



Case Report

1	Case Number	0259/15
2	Advertiser	Mars Petcare Australia
3	Product	Other
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	08/07/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a group of young men tussling in a street before putting their differences to one side to rescue a dog that is stranded in the middle of a busy road. The voiceover says, "Dogs bring out the good in us. Pedigree brings out the good in them. Feed the good."

THE COMPLAINT

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

I'm offended as a parent of young children for the fact that the ad portrays that you can run blindly into busy traffic to save an animal and vehicles will be able to stop in time when you give the hand signal to stop. I think it is irresponsible of the company to show such actions on TV as children may be watching and could assume that it is safe for them to reproduce the behaviour in the commercial when it comes to running into traffic whether it be to save an animal or to collect a ball or one of their possessions.

THE ADVERTISER'S RESPONSE

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

The television advertisement in question relates to the PEDIGREE brand of pet food, manufactured by Mars Australia Pty Ltd trading as Mars Petcare Australia. The general premise behind the broader campaign for the product "Pedigree" is that 'Dogs bring out the best in people [regardless of the circumstances we are placed in]'. This particular advert depicts a couple of adult males arguing on a street corner, pushing and shoving each other to the ground and raising their voices. It feels like a fight could start. Just when it's getting really heated, one of the young guys suddenly notices a dog loose on the road and his owner looking worried. The dog is in the middle of the intersection, looking confused. Suddenly the adult males forget about their issues and save the dog. They have to work together, one guy stopping traffic whilst the other settles the dog. Luckily the dog warms to their friendly approach and they're able to secure it and begin to lead it to safety.

Comments in relation to the complaint

We address our response as foreshadowed in your letter to all parts of Section 2 of the AANA Code of Ethics as follows:

Section 2.1 – discrimination or vilification

The advertisement does not discriminate or vilify.

Section 2.2 – Exploitative & Degrading

The advertisement does not exploit or degrade.

Section 2.3 – Violence

The advertisement does not depict violence but shows an argument where youth shove, push and assert dominance.

As the classification for the advertisement demonstrates, it is appropriate for the audience and treats the argument between the youth with sensitivity to the relevant audience. We submit that our advertising agency and our media buyers and planners have taken care to ensure that the scheduling of our commercials complies with the provisions of the Code.

The message of the advertisement is that dogs bring out the good behaviour in people and this scene is to be considered in this context, as a contrast to the good behaviour of rescuing the dog.

Section 2.4 – Sex, Sexuality & Nudity

The advertisement does not present or portray sex, sexuality & Nudity of any kind

Section 2.5 - Language

There is no inappropriate or obscene language in the advertisement.

Section 2.6 – Health & Safety

No element of the advertisement is contrary to Prevailing Community Standards on health and safety.

At the beginning of the advertisement the main actor is shown to cross the road and looks both ways to avoid the traffic therefore showing regard for the cars. The scene of the filming is not shown to be close to traffic lights.

The next scenes relating to the adult males stopping the ‘traffic’, though not by ‘run[ning] blindly into busy traffic’ as the complaint describes. The car horns are not blaring and the commercial does not depict the adult males in any danger. The adult males are shown to stop the traffic by holding up their hand to signal to the cars that they were entering the road. When the car had stopped the adult male deemed it safe to go onto the road to pick up the dog as it was seen to be in distress and in fear. We do not believe that this scene would encourage children to copy the behaviour as it does not provide any connecting shots or depictions.

The expected community standard will always be to assist an animal or a person in perceived danger after taking suitable and reasonable precautions in the circumstances we are placed in. There may always be circumstances where regardless of anyone stepping into stop traffic, when animals are on the road, traffic slows down and or there maybe instances where traffic in order to avoid animals on the road may swerve, thus leading to dangerous driving conditions. The advertisement seeks to illustrate how an animal in distress allows adult males to put their differences aside, unite for the good of another living creature. We believe this is a powerful and positive message to convey to adults and children and is the key message take out from this advertisement - the one that the majority of consumers remember. We have had very positive feedback from consumers on this commercial and believe that it does not encourage negative behaviour in children.

We hope this has addressed the concerns raised in your letter to us.

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 concern that the advertisement shows people running into busy traffic and this is an irresponsible action to portray due to the dangers it could pose.

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 the advertisement features a dog running out on to a road before being rescued by some young men.

The Board noted that this advertisement is the modified version of a recently upheld advertisement (case 0203/15) where:

“The Board noted that whilst the dog is depicted as being stuck on the road and we hear car brakes being used to prevent hitting the dog, no actual harm comes to the dog. The Board noted that dogs running out on the road was not an uncommon occurrence and considered that in this instance the advertisement depicts a happy ending by showing the dog being rescued and returned to its grateful owner.

The Board noted the complainants’ concerns about the depiction of men fighting in the street. The Board noted that this section of the Code is very specific with regards to depictions of violence and that violence is only justifiable in the context of the product or service advertised.

The Board noted that the advertisement depicts a group of men pushing one another and engaging in physical contact. A minority of the Board noted that, whilst we do not see the men hit one another, their actions are intimidating and the advertisement shows behaviour which is bullying and threatening. A minority of the Board considered that the advertisement depicts violence and that this violence has no relevance to the product or service advertised. Following considerable discussion however the majority of the Board considered that whilst the men are clearly engaging in a tussle in the Board’s view their actions are consistent with groups of young men asserting their dominance within a group and the actual level of contact between the men is aggressive rather than violent.

The Board noted it had previously dismissed a complaint about a similar scenario in an advertisement in case 67/10 where:

“The Board noted the complainant's concern that the advertisement was normalising violence between young men, who form disparate groups...

... The Board noted that the advertisement depicted a scenario that anticipated violence, however, no actual violence was portrayed. The Board noted that the advertisement might be construed as normalising the formation of tribes whereby men come together to challenge others in a negative manner but considered that most people in the community would not take this interpretation. The Board determined that the advertisement did not depict violence and was not strongly suggestive of violence and did not therefore breach of section 2.2 of the Code.”

The Board noted in the current advertisement that the men soon put their differences to one side in order to work together to save the dog from harm and considered that the lasting impression is that the men have settled their differences through this cooperation. The Board noted the message of the advertisement is that dogs bring out good behaviour in people and considered that in this context the depiction of the men tussling in the street is portrayed as negative behaviour which should not be copied.

Overall the Board considered that the advertisement did not depict violence and determined that the advertisement did not breach Section 2.3 of the Code.”

The Board noted that the current version of the advertisement features the same depiction of men tussling on the street before rescuing a dog stranded in the middle of the road and considered that consistent with its previous determination the advertisement does not depict violence. The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states:

“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that in the original, upheld version of this advertisement (0203/15):

“...the Board noted that the action of running out in front of on-coming traffic is dangerous. A minority of the Board noted that the advertisement has a creative and cinematic feel to it and considered that most members of the community would recognise that the men’s

behaviour is wrong and should not be copied. The majority of the Board however considered that although the men, and the dog, would not have been in any danger during filming, this behaviour is dangerous and the use of car horns indicates that their behaviour is disrupting the flow of traffic. The Board considered that the advertisement is depicting the running out on to a busy road as acceptable behaviour because it leads to the rescue of a dog and harmony between the men. The Board considered that the depiction of men running on to a busy road is a depiction which is contrary to Prevailing Community Standards on safe road use.”

The Board noted that the current version of the advertisement has been amended so that we do not hear car horns and that after the initial car brakes when the dog runs on the road we do not hear any more brakes being applied. The Board noted that whilst we do see the men run to catch the dog and then leave the road at the other side, the Board noted that we do not see the men weaving between the oncoming traffic.

The Board considered that the action of running out in front of on-coming traffic is dangerous. The Board noted that in the current advertisement the amount of time spent on the road by the men is considerably less than in the original, upheld version but a minority of the Board considered that this depiction is still against Prevailing Community Standards on safe road use.

Following considerable discussion however, the majority of the Board considered that the road scene is now a brief part of the advertisement and the removal of the car horns and noise of brakes lessens the feeling of danger that the men could be in. The majority of the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on safe road use.

The Board determined that the advertisement did not breach Section 2.6 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.