



Case Report

1	Case Number	0284/17
2	Advertiser	RSPCA WA (Inc.)
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a dog called Rusty. A male voiceover says that Rusty's life has been destroyed and then we see other dogs who have suffered neglect. These animals have been rescued by the RSPCA and are going on to better lives. The advertisement asks people to support the RSPCA with a donation to help more animals in need.

THE COMPLAINT

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

The entire ad consisted of content with images of animals that have been abused and are in distress. The voice over was talking about animal abuse.

As a viewer and someone who also works in the media industry (previously working for an advertising agency), I think these sort of ads needs to be classified appropriately and run with a viewer advice at the head of the advertisement to warn viewers that there is distressing content so the viewer can choose to watch it or not.

Horribly graphic images of animals that have clearly been abused. It is extremely distressing to see and people should not be subjected to such horrendous images. It has upset the whole family and we can't get the images out of our minds. The images are too upsetting to see and

we have to turn the channel off immediately the ad comes on. We are animal lovers and donate regularly to the RSPCA and are aware of animal abuse but this ad campaign is too horrible to watch.

THE ADVERTISER'S RESPONSE

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

RSPCA response

RSPCA takes all comments from the public very seriously.

Our TV ad is true, honest and does not show any graphic scenes of animals being abused. The footage used has been sourced from the Channel 7 television program Animal Rescue, which showed real stories of animals being rescued by RSPCA inspectors. While the animals featured in the ad don't look in the best shape, they are actually on their way to a safer, healthier life, thanks to the amazing work of the RSPCA, and its many supporters.

We have actually self-censored the footage and descriptions as we do not believe viewers should be exposed to the strongest footage.

As well as limiting what is shown and described on-screen, we and our media agency pay meticulous attention to ensuring the media placement of the appeal is not broadcast alongside children's programming.

We cannot, of course, monitor what takes place within private homes or monitor which family members watch which sort of TV at which times.

Throughout all we do, we balance our responsibility to work within established broadcast and fundraising guidelines, with our moral and legal responsibility to help animals.

While the appeal raises an important issue, it is not intended to be 'distressing'. It is intended to offer concerned people the opportunity to find out how they can help animals. In talking to supporters we find that this is really valued.

Indeed, we carry out our work precisely in order to prevent distress.

With great respect to the people who submitted the complaints, we cannot control how everyone will respond emotionally to our appeals. The same is true for any charity appealing for help. A cancer charity's appeal could potentially be upsetting for someone who has cancer, or someone who has lost a family member to cancer. An appeal from a refugee-support charity may cause uncomfortable feelings for any refugees who are watching. And an animal welfare appeal may create a response of sadness in someone who adores animals. We do not believe that any of this means that good causes should be prevented from appealing for help.

People give to good causes because they want to help solve a problem – to cure cancer, to help refugees, to protect animals. But people will only be inspired to give if they have an indication of the nature of the problem that needs solving. So, at the RSPCA, we know that we

have to show some sort of problem, but we do so while adhering rigorously to all codes of practice, legal frameworks, and fundraising best practice.

In common with many good causes, RSPCA relies upon the generosity of the public to fund its important work. And the response to our fundraising TV activity has been overwhelmingly positive. Our TV appeals inspire people to show their love, care and compassion for animals. The funds raised through our TV campaign are being put to work to save the lives of animals who have been abused and neglected.

When people give money to good causes, they do so as an expression of their passionately held beliefs and their desire to make the world a better place. Fundamentally, people want to make a difference. In order for them to make a difference, good causes need to make people aware of both bad things, and the good things that are done to alleviate the bad things. There needs to be a balance of a problem that needs to be solved, and enough hope or optimism to show that the organisation is able to do this important work.

For example, an appeal to feed starving children needs to show children who need food. This is something no one hopes to see, but is important so that people understand where and how they can help.

In RSPCA TV appeals across the country, we feature a wide range of animals, we show the threats they face, and we offer people the opportunity to support our work to save animals from being harmed.

We take very seriously our responsibility to tell the truth. However, we know we cannot tell the whole truth of the threats faced by animals – because the full reality would be too strong to feature in a TV appeal.

Therefore, we do very strongly self-censor our TV appeals. Of course, we do not wish to alienate people and have them turn away, but quite the opposite. RSPCA cannot operate, and neglected or abused animals cannot be saved if we alienate the public on whose support we rely. And the positive response to date to this appeal over the last two years does strongly indicate that people both support this work, and our approach.

In terms of our self-censorship of our appeal, we:

- Have not included any graphic scenes of animals being abused or in pain*
- Have ensured that the viewer is given a clear sense that animals can be rescued*

In addition, in order to properly discharge our responsibility towards children, we have also briefed our media agency to follow the CAD guidelines that followed this ad being classed as a PG:

CAD Requirement:

PG – Parental Guidance “P” Definition: Parental Guidance Recommended May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Product Description: Commercials which comply with the PG classification criteria in Appendix 1 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with

supervision.

We have gone through the CAD approvals process to ensure that this ad is acceptable to be broadcast during PG viewing times. In order to obtain this PG rating, we have supplied scripts, substantiation to back up claims made in the ad and a final copy of the ad. After reviewing all this, a PG rating was given. TV networks will not run PG classified ads in, or adjacent to any children's programming.

We do not believe we could have done more either morally or legally to act responsibly.

We appreciate that every individual who watches the appeal will see it in a different way. We try hard to ensure that our TV appeals do not make people turn away – if we make people turn away, we deny them the opportunity to give, and we can't afford that.

We seek to offer people the opportunity to put right something that is wrong, and we do this responsibly.

In terms the code of ethics, we believe the appeal complies entirely. Namely:

- *It complies with the law.*
- *It is neither misleading nor deceptive.*
- *It contains no misrepresentation likely to cause damage to the business or goodwill of a competitor.*
- *It does not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.*
- *It does not make claims about the Australian origin or content of products advertised in a manner which is misleading.*
- *It does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*
- *It does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*
- *It does not present or portray violence unless it is justifiable in the context of the product or service advertised.*
- *It treats sex, sexuality and nudity with sensitivity to the relevant audience.*
- *It uses only language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is avoided.*
- *It does not depict material contrary to Prevailing Community Standards on health*

and safety.

We completely understand that the ad could be uncomfortable for some viewers, which is why we ensure it is only run during PG viewing times, and not adjacent to any children's programming as specified by the CAD guidelines.

We appreciate that there are some viewers who find some of the less pleasant things in life – hungry children, homeless people, people who are sick, animals that are sick or abused – difficult to watch, but we also believe that TV can play a crucial role in enabling good people to support good causes and thus make the world a better place.

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 complainants’ concerns that the advertisement depicts graphic images of animal cruelty and a distressing voiceover which are inappropriate and that the advertisement should feature a warning.

The Board reviewed 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 features images of dogs that have been mistreated and a call to action to help the RSPCA find good homes for these animals.

The Board noted it had previously dismissed similar complaints about the same advertiser in case 0030/17 where:

“The Board noted that this television advertisement features a close up image of a dog’s face while a voiceover talks about the dog being in distress and asks if the viewer would know what to do if their pet had an accident.

The Board noted the content of the advertisement could be upsetting to some viewers but considered that the voiceover only talks about what-if scenarios and the dog featured is just lying down: it is not shown to be in distress or having come to any harm.”

The Board noted that the current advertisement features images of animal whilst a voiceover talks about the “endless abuse”, “years of neglect” and “cruelty” the animals have experienced. The Board acknowledged that many members of the community could find the content of the advertisement to be distressing but considered that actual abuse is not depicted and the voiceover makes it clear that these animals have been rescued by the advertiser and are now being looked after. The Board noted that the animals depicted do look as though they have been mistreated, and the voiceover describes the neglect they have experienced, but considered that in the context of an awareness advertisement regarding the rescue and

rehabilitation of abused animals the images shown are not inappropriate and the accompanying voiceover is factual and not too graphic in content.

The Board noted the advertisement had been rated 'PG' by CAD and considered that although the advertisement references the mistreatment of animals the actual content does not depict violence and in the Board's view the advertisement treats the issue of animal cruelty in a manner appropriate for the relevant PG audience which would include children.

The Board 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 complaints.