



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0262/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Key Factors</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/08/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.3 - Violence Cruelty to animals

### DESCRIPTION OF THE ADVERTISEMENT

Image of a dog covered in wooden pegs. The text reads, "Feeling the pinch?" and goes on to describe the financial services provided by Key Factors.

### THE COMPLAINT

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

*My 5 year old daughter emptied my post box for me and when she saw the photo of the dog covered in pegs she started to cry in distress at the image of the animal covered in the clothes pegs. She thought it looked like the dog was in pain and asked me why the horrible people had hurt the poor doggie. When I looked at the picture I was also angered, offended and concerned with the image. To me it looked like animal cruelty. I don't think it was an appropriate image to use in an advertisement. I have never complained about an advertisement before in my life. But this one was just too distressing to let pass without comment.*

### THE ADVERTISER'S RESPONSE

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

*I don't understand why the "photo-shopped" picture of a dog needs to be the subject of so much paperwork.*

*Just open any newspaper or turn on the TV and be shocked by what is really bad in this world.*

*How could anyone be offended by our dog picture.*

*Honestly, anyone that has ever owned a dog would know that you just couldn't get a dog to sit still so that pegs could be attached.*

*I am 58 years of age, and there has never been a period in my life where I haven't had a dog. Even as a so called "dog person" I didn't see anything bad here!*

## **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 includes an image of a dog that appears to be distressed and is inappropriate to display.

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 has previously determined that depicting cruelty to animals falls within section 2.3 of the Code relating to the portrayal or depiction of violence.

The Board noted this animated advertisement depicts an image of a dog covered in wooden pegs. The text reads, "Feeling the pinch?" and goes on to describe the financial services provided by Key Factors.

The Board noted that the connection between the image and the catch phrase "feeling the pinch?" was evident and accepted the advertiser's response that the image had been photo-shopped and was not an actual image of a dog covered in pegs and then photographed.

The Board unanimously agreed however, that the dog appeared to be distressed and although it is evident that the image is not real, the intention is of course to make the image appear real. The Board agreed that it would be difficult for a child to see and to understand that the image was photo-shopped and not a depiction of actual cruelty. The Board considered that the image may encourage others to try and copy this behaviour and cover a dog with pegs.

The Board noted that image presented could be considered by the community as a portrayal of violence toward animals and was a representation of a cruel action toward the dog.

The Board considered that the advertisement did present or portray violence in a manner which is unacceptable and not justifiable in the context of the service being advertised and determined that the advertisement did breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

I advise that the material was printed and then delivered to Aussie Post as a "Once Off" promotion.

No further brochures using this image will be printed by us.