



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0411-19
2. Advertiser :	Channel Nine St Vincent de Paul Bushfire Appeal
3. Product :	Community Awareness
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement is a promotion for Channel 9 and the St Vincent de Paul bushfire appeal. It included news footage of a koala being rescued after mistakenly attempting to return to an area of bushland that was on fire. A volunteer was then shown rescuing the koala and administering aid in the form of dousing it with water and sheltering it with her own shirt. Further footage included vision of bushland totally engulfed in flames and vision of firefighters responding to blaze in a residential area. The advertisement contained graphics throughout providing viewers with details on how to donate to the bushfire appeal.

THE COMPLAINT

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

It made me feel sick and the appeal isn't even relevant to animal welfare like a RSPCA appeal for example, they're advertising an appeal for people and using those distressing images to reel in cash and attention. Despicable.

*Overly graphic and disturbing.
Burning animal screaming*



Graphic images of a koala being burned alive. There was no warning given that these horrific images would be shown.

The advertisement shows firefighters helping to save koalas from the bushfire. However, the koalas are burnt and screaming in pain while the firefighter is pouring water on him. The koala's fur was burnt almost completely throughout the body and you can see the koala's flesh. My daughter watched this and got very upset and cry. I also was horrified and upset from watching it.

Can't stand seeing the poor koala being burned again and again and again It is extremely distressing hearing the poor koala being burned.

I hope that I speak for many people when I say that it is not hard to imagine what fires do to animals, people, and those who attend the fire. I am very careful what I watch on T. Would you believe I was watching Aladdin and if that wasn't enough a couple of days later Galaxy Quest, two "feel good movies". One might wonder how it effected some of the children. Am I shallow that I wish for a bit of time out while much of Australia is in terrible trouble? I know what fires do: I know that the Amazon is being stripped: I know that the humpback whale was hunted to near extinction; I know about baby seals; I know that our oceans are full of plastic; I know the bees are dying; I know people are starving; I know what it is like to watch a beloved child die of cancer; I know what suffering is; I know! I know! I know! Now, instead of trying not to imagine what the animals are going through, I have a mental photo of a crying koala in the part of my brain that carries 70 odd years of things that haunt me. I am sorry that I sound so angry. That is because I am.

THE ADVERTISER'S RESPONSE

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

I write on behalf of Nine Network Australia Pty Ltd (Nine), regarding your correspondence of 29 November 2019 in relation to a series of complaints received by Ad Standards concerning a community service announcement for the Channel Nine St Vincent de Paul Bushfire Appeal (the Advertisement).

You have asked Nine to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics (the Code) or other Codes incorporated in it. This includes the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code.

At the outset, we advise that the Advertisement was an internally made community service announcement and, as such, Nine is the entity responsible for its broadcast and placement. The Advertisement was classified internally as 'PG'. Internal classification



is essential as it ensures Nine complies with the classification requirements of the Commercial Television Industry Code of Practice 2015.

Nine takes extremely seriously its role as a broadcaster, its compliance with all relevant broadcasting and advertising codes, and the need to inform the public of about matters of public interest. Nine also notes that the public response since the broadcast of the Advisement has been overwhelmingly positive and has helped raise vital funds which are being used to provide much-needed assistance to the victims of the bushfires.

Compliance with Section 2 of the Code

Having reviewed the Advertisement and its content, Nine notes the Advertisement did not include any of the following: discriminatory material; exploitative or degrading material of any individual or group of people; sex, sexual appeal, or nudity; strong or obscene language; material contrary to Prevailing Community Standards on health and safety; or material that was not clearly distinguishable as advertising. Accordingly, Nine does not consider the Advertisements raises any issues concerning sections 2.1, 2.2, 2.4, 2.5, 2.6, or 2.7 of the AANA Code of Ethics.

With respect to section 2.3, 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". Nine maintains the Advertisement did not present or portray "violence" so as to breach clause 2.3 of the Code. The brief vision which depicts a koala being rescued from a bushfire was used to illustrate the devastating impact of the bushfires, to highlight the seriousness of the cause for which the campaign was raising money, and to resonate with viewers on an emotional level. Nine notes that the vision in the Advertisement did not show the koala physically on fire, nor did contain any high impact depictions of injuries the koala may have sustained (for example graphic imagery of burns, cuts, blood etc.). As such, Nine does not consider the vision depicted "violence" for the purpose of clause 2.3 of the Code.

Community service announcements often include visual elements of the relevant subject-matter and/or incidents taking place. This material is not arbitrarily included to cause viewers alarm or distress, but rather is used to inform viewers about the appropriate level of seriousness and gravity of the situation being covered, and this must be carefully balanced against the requirements in the Code. To this end, Nine took care to ensure that the Advertisement's vision and scripts were not excessively graphic and where it considered it appropriate to do so, Nine's news team edited the footage, to reduce the impact of same and render it suitable for a PG classification. Nine, therefore, maintains the Advertisement was not impermissibly graphic in nature.

Nine also notes the Advertisement did, in fact, depict the koala being saved from the bushfire and being provided with care and assistance. Further, the voiceover and the text overlay clearly highlighted to viewers the purpose of the Advertisement was to urgently raise funds for animals and communities impacted by the bushfires. Accordingly, the combination of the vision exemplifying the impact of the bushfires



with the voiceover and graphics referring to Australians providing assistance in times of need highlighted the deep sympathy and support shared by Nine and St Vincent de Paul for the victims of the bushfires. This is also further evident in the work they are doing to address the growing number of animals and people affected by bushfires.

Having regard to these considerations, to the extent the Advertisement is said to have included vision depicting “violence” (which is not admitted), Nine is of the view that such content was justifiable given the clear context of the appeal being advertised.

Nine considers the inclusion of the vision of the koala was appropriately balanced with the purpose of the Advertisement to convey factual information raising awareness about the impact of the fires across the country, and reflect the willingness of Australians to assist those in need. Furthermore, the overall tone of the Advertisement emphasised the positive impact of any donations providing help to those in need, thereby further ameliorating the overall impact of any vision included in the Advertisement.

Nine understands that every viewer who watches the community service announcement may view it in a different way, based on their own personal circumstances and perspectives. While it is regrettable that the Advertisement may resonate in a particular manner with certain individual viewers based on those personal circumstances (such as those who have submitted complaints), Nine’s internal classifiers did give careful consideration to the content of the Advertisement and formed the view that the content was suitable for the “PG” classification. Accordingly, Nine maintains the Advertisement was appropriately classified, broadcast in accordance with that classification, and did comply with the requirements of the Code.

Nine is committed to providing viewers with the opportunity to help with such tragedies and we do this with care and consideration. Further, Nine’s team was focused on ensuring that the Advertisement did not turn viewers away from the fundraiser, as this would deny them the opportunity to assist with the tragedies caused by the bushfires for both humans and animals.

For the reasons articulated above, Nine maintains that the Advertisement did not breach section 2.3 of the Code.

Nine would be happy to provide further comment if required.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel considered the complainants’ concerns that the advertisement depicts graphic imagery of which is distressing to both adults and children.



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

The Panel 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 Panel noted that whilst some of the images show koalas that appear in distress the Panel considered that many people would find these images emotionally upsetting rather than violent per se. The Panel noted that the voiceover identifies the fundraising appeal – which is raising money for those affected by bushfires – and uses imagery to enforce the devastation of these events.

The Panel noted that the advertisement was similar in its depiction of confronting images of animal cruelty or injury to other advertisements raising awareness for animal charities. The Panel noted it had previously considered a print advertisement in case 0245/17, which depicted a deceased horse tied to a wire fence and the text 'Sorry. We don't have enough Inspectors.' In this case:

"The majority of the Board considered that the important community message being delivered in the advertisement was a critical message that justified the use of an image that would grab the attention of the reader and would lead to an increased awareness and consideration of the serious issue. The Board considered that although the image was graphic, there was no blood and the inclusion of the text meant that parents could initiate a discussion with children about the image and the reality of what it was about."

Similar to case 0245/17, in the current advertisement the Panel considered that although the images were impactful they did not depict violence. The Panel considered that the images were designed to shock, however they were more emotionally impactful than graphic.

The Panel acknowledged that the content and subject matter of the advertisement would be upsetting to some viewers, including children, but considered that the advertisement is using factual information in an informative manner to raise awareness of an issue and includes a call to action and in the Panel's view the overall tone is to encourage donations to the charity so that it can assist bushfire victims. In the Panel's view the overall impact of the advertisement is justified by the content of the service advertised.

The Panel 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 Panel dismissed the complaints.