



Case Report

1	Case Number	0433/15
2	Advertiser	Animal Liberation Queensland
3	Product	Community Awareness
4	Type of Advertisement / media	Radio
5	Date of Determination	11/11/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Occupation
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.6 - Health and Safety Bullying (non violent)
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts the voice of a baby boy dairy cow named Bobby. He tells a story of how he has been taken from his mother at one day of age and how he will very soon be taken to an abattoir. He makes mention of his mother's milk which nature intended for him, that is instead provided to humans. The ad ends with a vocal link to the website ditchdairy.com.au

THE COMPLAINT

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

The 'ditch dairy' Ad is being played heavily during school pick-up and drop-off times and is distressing to children. By portraying a young cow being stolen from its mother it is frightening young children who I (hope) are not the target audience.

I had two small children in the car who were so upset by this child stating farmers don't want baby cows they only want the mothers, and that they kill of all baby cows.

I object to the time the ad was aired, during the "school run" when children like my own

would hear the ad, and the voice of Bobby is a child's voice, so it caught everyone's attention. The wording of the "events" of Bobby's short life, being taken away from his mother to end up in the abattoir with many others like him, all so that we can have more milk. I now have to explain the ad, its contents and the role dairy plays in our diet in a context that is, given the delivery of the ad, not child friendly, yet firmly in a time slot aimed to be heard by them, to a child who wants to know, why baby calves are taken away and what is an abattoir. Not to mention the question of truth to the claims, as I have no idea.

I find the content offensive and denigrating toward dairy farmers. It asserts dairy cows are commonly mistreated. In addition to causing offense, it also contravenes the dietary guidelines published by the Australian Government Department of Health and Aging when telling us to stop consuming dairy products.

Please remove this misleading advertisement from the radio. I'm not against the boycott dairy movement advertising in general, all I ask is that they do it in a way that is not defaming an entire industry and misinforming the public.

This ad is broadcast at an inappropriate time in the morning when children are listening to the radio on their ways to school. This ad also has completely inappropriate content where children are subjected to listen to the sad and graphic content of the slaughter a baby calves and the grief of their mothers. This ad is directed at children and is even spoken by a child in the attempt to get the child/mothers of children to relate the speaker. This issues raised are also completely biased.

THE ADVERTISER'S RESPONSE

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

General response from Animal Liberation Qld to all parts of Section 2 of the AANA Code of Ethics in relation to the Ditch Dairy radio ad:

2.1 - Discrimination or vilification (occupation)

"Advertising or Marketing Communications shall 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."

Response: The main stages in the typically short life of a male dairy calf are presented in the ad. This information was sourced from the following extensive 2014 scientific report on the Australian Dairy Industry: <https://www.voiceless.org.au/our-approach/research-and-publications/the-life-of-the-dairy-cow> Although this information is not often spoken of in the public domain, what happens to the male calves (as presented in the ad) is not disputed by the dairy industry.

No derogatory mention was made of farmers as an occupational group - the intention of the ad was for listeners to reflect on their consumer choices in the knowledge that male calves are inevitably unwanted by-products of the dairy industry.

2.2 - Exploitative and degrading

“Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.” Sexual appeal has not been employed in this ad, so Section 2.2 of the Code appears irrelevant to the ad.

2.3 – Violence

“Advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”?

The purpose of the ad is to (a) inform listeners that male dairy calves are the unwanted by-products of the dairy industry, and are typically slaughtered at one week of age, and (b) persuade listeners that this is a compelling and compassionate reason to ‘ditch dairy’.

Whilst the word ‘abattoir’ is mentioned in the ad, which suggests the typical fate of a male dairy calf, there is no presentation or portrayal of violence as such - no violence is inflicted on Bobby during the ad. The mention of an abattoir can be justified, as without this mention, there is no compelling reason provided to ditch dairy, which is the overall purpose of the ad.

2.4 - Sex, sexuality and nudity

“Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.” None of these elements are referenced in the ad so this section of the Code appears irrelevant.

2.5 – Language

“Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.” The ad contains no strong or obscene language, and the language used is appropriate for the context. This section of the Code therefore appears irrelevant to the ad.

2.6 - Health and Safety

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

The Australian Dietary Guidelines (2013) recommend daily consumption of milk, yoghurt, cheese and/or their alternatives. These guidelines are in themselves the respected, prevailing community standards. The ditchdairy.com.au website gives many examples of these non-dairy calcium alternatives, for consumers who wish to act upon this information. Furthermore, the highly respected Harvard School of Public Health has stated that, “milk isn’t the only, or indeed the best source of calcium”. <http://www.hsph.harvard.edu/nutritionsource/what-should-you-eat/calcium-and-milk>

Responses to specific complaints.

A) REASON FOR CONCERN: "This ad is broadcast at an inappropriate time in the morning when children are listening to the radio on their way to school. This ad also has completely inappropriate content where children are subjected to listen to the sad and graphic content of the slaughter a baby calves and the grief of their mothers. This ad is directed at children and is even spoken by a child in the attempt to get the child/mothers of children to relate the speaker. This issues raised are also completely biased."

Animal Liberation Qld Response: addressing 2.3 of Code

The Ditch Dairy ad is indeed voiced by a young child who takes on the role of a one day old male calf. This choice of voiceover was for the primary purpose of communicating the reality that the lives of very young male dairy calves are cut short by the dairy industry. The ad is certainly not targeting children and does not use language specifically designed to appeal to children. Adult consumers are the target audience. The fate of 'Bobby' is indeed the fate of the vast majority of male calves in the dairy industry and therefore it can be strongly argued that the information presented in the ad is truthful, not biased at all.

The accusation of graphic content is not supported by any evidence. The language used is not strong. There is no direct mention of the slaughter or killing of animals. Nor is there any mention in the ad whatsoever of the grief of the dairy cow mothers, as stated in the complaint.

B) REASON FOR CONCERN: "There are many impressionable people out there who may take this advertisement to heart and remove dairy products from their and their children's diet. As it is being played on the radio impressionable children are also hearing the advertisement this may have a negative impact from an emotional perspective and health wise particularly if they start refusing to eat dairy products. I understand the animal activist (sic) have a right to voice opinions but this advertisement has the potential to upset and cause health risks to children."

Animal Liberation Response (with respect to 2.3 and 2.6 of the Code):

(1) In a well-planned diet, dairy alternatives can form an important part of a nutritious diet and can provide perfectly adequate sources of calcium. (see The Australian Dietary Guidelines 2013) Thus the accusation that removal of dairy products from diets will necessarily have a negative impact on the health of either children or adults is not supported in the scientific literature. Interested people are directed to the ditchdairy.com.au website where reliable information about non-dairy alternatives can be found. At a minimum, industry and government alike accept that dairy substitutes are every bit as good for people as their dairy counterparts (e.g. Nutrition Australia's own food pyramid recognises dairy foods and dairy alternatives equally.)

(2) With regards to the emotional content of the ad, it tells the typical story of a male dairy calf. It is a sad tale but is not graphically told and is likely to form the basis of useful discussion between parents and children about animal welfare. It could be argued that listeners of all ages may develop greater levels of awareness of empathy and compassion for animals as a result of listening to the ad, and an increased awareness of the possible effects of their consumer purchases.

In conclusion, the ad does not depict material contrary to Prevailing Community Standards on health and safety.

C) REASON FOR CONCERN: The style and message of the add (sic) is emotionally bullying. The use of a young boy to speak as a baby cow, while implying that my consuming a glass of milk is sending him to his death, is deplorable. Not only have they used a young boy to emotionally bully me into changing my diet habits; but they have had a young child read a traumatic piece of writing. There have been no facts or statistics presented to back up the argument being made, just opinion designed to upset the listener.”

Animal Liberation Qld Response: (1) Facts to back up the argument made in the ad are provided on the website, with the url given at the end of the ad.

(2) Factual, evidence-based information about the Australian dairy industry is based on the extensive scientific report compiled in 2014 by Voiceless: The Animal Protection Institute. <https://www.voiceless.org.au/our-approach/research-and-publications/the-life-of-the-dairy-cow>

(3) The ad is emotive, certainly, but the use of the term ‘emotional bullying’ is extreme and overly emotive in itself. The information implied in the ad is the industry standard treatment, with 800 000 week-old bobby calves killed in Australia each year. This is not disputed by industry. All advertising is persuasive in nature and in the message provided in the ad, the audience is not belittled or threatened and is invited to investigate their consumer choices further.

D) REASON FOR CONCERN:” Hi, I would like to lodge a complaint after listening to the "Ditch Dairy" advertisements being aired. I find the content offensive and denigrating toward dairy farmers. It asserts dairy cows are commonly mistreated. In addition to causing offense, it also contravenes the dietary guidelines published by the Australian Government Department of Health and Aging when telling us to stop consuming dairy products.”

Animal Liberation Qld Response:

(2.1 of the Code): The main stages in the typically short life of a male dairy calf are presented in the ad. This information was sourced from the following extensive 2014 scientific report: <https://www.voiceless.org.au/our-approach/research-and-publications/the-life-of-the-dairy-cow> Although this information is not often spoken of in the public domain, what happens to the male calves (as presented in the ad) is not disputed by the dairy industry.

No derogatory mention was made of farmers as an occupational group - the intention of the ad was for listeners to reflect on their consumer choices in the knowledge that male calves are by nature unwanted by-products of the dairy industry.

2.6: See Response C (1), (2) & (3) which addresses the same concerns made in this complaint.

E) REASON FOR CONCERN: I highly doubt that this advertisement has been reliably fact checked. As someone who has 13yrs experience in the agriculture industry this advertisement offends my professional integrity. To insinuate that farmers are cruel towards the animals which are their livelihoods, is doing irreparable damage to an industry that is already struggling. Best practice in the industry is to care for each animal in such a way that will cause minimal distress to them. Calves of dairy cattle are not deprived of their mother's colostrum filled milk after they're born. To do so would cause health problems for not only

the calf but also the mother. While it is true that some WEEK old calves are sent to abattoirs, under the Animal Care and Protection Act 2001, anyone who is in charge of an animal, has a duty of care to maintain the animal's welfare before, during and after transport. Strict adherence to these guidelines is enforced at every level of animal transportation; from the farm, on the transport trucks, in the sale-yards and in the abattoirs themselves. I fear that the anthropomorphism present in this advertisement will mean that rather than making an informed, intelligent decision regarding the treatment of animals in agriculture - the listener will instead have an emotional response due to human emotions being given to a calf. Cattle, whilst being incredibly intelligent beasts, are not capable of human emotions. While they can be distressed by the weaning process, this is no different to your dog being stressed by a trip to the vet, or your cat being distressed while you give it a flea bath. Please remove this misleading advertisement from the radio. I'm not against the boycott dairy movement advertising in general, all I ask is that they do it in a way that is not defaming an entire industry and misinforming the public.

Animal Liberation Qld Response: The ad does not imply that calves are denied colostrum in their first few hours; it states they are removed from their mother at one day old. It does not comment on any specific welfare concerns related to transportation; the main point made is that calves typically end up at an abattoir. In relation to refuting that sending bobby calves to slaughter isn't commonplace, our information regarding this issue is referenced from the Voiceless report - see Response C (2).

In relation to the accusation of 'human emotions', Bobby's story is simply that as a one-day old sentient creature, he is scared and hungry because he has been removed from his mother. That cows can feel hunger and fear is not in dispute by scientists. There is no defaming or misinformation concerning farmers as an occupational group as the story reflects standard practices in the Australian dairy industry.

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:

- Would be distressing to children
- Aired when children would hear it
- Is incorrect about what happens
- Is discriminatory to farmers
- Is socially irresponsible by suggesting people not drink milk and
- Includes inaccurate information regarding dairy consumption and healthy diets.

The Board noted that it is not its role to decide on the truth and accuracy of the statements being made but only on the delivery of the message against Section 2 of the Code of Ethics.

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 features a young speaking voice providing the perspective of a baby boy dairy cow named Bobby. He tells a story of how he has been taken from his mother at one day of age and how he will soon be taken to an abattoir. He makes mention of his mother's milk which is intended for him, that is instead provided to humans. The advertisement ends with a vocal link to the website ditchdairy.com.au

The Board noted complainants' concerns that the advertisement negatively portrays farmers.

The Board noted the voice of the cow states that as a baby male cow he is of no use to the dairy farmers so they send him to an abattoir. The Board noted that there are farming practices that transport calves and cattle to abattoirs for meat production reasons and that the representation of this in the advertisement is presented in an emotive and sad way in order to intensify the impact of the advertisement.

The Board considered that although the baby cow speaks in a way that makes his plight sound sad, the advertisement is intended to evoke an emotional response and to condemn cruelty to animals. The Board considered however, that there is nothing in the advertisement that discriminates against or vilifies farmers or a person or section of the community on account of their occupation.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then 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 overall intention of the advertisement is to appeal to the emotions of the listener and to present a scenario that is sad and emotive to evoke a response in support of the message being delivered and the organisation behind the message.

The Board noted there is no depiction of violence in the advertisement and the cow talking is not a sound of violence.

However, the Board noted the practice note to the Code regarding Section 2.3 which states that:

"...a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."

The Board noted that similar to advertising for products such as cancer awareness and traffic accidents, the subject matter is generally considered upsetting and disturbing and that in this

case, the concept of the advertisement (taking calves away from their mothers to send to the abattoir) is a topic that would likely evoke an emotional response from all listeners.

However the Board considered that on balance, the way in which the message is presented in the advertisement is not likely to cause alarm and distress to adults.

The Board noted the complainants' concerns that the broadcast times are inappropriate as it is aired during times that children are likely to be in the car on the way to and from school. The Board noted that the cow's voice is spoken by a child and with a child's voice and that this would increase the appeal to children who may hear the advertisement.

In particular, the Board noted the simplistic manner in which the advertisement is presented and noted the words of the baby dairy calf such as "I'm only 1 day old," "but soon they'll take me from my Mummy," "put me in a big, scary truck," and "that abattoir place."

The Board noted that this type of language is not complex and would easily be understood by children. The Board noted the calf is presented as a child and uses a child's voice to deliver the message. The Board noted that the suggestion that a 'baby' would be taken from its mother would likely have an alarming effect on children escalating feelings of fear and uncertainty about why this would happen.

The Board noted that the overall impression and the particular references mentioned above give an overarching impression of fear and sadness and that this amounts to a suggestion of menace that would likely alarm children and cause some level of distress regarding the outcome for the calf or child.

The Board noted that this radio advertisement was aired at times when there would be a high proportion of children exposed to it. The Board considered that the advertisement would be attractive to children and would be likely to create a feeling of menace of fear to children. The Board considered that the impact of the advertisement does amount to a level of menace and therefore violence that is not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

The Board then 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 complainants' concerns that the call to action "ditch dairy" and intent of the advertisement would encourage people to irresponsibly remove dairy from their diet which could be dangerous as dairy (and calcium) provide important health benefits.

The Board noted the advertiser's response that the Australian Dietary Guidelines 2013 states that dairy alternatives can form an important part of a nutritious diet and can provide perfectly adequate sources of calcium.

The Board noted the National Health and Medical Research Council (NHMRC) guidelines recommend consumption of 'milk, yoghurt, cheese and/or alternatives, mostly reduced fat' and that the alternatives listed include calcium-fortified soy milk, almonds and pink salmon with bone. The Board considered that replacing dairy with non-dairy products is contemplated as viable dietary habits.

The Board noted that while the call to action is to “ditch dairy” it is also a reference to the web address directing listeners to their site which does include information about other sources of calcium and general information about the consumption of dairy.

The Board considered that the general tone of the advertisement is a political message attempting to convince people not to consume cow’s milk. The Board noted however, that there is significant scientific information as well as other help available to assist consumers if they wish to remove dairy from their diets.

The Board considered that the advertisement was not suggesting that people remove ‘calcium’ from their diet and noted there are alternative sources of calcium outlined in the dietary guidelines. The Board considered that the material was not contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.3 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The Ditch Dairy radio advertisement was aired for a two-week period only, commencing October 19. The planned advertising period had already concluded prior to the Advertising Standards Board’s consideration of the complaints received in relation to the ad. Animal Liberation Qld has duly noted the Board’s determination in relation to this matter.