



CASE REPORT

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| 1. Complaint reference number | 160/08 |
| 2. Advertiser | SaabAutomobile Australia Pty Ltd |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Cruelty to animals – section 2.2
FCAI - Other |
| 6. Date of determination | Monday, 19 May 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins in a lounge room, the sun is streaming through closed windows and a butterfly is trying to fly through the window, bumping into the glass. A woman is singing throughout the advertisement. "I am a growing force without the motion...". The scene changes to a dog chained to a metal post in the middle of a backyard. It is night time and the dog is jumping and straining against the chain. The scene now shifts to a whale swimming under water. The song continues: "... a glass of water longing for the ocean", as the camera pans out the whale leaps out of the water and it is apparent that the whale is in an aquarium. A large dam is viewed from above. "I am a fire burning ..." The next scene shows water gushing from a drain. Text on screen: 'Individuality'. The song continues "... desperately but you're controlling me ..." A yellow convertible Saab emerges from a tunnel. Text on screen: 'Individuality released'. The car continues along a road, the song "release me..." and text on screen: 'Move your mind'. Fade to black screen with the Saab logo and website address saab.com.au.

THE COMPLAINT

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

I have been particularly disturbed by this ad campaign as I feel that displaying the captivation of animals for their marketing and sales benefits is cruel and depressing. I can assure you that I am not a radical protester of any sort, and not one to make a habit of complaining about the content of advertisements on TV. I am simply incredibly disappointed that an organisation such as Saab could stoop so low as to use animals in captivity for the purpose of selling cars. As a former public relations student, I am aware that Saab's intentions in creating this ad stretch further than my simple thoughts, but I find it incredibly cruel and depressing that in order to promote brand awareness this organisation has resorted to such exploitation.

I cannot and will not agree to use animals that are in serious breaches of the animal cruelty act.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We write in response to the anonymous complaint made in relation to the Saab 'Release Me' television commercial (the "Advertisement"). In our view it is clear that the Advertisement is fully compliant with the AANA Advertiser Code of Ethics (the "AANA Code") and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising (the "FCAI Code") for the following reasons.

FCAI Code

At no time is the Saab Convertible in the Advertisement driven, or depicted as being driven, at high-speed, nor is there any illegal, aggressive, unsafe, dangerous or reckless driving depicted or implied. All road rules were adhered to in the filming of the Advertisement, and there is no portrayal of environmental damage or driving under the influence of drugs or alcohol.

AANA Code

The complainant has claimed that the Advertisement breaches Section 2.2 of the AANA Code, namely "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

While we regret that the Advertisement has made the complainant feel uncomfortable, Saab believes very strongly that the images portrayed do not portray or present violence in any way. In filming commercials such as this, Saab always works with professionals, including production companies and animal keepers, and follows strict ethical guidelines in relation to the treatment of animals. The animal owners and keepers are always on site for the duration of filming, and ethical guidelines are specified in contracts with these suppliers.

Further, no animals in the Advertisement put in danger, made to feel unsafe or hurt in the filming of the commercial. Nor were they depicted as being treated in a cruel or violent manner.

To address your individual concerns in the relation to the animal imagery in the Advertisement:

- The butterfly is simply pictured flying up against a window pane.*
- A husky dog, clearly excited and wagging its tail, is tied up on a long chain in a backyard, which is common practice here and in Sweden for many dog-owners. This does not contravene any animal welfare guidelines.*
- The killer whale, pictured in captivity, does not contravene any ethical codes or laws in relation to animals in captivity.*

To this point I would direct you to the website for the Alliance of Marine Mammal Parks and Aquariums, in relation this issue: "The US government reports that it is "unaware of any valid scientific research or other information that documents or supports that (shows or) performances ... cause additional unnecessary stress for the animals." See: <http://www.ammpa.org/faqs.html#2>

We trust that this will resolve any concerns that the Board may have in relation to the Advertisement.

THE DETERMINATION

The Advertising Standards Board ("Board") noted that this was an advertisement for a motor vehicle and as such was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries' Advertising for Motor Vehicles Voluntary Code of Practice (the "FCAI Code").

The Board analysed specific sections of the FCAI Code and their application to the advertisement. The Board found no content that breached the FCAI Code on any grounds.

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted complainants' concerns about cruelty to animals and reviewed the advertisement under section 2.2 of the Code which deals with violence.

The Board viewed the television commercial and found it to be highly stylised and artistic with a moving sound track.

The Board noted the brief depiction of a large dog straining at its chain and agreed that this did not constitute cruelty to animals as it is accepted practice to tether guard dogs and/or large dogs that live outside.

The Board then examined the scene featuring the killer whale and again agreed that this image was not a depiction of cruelty to animals. The whale was contained in a large outdoor pool commonly associated with marine parks and the Board could not ascertain any other details about its domicile

from the footage that would be suggestive of cruelty.

The Board therefore determined that the advertisement was not in breach of Section 2.2 as it did not depict any violence.

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