



CASE REPORT

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| 1. Complaint reference number | 300/09 |
| 2. Advertiser | Bairnsdale Motel |
| 3. Product | Leisure & sport |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Cruelty to animals – section 2.2 |
| 6. Date of determination | Wednesday, 8 July 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC commences with the close up of a stuffed toy cat. A woman is then shown to be swinging the toy cat by its tail, around a motel room. This is accompanied by the high pitched sound of a cat meowing. The voice over says “A motel room where you really can swing a cat. bairnsdalemotel.com.au. Large superbly appointed rooms for business or pleasure. bairnsdalemotel.com.au.”

Overlay shows details of location and telephone number of venue.

THE COMPLAINT

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

I am extremely distressed every time this advertisement is shown as quite clearly it is an atrocious act to commit cruelty to animals. I find the advertisement extremely offensive and I believe that they are guilty of suggesting that cruelty to animals is OK and if this advertisement is not removed promptly I shall have to contact the Industry Ombudsman. Both the Motel and the TV channel are guilty of promoting cruelty to animals and should apologise publicly for their extremely poor choice of advertising. I cannot emphasise enough that this type of advertisement is just not acceptable under any circumstances and that these very ignorant people should be taken to task about their stupid behaviour. I do not mind that you let the advertiser now who was complaining about them as I telephoned them and told them what I thought of their advertisement and she said tough.

I feel this encourages cruelty to animals in particular cats and that it would further encourage some people to copy this action.

THE ADVERTISER’S RESPONSE

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

We are animal lovers and have Max a chocolate labrador, George a Great Dane puppy and Moksha a British Blue shorthair cat all who are loved members of our family and are currently living at the motel.

I have been a teacher for 30 years and worked in welfare roles. Kids who have seen the ad think it is funny and know that the cat is a stuffed toy from the reject shop that doesn't look at all real. Even the meow they think could have sounded more like a cat. In my experience children watching something funny that isn't real will not have any effect on them copying this action and resulting in cruelty to animals.

Swinging the stuffed cat has depicted the spaciousness of our motel suites and I am confident that nobody would treat a cat cruelly by watching this ad. If I had any concerns we would never have produced the ad as we are true animal lovers.

The ad has been a real talking point with viewers commenting that it is funny and the screeching imitating a cat meowing is annoying resulting in them thinking there's that motel ad again.

The ad has promoted the motel positively.

We would appreciate you as case managers re assessing the ad.

We would really appreciate being able to continue showing our ad as we have spent a considerable amount of money on producing the ad and had CAD approval.

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' concern that the advertisement condones cruelty to animals.

The Board viewed the advertisement and noted that there is no depiction of a real cat being swung or harmed in any manner. The Board noted that the advertisement clearly depicts a toy cat.

The Board considered that the phrase 'enough room to swing a cat' is part of Australian colloquial language meaning that a place or room is not small. The Board considered that most members of the community would consider the suggestion of swinging a cat as a reference to this colloquial statement and that this is in fact the intention of the advertisement. The Board considered that the advertisement does not depict or condone cruelty to animals or any violence or anti-social behaviour and that it does not breach section 2.2 of the Code.

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