



CASE REPORT

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| 1. Complaint reference number | 480/09 |
| 2. Advertiser | Fosters (Pure Blonde) bird kicked |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Cruelty to animals – section 2.2 |
| 6. Date of determination | Wednesday, 14 October 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC depicts a man walking along the street and picks up a dove who has injured its wing. The dove has a blue spot on its head. The man appears to go to the fantasy place where pure blonde is brewed ... and then becomes alert and says "come on fella" to the bird. It then shows the man looking after the bird and feeding it until it gets well, he teaches it to fly again. Eventually the man releases the bird. The bird is shown to fly and then fly into a wall which depicts the fantasy world where the product is made. The bird hits the wall whereby he drops to scaffolding where a man is painting the wall. The man uses his foot to remove the dead bird from the base of the scaffolding and the bird falls into the street. A man walking along the street picks up the bird and it is clear that this is a role that has been played out before.

THE COMPLAINT

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

The ad for Pure Blonde which shows a bird flying into a wall and then being kicked off a scaffold by a painter is horrible and shows callous cruelty of an injured animal. Whatever the follow up ad, this is not a good example of behaviour for anyone watching, especially young people.

The Ad depicts gross animal cruelty and in my view normalises the mistreatment of animals. Cruelty to animals is illegal and should not be depicted in this way. Furthermore, in a society where alcohol related violence is on the rise this Ad is irresponsible at best. When taking into account that violence towards animals often leads to 'higher' forms of violence such as domestic violence, attacks on women and the like it is even more horrid. This Ad makes light of a plethora of serious issues. I urge you to take action on this. I am seldom shocked by what I see on TV but was most disturbed in this instance.

The ad devalues the bird's life. Makes out that it is not as important as beer. Ad's like this can encourage poor or violent behaviour towards animals by some people, TV commercials should not depict such behaviour.

I completely fail to understand the humour in portraying someone hurting an animal for the purposes of advertising a product. It is ridiculous and upsetting! The ad was enjoyable up to a certain point due to the cuteness factor of the man nursing the bird back to health, but to depict it getting hurt and then someone just kicking it away like it's a piece of garbage when it's obviously alive and injured????!! My whole household found this upsetting and offensive. It was cruel and unnecessary.

THE ADVERTISER'S RESPONSE

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

First we would like to provide some background on the commercial.

This is the second commercial produced for Pure Blonde and it retains a link to the original through its depiction of “Brewtopia” – a fantasy world where Pure Blonde is brewed. In this new commercial our real world is also represented and the differences between the two worlds are emphasised in Pure Blonde’s exaggerated and irreverent communication style.

The commercial has been on air for almost a month and to date, based on data from our media buying agency, has had roughly 13 million impressions. It is designed to promote Pure Blonde, a low carbohydrate beer, to its target audience of males aged 25 to 35 years of age. It is only on air post 8.30pm except during live weekend sports broadcasts.

The commercial uses irony and black humour to contrast the differences between each world. For this reason we acknowledge (and respect) the fact that this advertisement will not be to everyone’s personal taste. However we strongly dispute the claim that the advertisement presents or depicts violence as prohibited by section 2.2 of the AANA Code of Ethics.

The commercial tells a story which features an everyday hero who stumbles across a dove with a mysterious blue marking on his head. Connecting the dove to Brewtopia he scoops the bird up and takes him home. We witness the extent our protagonist goes to in order to assist the bird to fly again, including donning a beak/goggles to attempt to communicate with the bird to feeding him water through an eyedropper.

Finally the big day arrives; the dove is released and begins the long journey home. We see images of beautiful mountain ranges and glimpses of Brewtopia and we begin to anticipate his arrival at his spectacular and very peaceful home. And then the dove hits a brick wall having flown straight into a freshly painted Pure Blonde outdoor billboard (which explains the blue paint). The bird lands on the suspended scaffolding where a painter is adding the finishing touches to an outdoor Pure Blonde billboard. The painter then pushes the bird off the scaffolding and it’s back on the footpath, alive, if a little stunned by the experience, before being discovered by another bloke who comes across a dove with a mysterious blue marking on his head. Connecting the dove to Brewtopia he scoops the bird up and takes him home... and the viewer is left with the strong impression that history will repeat itself and the dove will be nursed back to robust health again.

The commercial is designed to present Pure Blonde’s origins as much more ‘pure’ than our ‘real’ world. To highlight the differences between the two worlds – the fantasy world of Brewtopia versus the real world - all characters and settings in the advertisement are exaggerated and so the intention, as is often the case with advertisements, is to tell a story that is not intended to be taken literally or be seen as a real life.

The result of the dove flying into the wall is that it literally had the wind knocked out of it. This is caused by the dove’s own actions – birds often do fly into things. When it lands on the suspended scaffolding it is clear the bird is alive. The painter does push the bird off his work area however we believe the painter’s actions are depicted as being so caught up in his work/disinterested in his surroundings that he pushes the bird off under the impression it will fly away and be fine.

The painter’s actions cannot be considered to be an example of violent or cruel behaviour – he is not aggressive, threatening, intense, malicious or extreme - all factors that would need to apply in order for this to be considered violent. He does not demonstrate a desire to deliberately cause pain or serious bodily harm and neither is this the outcome of his specific actions. And most importantly the dove is seen thereafter unharmed and calmly sitting in a laneway. The majority of viewers, although surprised by the twist (thus successfully contrasting the two worlds as was the aim), would be left with the impression that the bird is fine and after some TLC (given it winded itself by mistakenly flying into a brick wall) will fly again.

It is also worth noting that no animals were harmed during the filming of the advertisement. A professional animal trainer was employed and on set to ensure the animal’s welfare was a priority at all times. The scenes where the dove hits the wall and is pushed off the scaffolding are entirely computer generated. The live doves were not used in these scenes.

The wall scene (representing roughly 5 seconds of a 60 second commercial) is also balanced by the overall tone of the advertisement, which is light-hearted and humorous. This is supported by the imagery (for example a grown man jumping around in his apartment as he demonstrates how to fly) and the music selection (“Homeward Bound”). In fact the majority of the commercial focuses on

caring for the dove, so at its conclusion viewers are left with the sense that life can be kind but undoubtedly there will be some 'bumps' along the way.

We do not believe that the Pure Blonde commercial contravenes section 2.2 of the AANA Code of Ethics for the reasons stated above and look forward to learning your decision.

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 that the advertisement depicts cruelty to animals and tolerance of the act of kicking animals. Some complainants were concerned that young children who saw the advertisement would be confused and upset by the depiction of this cruel, heartless and offensive act.

The Board viewed the advertisement and noted the advertiser's response that the advertisement depicts a story which features an everyday hero who stumbles across a dove. The man is depicted in the advertisement to show a great amount of care for the bird and in one shot, the bird has fallen onto the scaffolding is seen to be removed by the painter using his foot.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement was intended to be a fantasy story, depicting a dove from Brewtopia ... which has injured his wing. The man character goes to great lengths to care and nurture the bird. The Board noted that the bird is depicted flying into a wall and then falls onto scaffolding which a painter is standing on whilst he is painting a Pure Blonde advertisement. The Board felt that the depiction of the bird flying into the wall was unsettling, was likely to be uncomfortable to some viewers and is certainly black humour. However the Board noted that birds do fly into things (usually windows) and become stunned. In this instance, the bird falls onto the scaffolding. The Board considered that the painter's actions in removing the bird from the scaffolding with his foot, did not appear to be violent or malicious although, was perhaps thoughtless and uncaring.

The Board determined that the advertisement was not in breach of section 2.2 of the Code because the bird is not intentionally maltreated and appears at the end of the advertisement to be still alive and unharmed. In the Board's view the advertisement is fanciful and likely to be seen as a form of black humour and that the majority of the advertisement depicts nurturing and caring behaviour towards the bird.

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