



## **CASE REPORT**

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| 1. Complaint reference number | 391/08                                    |
| 2. Advertiser                 | Addbuilt Master Builders                  |
| 3. Product                    | Housegoods/services                       |
| 4. Type of advertisement      | Radio                                     |
| 5. Nature of complaint        | Violence Cruelty to animals – section 2.2 |
| 6. Date of determination      | Thursday, 30 October 2008                 |
| 7. DETERMINATION              | Dismissed                                 |

## **DESCRIPTION OF THE ADVERTISEMENT**

This radio advertisement describes the services available from Addbuilt Master Builders Pty Ltd. It includes the sound of a cat mewing and the sound of something hitting a metallic object. The description includes comments about being "squeezed" into a home that is too small for the family and the phrase: "If you don't have room to swing a cat".

## **THE COMPLAINT**

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

*Firstly, the expression "you can't swing a cat" doesn't mean a feline, it means the cat-o-nine tails whip. They couldn't whip prisoners below on a ship, the cabins were too small, so they whipped them on deck. They don't understand the expression. Secondly, Cats are subjected to a lot of cruelty and I feel this ad promotes cruelty to cats. Cats having nothing to do with building improvements or extensions on homes. I wish that they would remove all references to cats. When I hear the ad I cringe and I would not engage them in any work at my home.*

## **THE ADVERTISER'S RESPONSE**

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

*We have the same view of the Advertisements as advised to you previously, where we maintain our position by advising those [who] may complain that it is simply a "tongue in cheek" reference to a cat.*

*We have never hurt a cat, and no animal was used in the making of the advertisement.*

*We recently heard an advert on the television for the program Australia's Got Talent where Red Symonds says and I quote "acts like juggling kittens ... is that allowed?" during the ad a cat sound is played. The promoters have let the ad air, and I'm sure there (sic) position would be the same as ours.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.2 of the Code, relating to the presentation or portrayal of violence.

The Board noted that it had previously considered this advertisement in 2002 (Case Reference

Number 153/02) and at that time had determined that the advertisement did not breach Section 2.2 of the Code or any other Section of the Code and that the complaint/s should be dismissed.

The Board noted that the advertisement refers to swinging a cat and that the sound of a cat's meow can be heard. The Board considered that the cat sound was unrealistic and that, although suggestive of a cat, was intended to be humourous, rather than a serious suggestion that it is ok to harm animals. The Board therefore considered the advertisement did not present or portray violence and that there was no breach of Section 2.2.

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