



CASE REPORT

1. Complaint reference number	91/08
2. Advertiser	Wotif.com (Squid Festival)
3. Product	Travel
4. Type of advertisement	TV
5. Nature of complaint	Violence Cruelty to animals – section 2.2
6. Date of determination	Wednesday, 9 April 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is one of a series depicting strange customs in faraway places which tourists are encouraged to visit and experience. This advertisement is set in what appears to be a remote fishing community during the local Squid Festival, where it is the custom to "bob" for live squid as one would for apples in a barrel of water. Residents are shown wearing squid-related fancy dress and outfits as a group of men step up to large buckets full of live squid, and thrust their faces in the buckets to try to grab the fish with their teeth. As one man raises his head, with a squid trapped in his mouth, the squid ejects inky liquid all over the man's face as the onlookers clap and cheer his effort.

THE COMPLAINT

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

The ad shows blatant cruelty to animals being inflicted in a totally inappropriate manner. It is the sort of behaviour that might be seen in a "B" grade movie and not on an add showing people supposedly having a good time.

This is a graphic ad featuring a sadistic act, akin to biting the head from a budgie. It is gross cruelty presented as humour.

Physically disgusting-cruelty to animals-morally repugnant. Could be seen to be encouraging behaviour resulting in pain and cruelty to animals, ie live squid.

I feel that the act of catching the octopus with the teeth is an act of cruelty. One of the octopus is seen to spurt out black liquid on to the man's face. Obviously (sic) the octopus is alive and in some distress.

This advertisement is an affront to watch and is extreme cruelty to watch live octopus being treated in this fashion. The winner stands up with an octopus (sic) in his mouth with blood or ink gushing out of the man's mouth - absolutely revolting to say the least.

I am not sure what part of the broadcasting act covers the promotion of cruelty to animals but the message that it is ok to be cruel to these animals is abhorrent. Even if the animals are not live the message remains the same. I suspect the footage is actually an event held somewhere and used as the advert. Either way I am appalled by the advertisers tacit approval of such barbaric behaviour in the promotion of their product.

I understand that it is showing an event at a tourist destination but an animal is clearly being mistreated and I for one would never travel to said destination. I do not need to see animals being mistreated during one of my favourite television programs. I am absolutely amazed that this ad

made it onto the screen.

It is extremely disturbing for me and my children to see a live animal ripped apart on TV. This is not a documentary style, this is showing cruelty towards an animal...for fun

I believe it is showcasing animal cruelty, the advertisement leads you to believe that the squid are still alive, one man succeeds in grabbing the squid with his teeth and his face is splattered with ink from the squid. If this was a bucket full of any warm blooded animal we would be screaming cruelty, this is not the type of game we should be showing our children or in that case, showcasing to ourselves.

This ad is objectionable in that it is violent towards animals. It promotes animals, in this case, live animals as acceptable to torment for entertainment purposes till the point of the animal's death. Disgusting.

THE ADVERTISER'S RESPONSE

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

We note that the essence of the various complaints is that the Wotif.com TVC allegedly depicts cruelty to animals. Specifically, the complainants object to the people in the advertisement 'bobbing for squid', i.e. using only their mouths to try and catch what appear to be live squid in barrels of water, as part of a local contest.

Wotif.com strongly denies any allegation that the Wotif.com TVC breaches either Section 2.2 or 2.6 of the AANA Code.

At the outset, it is important to note the creative intention of the advertisement, namely to highlight examples of unheard of or otherwise off-beat and far-flung travel destinations where certain human behaviour, cultural practices and favourite past-times may differ vastly from what many Australians might consider acceptable or normal, hence the slogan: "Want to go somewhere different this weekend? With so many rooms at such great rates, why not when you can Wotif....".

In particular, the Wotif.com TVC is set in a fictional, small rural community somewhere nondescript and depicts what appears to be a long-running and very popular form of entertainment for that community, namely 'squid bobbing', as part of the town's annual squid festival (as revealed by the tattered banner).

We acknowledge that some people, including the complainants in this case, may object to the practice of 'squid bobbing' because they believe it is cruel to the squid. However, the same could be said by outside observers in relation to numerous cultural practices and past-times all over the world (including Australia) which are nevertheless considered normal and lawful within the relevant culture. For example, many people vehemently object to the running of the bulls in Pamplona, however this activity continues to be an important and popular cultural event in Spain.

Indeed, general beliefs on what is or isn't socially or morally acceptable can even differ dramatically within cultures, including Australia. For example, many people fundamentally object to the farming of animals for meat on the grounds of animal cruelty and yet many more people eat meat.

The complainants in this case are obviously entitled to express their views. However, we submit that this should not prevent us from legitimately invoking the spirit of cultural diversity and adventure (in what we still maintain to be a humorous way), in order to inspire the television audience to travel to unfamiliar and exotic locations in order to gain a broader understanding of the world. In this respect, the underlying message is that the world is full of unusual and intriguing places, people, cultural practices, ceremonies and past-times, which can indeed be confronting and even offensive to an outsider. Our contention, however, is that the primary purpose of travel is to explore the world and experience this diversity from the good to the bad to the ugly.

It is also important to note that the tone of the Wotif.com TVC does not suggest in any way that Wotif.com, as an organisation, supports or condones 'bobbing for squid' or is encouraging every-

day Australians to engage in this activity. Rather, the activity is simply put forward as an example of how bizarre and diverse the world can be, as a means of promoting its online accommodation booking services. In addition, we confirm that, although some of the complainants have suggested that the squids appear to be alive, the squids used were, in fact, already dead during filming.

Importantly, we maintain that the Wotif.com TVC does not breach either Section 2.2 or 2.6 of the AANA Code.

In particular, we do not consider that the squid bobbing activity depicted portrays violence. Alternatively, if it is determined by the ASB that the act of fishing for squid using one's mouth to bite into it, constitutes an act of violence, we submit that such so-called violence is justifiable in the context of the services being advertised, i.e. given the creative intention and objective to inspire Australians to travel abroad to experience the out of the ordinary. However, ultimately, in our view, the scenes depicting the squid being bitten into are no more or less offensive than watching a fisherman reeling in a fish (or even a squid) and wrestling with it as it thrashes around.

In addition, we maintain that the activity of squid bobbing is not contrary to prevailing community standards on health and safety, albeit that it has obviously offended the moral sensibilities of certain people. In particular, biting into a raw squid, whilst no doubt distasteful to the overwhelming majority of people, would hardly pose a threat to anyone's health or safety.

By way of conclusion, Wotif.com regrets any offence caused to the complainants in this case. We confirm that it was certainly not our intention to offend anyone in this way. Nevertheless, we are confident that reasonably-minded viewers do appreciate the fanciful nature of the far-fetched situation depicted, and the creative intention behind it. On this basis, and on the basis of our position that the Wotif.com TVC does not breach the AANA Code, we therefore see no reason to withdraw or modify the advertisement in light of the few complaints received.

I trust that the above serves to clarify the issues raised by the complainants and assists the ASB to make a balanced assessment as to the status of the Wotif.com TVC.

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 this television advertisement depicted cruelty to animals.

The Board viewed the advertisement and noted the squid-bobbing competition during which the squid appeared to be alive. The Board noted that the advertiser had, in their response, compared this activity to fishing. The Board was strongly of the view that the activity depicted was recreational killing that was graphic and gratuitous and could not be compared to fishing where the end objective is to provide food.

The Board further considered that the images did not depict a humane treatment of squid.

The Board agreed that the advertisement was meant to be humorous and that it clearly depicted a fictitious location and event but it did not consider that this tempered the depiction of the squid-bobbing to the point that it could be considered an act of fantasy.

The Board also considered whether this advertisement was contrary to prevailing community standards on cruelty to animals and determined that the images of the men biting the squid did constitute cruelty to animals. The Board further agreed that the violence portrayed was not justifiable in the context of the product being advertised.

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

ADVERTISER'S RESPONSE TO DETERMINATION

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

The first Wotif.com television campaign flight is complete and the Squid Festival ad is currently off air.

If the television commercial is to be re-used and aired again, Wotif.com plan to edit scenes and remove the man with the squid in his mouth from the creative - to be replaced with more festive activities.