



Case Report

1	Case Number	0400/10
2	Advertiser	Lion Nathan Aust Pty Ltd
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	13/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

A group of 4 male friends are on a beach. They place a squid in a catapult and launch it over the sand and out to sea. Two men are in a boat and one looks up and sees the squid flying over his head and comments to the other man that he has just seen a flying squid. The XXXX Gold logo then appears on screen, with the text: "Good as Gold"

THE COMPLAINT

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

Animal cruelty. I can't understand how an advertiser was allowed to fling a squid this distance through the air. Any concern for the animal in question?

THE ADVERTISER'S RESPONSE

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

The advertisement questioned is the 'Catapult' TVC, which forms part of XXX X Gold's broader 'Beach Shack' campaign - a continuation of previous campaigns, now featuring four

new mates who typify the brand's core value of living the good life. The campaign is all about time, space and mateship, with a good injection of sociable, larrikin humour for which the brand is well known.

The TVC shows four friends taking part in an afternoon of fishing and enjoying life's simple pleasures - the outdoors, time with friends, and having a good laugh. In keeping with the humour XXXX is known for, the four friends decide to create a catapult that will allow them to extend their fishing line much further into the ocean, using a large squid as bait. The catapult is attached to a land cruiser which when started, causes tension on the cord and releases the squid into the sky – causing great amusement among the group and confusion for two fishermen who see it pass overhead (and who also happen to two of the previous four mates used in XXXX Gold ads for many years).

The complainant references the AANA Code of Ethics: Section 2.2 which states: that Advertising or Marketing Communications shall not present or portray violence unless it's justifiable in the context of the product or service advertised.

The TVC portrays no violence at all. It clearly shows a relaxed, peaceful setting, with friends fishing together - a commonly accepted recreational activity for many people. Whilst the squid catapult is a leave from the ordinary, it is in no way violent nor does it portray cruelty to animals. The squid is attached to a fishing rod and is clearly being used as bait - it is not a live creature. Squid is very commonly used as bait in fishing and this practice is widely accepted by the community. The squid used in this TVC was purchased at a local bait shop, by the agency.

In addition, the mood on the day is light hearted, and the atmosphere at the time is clearly not conducive to a violent act being performed. Instead the four friends are trying to find a bigger catch, by sending their bait much further out into the ocean. The extension of the catapult is done in a jovial way and without undue force, and could not in this context be perceived as violent.

The positive consumer feedback we have received to date and the absence of similar interpretations makes us confident the TVC is in line with community expectations and values.

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 features animal cruelty.

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements ‘shall not present violence unless it is justifiable in the context of the product or service advertised.’

The Board noted that the advertisement featured a squid attached to a fishing line which is then catapulted out in to the ocean.

The Board noted the advertiser's response that squid is commonly used as bait and that the squid they used was purchased from a local bait shop and was not a live creature.

The Board considered that the tone of the advertisement was meant to be humorous and that the focus of the advertisement was meant to be the surprise of the men in the boat when a squid flew over their heads, and not on animal cruelty to the squid. The Board considered that whilst the catapulting of the fishing line so far out to sea is unrealistic, the use of squid as bait is a widely accepted practice.

On this basis the Board determined that the advertisement did not depict or condone violence and was not in breach of section 2.2 of the Code.

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