



Case Report

1	Case Number	0352/13
2	Advertiser	Murray Goulburn
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	09/10/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Mental Illness
- 2.3 - Violence Cruelty to animals
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

We open inside a suburban townhouse with a middle-aged lady whom gradually we see has a lot of pet cats. We see our cat lover showing her affection with her cats including sharing her milk with her pets. The door bell rings, a neighbor who has clearly run out of milk has stopped by to borrow some.

A super resolves on screen: 'Never run out of milk.'

We cut to our packshot sequence

VO: Devondale Long Life Milk. Always keep one in the fridge.

We zoom into the packshot logo to reveal the animation.

Tag: The Aussie Farmer Co-op

THE COMPLAINT

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

We appreciate that the advertisers were attempting to use humour, in keeping with their established approach to marketing their products, however we feel that it has crossed the line in this case.

Our concerns are:

- 1. Hoarding is on the mental illness spectrum. Mocking people who suffer mental illness is*

never funny and makes this commercial very sad, in extremely poor taste and we believe, in contravention of Section 2.1 of the AANA code of ethics.

2. The welfare of the cats in hoarding circumstances is very poor and would be cause for intervention by organisations charged with prosecuting the Prevention of Cruelty Act (or equivalent). This is not something that should be portrayed as normal or acceptable in our community.

3. Drinking from the same container as cats poses risk of zoonotic disease for humans, is in principle poor hygiene (for any species) and whilst we do understand that this is part of 'the point' of the commercial, we feel it in poor taste and could have health ramifications for people who were unaware of risks.

4. Feeding cows' milk to cats is not recommended as they are often lactose intolerant and should only be given modified, cat-specific milk products.

THE ADVERTISER'S RESPONSE

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

The concerns raised by the complainant relate to Section 2 of the AANA Advertiser Code of Ethics.

Section 2

2.1 Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.

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.

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

The "Cat Lady" TVC in question is part of a broader campaign of seven TV commercials for the Devondale brand that are on air from October 2013. The other ads to feature are called "Glowgirl"; "Cyclops" 'Jumpers"; "Stepdad" and "Fast Start."

All spots in the TV campaign were intended to be humorous and not to be taken literally. The use of comedy and humour is consistent across all ads. Therefore, the intent of the whole campaign is to provide a light touch and engage the viewers on the basis of humour and to promote Devondale's range of products.

With reference to the "Cat Lady" complaint on the 23rd September, please note:

1. It was not the intention of the ad to portray any individual as suffering from any type of mental illness, but rather to convey an exaggerated situation in an entertaining way to reinforce the importance of having Devondale long life milk in the fridge.

2. We don't believe the ad in question encourages the inappropriate treatment of animals and the cats featured in this advertisement were under the supervision of a Film Livestock Australia Animal Trainer at all times (a Statutory Declaration pertaining to this statement accompanies this response.)

3. This spot is not promoting or encouraging the sharing of milk between humans and cats, or the feeding of cow's milk to cats in preference to special cat-friendly milk products.

4. Lactose free cat-specific milk was actually used for the production of this commercial (please see confirmation letter from the commercials production company accompanying this response.)

We appreciate the importance of the issues raised for both human and animal welfare, but we do not believe the ad itself either encourages or endorses any of the behaviour of which you are concerned.

Both the creative advertising agency and the advertiser are strong supporters of self-regulation and the AANA Codes of Ethics.

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 mocks mental illness, portrays cats as being looked after in a manner which suggests their welfare is very poor, depicts a woman drinking from the same container as her cats and shows cats drinking cow’s milk which is not recommended.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘advertisements shall not portray 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.’

The Board noted the advertisement shows a lady referring to herself as her cats’ ‘mummy’ and then sharing some milk with them before we see a neighbour at her door who is coming to borrow some milk.

The Board noted the complainant’s concerns that the advertisement mocks people who suffer from mental illness as the woman is depicted as a cat ‘hoarder’.

The Board noted that the woman is shown to have a large number of cats, and, judging by the many cat ornaments and cat door bell, is clearly interested in cats.

The Board noted information available from the Victorian Department of Health regarding ‘Hoarding and squalor’ available at http://www.health.vic.gov.au/agedcare/publications/hoarding/key_messages.pdf. The Board noted that ‘hoarding’ is defined as ‘persistent accumulation of and lack of ability to relinquish large numbers of objects or living animals resulting in extreme clutter in or around premises. This behaviour compromises the intended use of premises and threatens the health and safety

of people concerned, animals and neighbours.’

The Board considered that the woman is depicted with a clean and tidy house and that there is no indication that she is living with extreme clutter or that she has any lack of ability to relinquish her cats.

The Board noted that the song in the background of the advertisement features the word ‘crazy’ throughout the advertisement and that this can be interpreted to be a reference to the number of cats that the woman has, the woman’s love of cats, to her drinking from the bottle or to the neighbour running out of milk.

The Board considered that the advertisement is indicating that the woman’s behaviour in feeding her cats directly from the milk bottle, and then drinking from the bottle herself, is depicted as being undesirable behaviour.

The Board considered that there is not a direct suggestion of a person with a mental illness and considered that the most likely impression from the advertisement is that the woman has an eccentric love of cats rather than a mental illness.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society.

The Board determined that the advertisement did not breach Section 2.1 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 the complainant’s concerns about the welfare of the cats and considered that the cats in the advertisement all look healthy and are clearly loved by their owner. The Board considered that the advertisement did not depict, encourage or condone cruelty to animals.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board 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 the complainant’s concerns that the woman in the advertisement is shown drinking from the same container as her cats which is not hygienic and that cats should not drink cows’ milk at all. The Board noted the advertiser’s response that the advertisement does not promote or encourage the sharing of milk between humans and animals and considered that whilst it is a reasonable assumption to make that the milk carton the cats drink from is the same milk carton we later see the woman drinking from, in the Board’s view this suggestion is made to look unappealing and would not encourage people to share drinks with their animals.

The Board noted the advertiser’s response that the milk the cats drank in the advertisement was lactose-free cat-specific milk and considered that whilst this is not made clear in the advertisement responsible cat owners would know not to share their milk with their cats

unless their cats can tolerate lactose.

The Board considered that in the context of the overall message of the advertisement, which is to not run out of milk as you never know where you'll have to borrow some from, the advertisement does not depict material contrary to prevailing community standards on health and safety around milk consumption by humans and/or animals.

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