



CASE REPORT

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| 1. Complaint reference number | 97/08 |
| 2. Advertiser | Commonwealth Bank of Australia (kangaroo) |
| 3. Product | Finance/Investment |
| 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 | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on two Commonwealth Bank reps being pitched a concept by two American advertising agents as they walk through a film studio backlot. The Americans ask "So, NetBank Saver is a high-interest online savings account from the Commonwealth that you can access anytime. No fees and no minimum balance. It's a great account and you'd be *hopping mad* not to sign up for it." They approach two other American agency team members, one of whom is dressed in boxing attire and pushed towards a kangaroo, also wearing boxing gloves. The American agent explains "So the idea is you let people play-box Joey here, outside the bank branches" as the Bank reps look stunned at the idea. As the kangaroo knocks out the human boxer, and the bank reps look horrified, the American agent agrees "Guys...lose the rabbit." The Commonwealth Bank logo is seen with the tag "Determined to be different" as the bank reps concede "But you're spot on about the NetBank Saver". The boxer sprawled on the ground asks dazedly "Is my moustache ok?"

THE COMPLAINT

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

This is absolute cruelty to animals - a live Kangaroo goaded into wearing boxing gear and into throwing punches for the sake of a TVC. Not only is this downright cruelty, it is an absolute insult to the intelligence of most sane TV viewers. Shame on you Commonwealth Bank - and on Seven for airing it.

The Ad depicts acts of animal cruelty in a number of ways:

** By dressing the kangaroo in a boxing outfit*

** By showing a boxing fight between a man and the kangaroo*

The Commonwealth Bank is a well known and respected business and therefore by them carelessly displaying acts of animal cruelty not only to the general public but also to young viewers the Bank implies social acceptance of animal cruelty to kangaroos which only inciting people to have a boxing fight with an animal. I find it disgusting that they were firstly allowed to make the Ad and secondly that the Ad was allowed to air.

This is a horrific act. My concern is that if we make light of this, it is quite possible that some sick people may think it fun and ok try to turn it into an illegal sport. You may recall an event in China where a Kangaroo was being goaded by a man in boxing gloves, to try and fight him. As the Kangaroo didn't know what to do, the man actually hit the Kangaroo really hard on the side of the head. The film was taken and smuggled out of China illegally. I can't believe that something so similar could have been allowed to air on Australian TV. I will certainly be cancelling my accounts with the Commonwealth Bank next week.

This advertisement is a shameful, sickening and disgraceful use of an Australian native animal! The ad promotes both animal abuse and the exploitation of animals (purely for human

entertainment). One hates to think how many idiots will try to catch, 'dress up' and 'play box' an innocent Kangaroo because of this ad!! Also, the placement of the Kangaroo in the 'play boxing' match conjures up distressing memories of the sickening Shanghai 'Animal Olympics', whereby an Australian Kangaroo was paired against a garishly attired 'clown' in a 'play boxing' match, for the enjoyment of the Chinese public. The Kangaroo received a fierce blow to the head during this shameful performance. This incident sparked outrage amongst western countries - images like this should never have to be seen twice, and yet here it is on Australian TV!!!

THE ADVERTISER'S RESPONSE

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

The advertisement this complaint refers to is the latest spot in our new advertising campaign which features a fictional Advertising Agency who make ludicrous recommendations to a fictional Commonwealth Bank Marketing Team. The advertising concept is based on the fictional agency presenting absurd ideas to the fictional marketing team. The absurdity of these suggestions is intended to be humorous in nature.

The specific advertisement in question is for our NetBank Saver product. It features a scene where a kangaroo "play boxes" with one of the actors, and plays on the phrase, "you'd be hopping mad not to sign up for a NetBank Saver account".

The "play-boxing" is intended to be light-hearted and comical, rather than a violent act. The advertisement was created with light-hearted comedy in mind. It is clearly a funny nonsensical situation and in no way is a portrayal of violence.

The Bank went to great lengths to ensure the wellbeing of the kangaroo whilst on the production set. The safety of the kangaroo was of paramount concern. The kangaroo was not actually "boxing", or "throwing punches", but rather was reaching for treats placed on the actor. The kangaroo was being held by his handler during the whole scene and the kangaroo was not ever hit by the actor while being "play-boxed".

Three handlers and a representative from the American Humane Association were on the set throughout the filming to ensure the kangaroo was at no time in danger or ill-treated. Frequent checks were made of the animal during the scene, and I can assure you the kangaroo was appropriately cared for during the shooting of the commercial. Please therefore be assured that this was not "absolute cruelty to animals", as referred to in this complaint.

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 concerns of the complainants about the depiction of cruelty to animals and reviewed the advertisement under Section 2.2 of the Code which states:

Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

They viewed the television advertisement and noted that the man did not hit the kangaroo and that the man was knocked to the ground whilst the kangaroo remained standing.

The Board further noted the advertiser response which outlined the treatment of the kangaroo during the making of the commercial. This included the use of three kangaroo handlers and a member of the American Humane Society throughout the production process.

The Board considered that the health and safety of the kangaroo had not been at risk during the commercial and that therefore the advertisement did not depict cruelty to animals and did not therefore breach Section 2.2 of the Code.

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