



CASE REPORT

1. Complaint reference number	400/09
2. Advertiser	Fairfax Digital Group (RSVP Dating)
3. Product	Entertainment
4. Type of advertisement	TV
5. Nature of complaint	Violence Cruelty to animals – section 2.2
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a scene from history where homing pigeons were used to send messages to each other. A woman is writing a note to a lover and she then puts it in the wing of a homing pigeon and she lets go of the pigeon and the pigeon flies into the ceiling fan above her head. The caption at the end of the advertisement says: "get with the times, date online".

THE COMPLAINT

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

My wife and I found this most offensive and we are sure if young children should see this it may upset them.

Unnecessary violence to a bird-pigeon thrown into fan and died, not related to a dating service.

THE ADVERTISER'S RESPONSE

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

RSVP is a website which provides singles the opportunity to meet other singles. With over 1.5million members, it has been in business in Australia for almost 13 years.

The theme of our recent campaign focuses on the message of online dating being a viable and modern alternative for singles. To highlight this, we created a story around exaggerated and clichéd scenarios for finding true love. These include Juliet calling out to Romeo on a balcony, a male lute player serenading a love and a female sending a hand written love letter via a carrier pigeon.

In order to make the contrast between old fashioned courting methods and portray modern dating as problematic when left to chance, each story has a humorous take.

The spot in question is in no way aimed to portray or promote cruelty to animals and we welcome the opportunity to justify this.

The complaint is two-fold:

1: Unnecessary violence to a pigeon and further, the pigeon has died

2: Causes alarm and distress to children

1. Unnecessary Violence to a pigeon, and further the pigeon has died.

In no way was the commercial written or directed to focus on violence or to promote cruelty to animals. We are confident that we have created a campaign that makes people smile and that the tone is lighthearted and non-offensive.

The ad has an inherent humour that is more parody than real. We ask consumers to enjoy the loveless woman's passion and humorous 'carrier pigeon' method to find true-love. We certainly do not promote cruelty to animals as the complaint is questioning.

The plight of the bird is only ever implied and filmed deliberately with a subtle amount of lightly falling feathers. Many viewers would assume the pigeon survived losing only a few feathers.

Of particular interest is the number of ads on Australian television that use similar hyperbolic, comedy techniques with animals as we have on RSVP.

· Pure Blond: Where a truck driver rips a white Dove out of the sky and uses it to open his beer before throwing the bird away.

· The LG ad where a dog jumps out of the window after ball that is being thrown on TV

· The beer ad for Tooheys where they throw the deer across the city from a catapult

· The famous Toyota 'Bugga' ad. Where a cow is pulled out of a pit by a rope tied to it's neck and a dog running at pace misses the back of a moving ute.

· The Ford Focus ad where a dog is left on top of car as the owner drives off with the dog still on the roof.

There are many Australian ads that use animals to sell their product. All examples mentioned use animals in exaggerated, hyperbolic comedic ways to make a point. It surprises us to think anyone is offended by a story that centres on a love-sick woman tying a letter to a pigeons leg in the hope of finding true love anymore than the treatment of the Deer being catapulted across the city to make a better tasting beer.

2: Causing alarm and distress to children

As stated above: the tvc is executed with humour, the fate of the pigeon is implied, not shown, the scene was shot to ensure the effect was subtle with feathers fluttering down from a fan. There is no evidence the 'bird is shredded' as one complaint refers.

What is concrete are the CAD [industry standard] ratings that every tv ad has and guides the time and placement of the tvc. The RSVP ad has a Parental Guidance rating. This is a reasonable assessment. It means it only airs at times with content that have themes requiring 'parental guidance'. This is right for RSVP.

For context, Two and Half Men was on-air this evening with it's PG rating – it's title 'I merely slept with a Commie'. 'Packed to the Rafters' is on, again a PG rating with drug use and reference warnings. We ask you to consider the complaint with regard to the CAD ratings code we adhere to, and judge our TVC's ability to 'cause alarm' to children in the context of other TV content that carries the same Parental Guidance rating.

We thank you for allowing us the opportunity to respond to the complaint we received. We ask you consider our work and our response favourably.

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 complainant's concern that the depiction of the bird flying into the ceiling fan promotes cruelty to animals and considered the application of Section 2.2 of the Code, relating to the presentation or portrayal of violence.

The Board reviewed the advertisement and noted that the bird was shown flying out of the woman's hands and then in the next scene, the feathers of the bird are shown falling from the ceiling fan. The Board noted that there was no graphic imagery and that the act of the bird flying into the ceiling fan was not an intentional act caused by the woman. The Board considered the implied fate of the bird

was not intended to be a depiction of cruelty to animals and did not agree the advertisement promoted or encouraged cruelty to animals in any way. The Board noted that the implied fate of the bird was intended to be humorous and not in any way condoning how animals should be treated and therefore found no breach of Section 2.2 of the Code.

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