fish which you see him do and rip the fish in*

*his mouth and my young children looked horrified at it. It's an awful advert - should not be on pre watershed.*

*Unnecessarily graphic and disrespectful to animal life. We have a choice to watch a TV show or documentary that might show animals being killed etc. But we should not have to watch it in an unsolicited manner like commercials - we have no choice what commercial comes onto our screens. Documentaries typically have warnings of disturbing images - this ad does not.*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the complaints and the advertisement in light of the provisions of the AANA Code of Ethics ('Code').*

*We understand that the complainants believe the advertisement contravenes section 2 of the Code and specifically provisions 2.3 'violence cruelty to animals' and 2.3 'violence graphic depictions'.*

*Sanofi takes any complaint about its advertising seriously and is committed to complying with the highest expected standards and applicable rules.*

*No live fish were used nor harmed during the filming of the advertisement as the fish that were used were dead when purchased and kept on ice until they were dressed on the spear on set. For this purpose we ensured that the fish was depicted as having being killed in a humanely fashion as per RSPCA Australia standards i.e. with the longest spike of the spear going through its brain. Finally, the fish is not shown as moving so viewers can assume it has been instantly killed and did not suffer.*

*Our intention in all of our advertising is to engage our target audience. As with the rest of the Bear Grylls campaign, this advertisement aims to encourage people to look after their health and fitness while drawing an amusing parallel with Bear Grylls' survival skills. As he is one of the most recognised faces of survival and outdoor adventure in the world – predominantly as a result of the success of his television series 'Man vs Wild' – we consider that our target audience would not find it disturbing that the advertisement includes scenes where Bear Grylls uses a spear or eats raw fish since using this kind of survival skills is what 'Man vs Wild' has made him famous for.*

*In light of the above we submit that there is no basis upon which to find that the advertisement encourages or promotes cruelty to animals nor does it graphically depict violence.*

*Accordingly, we submit that the advertisement does not breach provision 2.3 or any other provision of the Code and respectfully request that the complaints be dismissed.*

## **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 that is graphic and disrespectful to animal life and inappropriate for viewing by children.

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 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 is promoting the use of Nature's Own Fish Oil Capsules as a dietary supplement and shows the well known adventurer, Bear Grylls, comparing how much actual fish you would need to consume to obtain the same level of nutrients of that found in the capsule. Bear Grylls jumps into a body of water and spears a fish which he then bites into.

The Board noted that some members of the community would prefer that animals were not killed and used for food however the Board considered that fish consumption is a normal part of life for many people. The Board noted that the advertisement uses the scenes of Bear Grylls spearing and eating the fish to make the connection with the final supplement and the equivalent natural food source for the fish oil nutrient.

The Board considered that many members of the community would recognise Bear Grylls and be familiar with his programs and character as a fearless adventurer who is known to catch, kill and consume a variety of food sources and therefore recognise and appreciate that this type of behaviour is something that Bear Grylls is accustomed to and very typical of his persona.

The Board considered that whilst the depiction of the dead fish could be upsetting or offensive to some members of the community, in the Board's view most members of the community would consider that the advertisement is presenting an accurate portrayal of food sources which is not inappropriate for viewing on TV.

The Board noted the advertiser's response that no live fish were used or harmed during the filming of the advertisement and that the fish was depicted as having being killed in a humanely fashion as per RSPCA Australia standards. The Board noted that the fish was not shown to be moving or in any potentially live state while still being on the spear.

The Board considered that the advertisement did not present or portray violence in a manner that is unjustifiable in the context of the product being sold and determined that it 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 complaint.

