



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0250/18</b>
<b>2</b>	<b>Advertiser</b>	<b>RSPCA Victoria</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Mail</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/05/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Graphic Depictions

### DESCRIPTION OF THE ADVERTISEMENT

This mail advertisement included photos and a letter to homeowners regarding RSPCA fundraising. The letter included a message from the RSPCA CEO and an image of a dog with one eye and the caption "Shot abandoned and left to be eaten by maggots Skittles was fighting to survive when he was found". The letter also included photos with captions, including:

- An image of an injured dog and the words "SHOT... ...LEFT TO DIE" and the caption, "This was the state we found poor Skittles in. His legs were cable-tied together. His eye was infested with maggots. He was barely alive."

- An image of a chained dog lying on the grass with the word "BEATEN" and the caption, "Beaten and found brain damaged with a fractured jaw. this innocent little puppy never stood a chance. This is animal cruelty at its worst."



- An image of a very skinny horse lying on the ground with the words "STARVING TO DEATH" and the caption, "Surprisingly this horse was still alive when this picture was taken. Her owner left her to starve without proper food or shelter. The cruelty was too much for her to be saved."

## **THE COMPLAINT**

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

*I strongly support the RSPCA and the work that they do however I was not prepared for or expecting to see the explicit photos of hurt and injured animals. I think at the very least there should be a warning on the envelope to prepare people for the upsetting nature of the material inside the package.*

*I immediately felt sick and anxious and more than a little depressed/shocked as the envelope did not warn of graphic images nor from whom the items came - I threw it away but keep thinking about the pictures - I'm not naïve but I don't want it pushed in my face. This could be very triggering for people with mental health issues I feel and those who cannot possibly help - either financially or practically to stop this abuse - the point of the mailout campaign is to shock - it did that but also appalled me into disgust/shame/ that the RSPCA couldn't tell us the good they were doing, not the bad that a few people do. Terrible should be removed/stopped and an apology to all.*

*This letter was not addressed to adults within the house so our young daughter opened the letter and was confronted with images that upset her. The RSPCA has no right to send that to our personal home, and cause a very young girl to get upset.*

*There was no warning on the envelope that there were disturbing images inside and it was shocking to see these images and I did not want to be confronted by these images*

*There were no warnings on the envelope about graphic content. I am upset by the images and even more upset that 2 of my young children who love animals saw these images and were upset too. There was no information on the envelope to say who the mail was from which isn't OK either. There are so many other ways this organisation can raise funds.*

## **THE ADVERTISER'S RESPONSE**



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

*Ad Standards Response to Complaint – reference no. 0250/18*

*This mail advertisement is a new initiative we have developed to transform our ability to raise the much-needed funds for our work to ultimately end cruelty to animals. The execution was via an unaddressed mail piece delivering 425,000 units by Australia Post to selected postcodes in Victoria which occurred week commencing 7th May and has now been completed.*

*The pack included:*

*A plain white envelope with words Photos inside*

*Letter to householder*

*3x Photos with description*

*Response form*

*Return addressed envelope*

*RSPCA Victoria provides the following comments in relation to the complaints received regarding an advertisement for our current fundraising appeal “ONE by ONE”.*

*Of the six key points to be addressed in section two of the Advertiser Code of Ethics:*

*2.1 Discrimination or vilification - Not applicable to this advertisement*

*2.2 Exploitative and degrading - Not applicable to this advertisement*

*2.3 Violence - See response below*

*2.4 Sex, sexuality and nudity - Not applicable to this advertisement*

*2.5 Language - Not applicable to this advertisement*

*2.6 Health and safety - Not applicable to this advertisement*

*2.3 Violence*

*As per the Australian Association of National Advertisers (AANA) code of ethics under ‘Section 2 Consumer Complaints’:*

*2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. In some circumstances, the portrayal of violence may be deemed justified, such as in community awareness advertising or if the product being advertised contains violence e.g, computer games or films. The Board has generally considered violence to be*



*justified where it is mild in impact for the viewer, generally does not depict any person injured or in pain, and the action does not include aggression.*

*The issues raised were: 2.3 - Violence Causes alarm and distress to Children  
When reviewing complaints from consumers in relation to the RSPCA Victoria advertising material we find that the subject matter is of “justifiable” nature and in direct relationship with the community services provided by RSPCA Victoria. RSPCA Victoria accepts the advertising material contains mild impact violence, however RSPCA regard the advertisement as completely justifiable.*

*The advertising is in direct context with the work of RSPCA Victoria, which is the prevention of cruelty to animals. The advertisement is specifically raising community awareness about violence to animals occurring in Victoria which many people in the community are not aware.*

*Further, RSPCA Victoria was conscious of depicting imagery that could upset younger audiences during the development of the campaign and selected images that were of mild graphic nature only. RSPCA was cautious not to depict acts of aggression, horror or gore, decay, infestation or blood.*

*The purpose of the advert is to tell the truth about animal violence and to raise much needed funds to help the RSPCA stop the type of violence depicted in the advertising material.*

*The complainants raise concern that the content is too graphic in nature for children. Included are examples of the type of responses received from children to the RSPCA campaign to demonstrate other points of view that has also been received.*

*In common with many good causes, RSPCA Victoria relies upon the generosity of the public to fund its important work and the response to our fundraising activity has been overwhelmingly positive. We do take onboard the public’s feedback both positive and negative and will continue to adjust and develop our campaign for the future. At this point in time, the direct unaddressed mail campaign is completed.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainants’ concerns that the advertisement features images of dead animals and that these were disturbing and not appropriate to receive in the mail.



The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that this advertisement was sent to people in an envelope with no branding and the words 'photos do not bend'. The envelope contained a letter outlining the work the RSPCA does and the need for donations. At the top of the letter is an image of a dog with one eye. Also included in the envelope were photos of injured and starving animals with captions detailing the way they were abused.

The Panel considered whether the advertisement breached 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 Panel noted the complainants' concerns that the advertisement did not have a warning on the envelope and the graphic and disturbing images were upsetting to both children and adults who opened the mail.

The Panel noted the advertiser's response that the violence used in the advertisement was justifiable and directly related to the work of RSPCA Victoria.

The Panel considered that advertising for the services of RSPCA was a product that may justify the depiction of some violence. The Panel then considered whether the level of violence and distress depicted in the advertisement was too graphic to be justifiable.

The Panel noted it had previously considered a similar print advertisement for this advertiser in case 0245/17, which depicted a deceased horse tied to a wire fence and the text 'Sorry. We don't have enough Inspectors. In this case:

"The majority of the Board considered that the important community message being delivered in the advertisement was a critical message that justified the use of an image that would grab the attention of the reader and would lead to an increased awareness and consideration of the serious issue.

The Board considered that although the image was graphic, there was no blood and the inclusion of the text meant that parents could initiate a discussion with children about the image and the reality of what it was about."

Similar to case 0245/17, in the current advertisement the Panel considered that although the images were impactful they did not feature gore or depict acts of violence. The Panel considered that the images were designed to shock, however they were more emotionally impactful than graphic.



The Panel noted that many young children do open the mail and considered that it would have been preferable for a warning to have been printed on the envelope advising recipients of the potentially distressing content. However, the Panel considered that the level of violence in the advertisement was justifiable in the context of the service being advertised and in the Panel's view the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

