



Case Report

1	Case Number	0247/16
2	Advertiser	GlaxoSmithKline Consumer Healthcare Australia
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a man (who suffers from joint and muscle pain) carrying our everyday activities associated with owning a pet dog such as pulling a reluctant dog to the bathroom for a bath.

THE COMPLAINT

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

To drag a dog by his arms is wrong and can leave the animal with dislocation! This practice is unsatisfactory and sets a very poor example to the ignorant.

THE ADVERTISER'S RESPONSE

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

Nature of Complaint and Response

We understand that the complaint relates only to the pulling of the dog across the floor into the bathroom (this act is depicted in the 7th and 8th second of the 30sec television

commercial). The complainant alleges that section 2.3 (Violence, particularly cruelty to animals) of the AANA Advertiser Code of Ethics has been breached:

“Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”

GSK confirms that the animal was not harmed or injured in any way during the filming of this TVC. Furthermore, GSK asserts that the act complained about is not a portrayal of violence against animals. Pulling a reluctant dog to have a bath is not an uncommon practice in day-to-day pet care activities. The pet-owner is shown to not be using a large amount of force to move the dog, and the dog does not look distressed or in any pain. GSK ensures that the production of our advertising meets all the necessary standards and policies relating to talent use, including:

(a) Presence of qualified dog trainer during filming

GSK does not condone animal cruelty and takes Animal safety very seriously. In the filming of this advertisement all precautions were taken to ensure the dog was not distressed and no harm was brought to the animal (please see attached animal welfare certification). During the filming of this advertisement, a qualified dog trainer was present to ensure that any acts which were performed by the dog would not cause it harm.

(b) Animal Welfare Certification

GSK’s advertising agency, Saatchi & Saatchi Geneva obtained the relevant Animal Welfare Certification confirming the appropriate treatment and care of the featured dog during the production. This was authorised by a member of the veterinarian faculty of College of Veterinary Officer of Madrid, as the production took place in Spain.

(c) Prevailing Community Standards on Animal Safety – RSPCA Policies

GSK has considered the RSPCA policies in respect of responsible companion animal ownership, and are of the view that the acts depicted in the advertisement are a portrayal of a pet-owner caring for his pet dog (ie keeping the dog clean by washing and grooming the dog). In this regards, GSK considers the portrayal to be compliant with the RSPCA Policy A01 Responsible companion animal ownership.

The animal was treated with the due care and attention throughout the production to ensure no duress or harm was caused.

GSK is committed to ensuring that its advertisements adhere to the AANA Advertiser Code of Ethics and prevailing community standards on animal safety.

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 concerns that the advertisement depicts a man dragging a dog by its legs which could cause injury to the dog and is not a good example to set.

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 that this television advertisement depicts a man struggling to wash his dog and in one scene we see him drag the dog by its paws across the floor.

The Board noted the advertiser’s response that a qualified dog trainer was present throughout the filming of the advertisement and that a copy of the Animal Welfare Certificate had been provided for the Board’s information.

The Board noted that the focus on the advertisement is the man’s inability to deal with his dog due to a sore back and that using the advertised product would alleviate the man’s joint and muscle pain. The Board acknowledged that dragging a dog by its paws is not an act which should be encouraged but considered that in this instance the dog is on a wooden floor and is able to move with minimum effort by the man and the overall impression is that the dog is not being harmed by the man’s actions but rather is trying to avoid being put in the bath which is a common response by dogs. The Board noted that the relationship between the man and his dog throughout the advertisement is positive and considered that there is no suggestion that the man intends to harm his dog but rather that he is acting in the dog’s interests by trying to clean him.

The Board considered that the advertisement did not present or encourage violence toward animals 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 complaint.