



**ADVERTISING  
STANDARDS  
BOARD**

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# Case Report

<b>1</b>	<b>Case Number</b>	<b>0250/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Darwin Red Devil Fishing Charters</b>
<b>3</b>	<b>Product</b>	<b>Sport and Leisure</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/06/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Cruelty to animals

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features women in a shark cage next to a boat screaming as a shark thrashes in the water next to them. A male voiceover says, "Darwin Red Devil Charters. Book now for a great day out" and we see the contact details on screen along with an image of a boat and a shark.

## THE COMPLAINT

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

*As I am a marine biologist, the shark is clearly distressed and the procedures are clear in the advertisement. It is illegal way of catching a shark for entertainment let alone inhumane not to mention the hideously overwhelming women in the background.*

## THE ADVERTISER'S RESPONSE

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

*Just for your information the shark was not actually hooked, it was thrashing around trying to bite on bait.*

*The ad was approved through CAD.*

## **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 shark in distress.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted the complainant’s concern that the method used in the advertisement for catching a shark is illegal. The Board noted that while the AANA Code of Ethics calls on advertisers to comply with relevant laws, the Board is not a law enforcement agency and it does not deal with questions of legality.

The Board noted the complainant’s concern about the noise made by the women in the advertisement. The Board noted that advertisers are free to use what type of person they wish in an advertisement provided their behaviour does not breach a section of the Code. The Board considered in this instance that whilst the noise of the women could be annoying to some members of the community this issue falls outside of Section 2 of the Code.

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 features a shark thrashing in the water near a boat whilst unseen women shriek in the background.

The Board noted the advertiser’s response that the shark was thrashing around trying to bite on bait. The Board noted that this method of attracting animals to viewing areas such as boats is commonly used in the tourist industry for sharks, crocodiles and other animals. The Board noted that a line is visibly attached to the shark but considered that there is no evidence of a hook or any suggestion that the shark is being harmed in any way. The Board considered that most members of the community would not think the shark in the advertisement is in distress. The Board noted however that even if members of the community did consider the shark to be in distress the Board considered that most people would not consider the catching

of a shark to constitute violence.

The Board considered that the advertisement did not present or portray violence to 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.