



## Case Report

1	Case Number	0534/14
2	Advertiser	Specsavers Pty Ltd
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Violence Cruelty to animals

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows two Beach Volleyball teams involved in a match. The player from the opposing team prepares to serve, with one of the other team players looking on preparing to receive the serve. The sun is glaring in his eyes and he doesn't see that the other player hasn't served the ball yet. Leaping up and thinking that he has spiked the ball, we then see that he has spiked a Seagull flying past accidentally mistaking this for the ball due to his poor eyesight. The player then celebrates his mistaken victory by running around the court in joy. We then see the Seagull shake himself off clearly unhurt. We then cut to the Seagull flying over the vision impaired player and getting his revenge on him by pooping on him.

### THE COMPLAINT

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

*This is disgraceful I'm an animal person and find it deeply offensive and I'm sure the SPCA would agree*

*My family and I found this advertisement to be very offensive as it trivialises animal cruelty and infers that it is funny. The man aggressively hits the bird directly in the face, and we see the bird fall helplessly to the ground. Moreover, the content of this advertisement can be seen as encouraging animal cruelty among children, and insinuating that it is morally acceptable to needlessly harm a defenceless animal. Young children and adults alike will find this ad*

*offensive and upsetting. There is no need to air an ad like this on television.*

*I find the depiction of anyone hitting any sort of animal completely offensive and inappropriate. The depiction of a person slamming a seagull as hard as someone would hit a volleyball, and the suggestion that this should be funny or entertaining in some way, is utterly disgusting. Companies whose staff have been found to be cruel to animals are boycotted and fined huge amounts of money, yet the spec savers brand depicts someone hitting an animal in it's advertising, as though it is meant to be funny. I understand that the ad suggests the person hitting the bird has mistaken the bird for a ball, but to suggest that this should be funny, or acceptable as entertainment is completely offensive. What sort of message does this send out to younger more impressionable people in society? That really, it is funny to hit an animal. It is a disgrace. Each time I see it (and now I can't even watch it, because it is so disturbing that this sort of thing is meant to be funny), I feel very distressed.*

*Displaying cruelty to animals even though it's for mock not good advertising and unnecessary. I find this advert distressing*

*I was offended that the man hit the seagull with his hand. I feel this was promoting animal cruelty!*

*It highlights cruelty in a humorous way and could encourage others to do the same. It desensitises pain and suffering.*

*I object to cruelty to animals of all kinds, and after seeing this ad more than three times, find it incomprehensible that it has not been taken off the air. I find it quite alarming and distasteful, and feel that it promotes cruelty to animals/birds.*

*This condones cruelty to animals. It's never OK to hit an animal, any animal. It's never OK to try and make hitting an animal funny. I find this very offensive and ignorant.*

*A man jumps up and smashes a seagull so that it falls to the ground dead. The man supposedly thought that the seagull was a ball & should be wearing glasses. I object to the violence against the animal. It is quite shocking & I feel it is unnecessary.*

*Swatting a seagull in flight is not my idea of an ad. Animal cruelty instantly comes to mind like it's an accepted action. Seeing kids chase them on beaches horrifies me, as does the implication in the ad.*

*I am and so is all of my family offended by the add because a seagull appears to have been hit with enough force to have killed it. This add shows cruelty toward animals and is not at all funny.*

*This shows, and could incite, cruelty to animals. I find this VERY offensive. Whether there was real animal cruelty involved in making this advert, or only computer graphics, the image is one of cruelty to animals, and it is likely to encourage foolish young men to try to do the same thing in real life, which would cause suffering to animals. I am offended by cruelty to animals and should not have to see this sort of thing, many times over, when watching TV.*

*In the ad, a man hits a bird by mistake playing volleyball, as he can't see properly, feathers and shown. I don't like the animal cruelty aspect and animal cruelty is NOT funny, it gives people ideas. Plus recently in NSW there was a person prosecuted for killing birds in front of children by stamping on them and hitting them like in the ad.*

*Cruelty to animals - namely hitting a seagull during a volleyball match. Completely inappropriate and unnecessary*

*I think this is not a good standard of behaviour to show children.*

*To prove that consumers should go to Specsavers the advertisement shows a man physically hitting a seagull. I believe this is insensitive and promotes animal cruelty.*

*I am offended by this advertisement because it makes fun of animal cruelty. I am concerned that children could mimic the advertisement and hurt birds or animals. People punching birds and animals should not be shown on television in a civilised society.*

## **THE ADVERTISER'S RESPONSE**

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

*The TV advertisement in question is one in a series of the long running "Should Have Gone To Specsavers" TV campaign. The campaign encourages people to have their eyes tested in a light hearted way and uses humour to point out the silly things that people do when they can't see clearly. In the particular commercial in question our intention is to draw attention to the poor eyesight of the beach volleyball player in a light hearted way and definitely not to promote violence and cruelty against animals. The volleyball player has not been portrayed as being violent against the seagull but rather has mistaken it for the ball due to his poor eyesight. The joke is very much on the volleyball player and the ad is designed for the audience to laugh along at the mistake the volleyball player has made. No real birds were ever used in the making of the TV commercial, it was all created using CGI animation.*

*Section 2.1 of the Code states that "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" We don't believe there is any discrimination depicted in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.1*

*Section 2.2 of the Code states that "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. "*

*We don't believe there is any sexual appeal in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.2*

*Section 2.3 of the Code states that "Advertising or Marketing Communications shall not*

*present or portray violence unless it is justifiable in the context of the product or service advertised. “*

*We do not believe that the advertisement presents or portrays violence or cruelty towards animals. We are by no means advocating violence against animals in this commercial. The clear intent of the commercial is to demonstrate the effects of poor eyesight in a fun and humorous manner, in this case, the volleyball player. The volleyball player has not been portrayed as being violent against the seagull, but rather has mistaken it for the ball due to his bad eye sight. The seagull is shown to be ok when we see him get back up and shake himself off on the sand. We deliberately included this into the TVC to show that the seagull was unharmed with no danger to his wellbeing. Also at the end of the TVC to show the seagull getting his ‘revenge’ on the volleyball player we see him fly over and poop on the player's shoulder demonstrating advocacy for the seagull throughout the commercial. We also believe that due to the far-fetched nature of the gag in the commercial children will not be influenced to mimic the volleyball player. Therefore believe that the advertisement complies with the code in relation to Section 2.3*

*Section 2.4 of the code states that “ Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”*

*We do not believe there is any sex, sexuality and nudity in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.4*

*Section 2.5 of the Code states that “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.*

*We do not believe there is inappropriate language in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.5*

*Section 2.6 of the Code of Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*We do not believe the commercial depicts material contrary to Prevailing Community Standards on health and safety we therefore believe that the advertisement complies with the code in relation to Section 2.6*

*Placement and duration of the commercial The commercial is scheduled to run for two weeks. This commenced on Sunday November 30th 2014 on major TV networks and their affiliate stations. Also a small amount of media has been purchase on PTV. The ad will cease playing on Saturday 13th December for this burst of activity.*

## **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 a man hitting a seagull instead of a volleyball and that this is cruelty to animals.

The Board viewed 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 the advertisement features a group of young adults playing beach volleyball and one of the male players mistakes a seagull for the ball.

The Board noted the complainants' concerns that hitting a seagull is a depiction of animal cruelty. The Board noted that the man does appear to hit the seagull hard but considered that most members of the community would recognise that it was a CGI creation and not a real bird. The Board considered that the bird does not appear to be harmed by the man's actions as it shakes itself off and then gets its revenge by pooping on his shoulder. The Board noted that the theme of the advertisement is in keeping with this advertiser's previous advertisements where it shows people making errors because they are not wearing the appropriate visual aids and considered that in this instance the focus on a man mistaking a bird for a ball is unlikely to be considered to condone or encourage violence against seagulls or any other animal by most members of the community and is a situation most likely to be considered unlikely and humorous.

The Board considered that the advertisement does not depict, encourage or condone violence against animals.

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.