



CASE REPORT

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| 1. Complaint reference number | 175/08 |
| 2. Advertiser | Kartaway (Qld) Pty Ltd |
| 3. Product | Hardware/Machinery |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Violence Cruelty to animals – section 2.2
Other - Causes alarm and distress |
| 6. Date of determination | Monday, 19 May 2008 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

The radio advertisement commences with a song to the tune of 'Amongst the Gum Trees' with the lyrics changed to 'Give me some butter and some vegemite, I've got an overbite, I eat the far side first and I leave the crust ...' The announcer then breaks in saying 'G'day, the great Burke here ... You know, a lot of people ask me how best to train their dog to stay. So I tell them, take a piece of 4 x 2, 3 nails and ... well, that's later in the show. For now, we look at tidying up your garden on the weekend and the best way to move the rubbish is Kartaway mini-skips. They come to your home, you fill it up and they take it away' and concludes with telephone contact details 'Kartaway Mini Skips, under K in the White Pages.

THE COMPLAINT

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

The RSPCA are trying to stamp out cruelty and get proper sentences for offenders. Then today we have a large company telling us how to control a dog with a lump of 4 x 2, and that is so disgraceful.

THE ADVERTISER'S RESPONSE

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

Every listener is important to 4BC and we thank you and the listener who lodged the complaint for bringing the Kartaway Miniskips commercial to my attention. To my knowledge, the aforementioned commercial was supplied to 4BC more than twelve years ago. Unfortunately, the systems we now have in place, ensuring all supplied commercials are approved by 4BC/4BH Creative Director, were not in place when this commercial was supplied and I was not running the 4BC/4BH Creative department when this commercial was submitted.

I concur with the complainant and I have terminated the commercial with immediate effect. I also discussed this commercial at length with our acting General Manager, Mr. Jim Johnston. As a result, this particular Kartaway Miniskips commercial, which aired four times in total, will never be broadcast on 4BC or 4BH again.

We appreciate our listeners' concern and we can assure you that as the broadcaster of the Kartaways Miniskips commercial we had no intention whatsoever to create any perceived negativity or violence towards dogs or animals of any kind.

We trust this amendment resolves this matter and enables the complainant to continue to enjoy

listening to 4BC. Once again, we thank you and the complainant for bringing this matter to our attention.

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 and reviewed the advertisement under Section 2.2 of the Code which deals with the depiction of violence including cruelty to animals.

The Board listened to the radio advertisement and noted the intention of the character called Burke to hit a dog with a piece of wood with nails protruding from it.

The Board considered this to be grossly inappropriate. It further agreed that the fact the advertisement was intended to be humorous did not excuse this comment. The Board was of the opinion that the comment was condoning animal abuse.

The Board also noted that a complaint about this advertisement had been heard by the Board in 1999, at which time the complaint was dismissed.

The Board considered that community standards had shifted in the decade since this original ruling and that the community now views animal cruelty and references to it as unacceptable.

The Board further considered that the intended act of animal cruelty constituted an unacceptable use of violence and as such the advertisement was in breach of Section 2.2 of the Code.

Finding that the advertisement breached Section 2.2 of the Code the Board upheld the complaint.

THE ADVERTISER’S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

As confirmed by Radio 4BC I have instructed the station to withdraw the add from any future advertising.