

Case Report

1. Case Number :	0016-24
2. Advertiser :	World Animal Protection
3. Product :	Community Awareness
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	24-Jan-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Advertising to Childrens Code\2.4 Frightening Images
AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

There are three versions of this television advertisement.

The first version features a video of a tiger chained to the ground with the voice-over: "This is his life. Chained. Beaten. And Broken. Constant Pain. Constant fear. Agonising humiliation. All for a quick photo. This is his life".

It then shows a video of a bear in a cage rocking. The voice over says, "This is his life. Caged in a bile farm. Trapped in a dark, cramped prison. Day after day his bile is taken and sold as traditional medicine. Years of torture. Moaning and rocking in agony. This is his life.

The advertisement also shows a chained tiger and chained elephants. The voice-over then talks about the work the charity does and shows tigers, bears, and elephants in the wild.

The second version features an image of a bear chained through its nose. The voice-over says, "she can't cry out for freedom or for the pain to end".

It then shows an image of a baby elephant with a chain around its food. The voice-over says, "she can't beg them to stop this endless cruelty".

The advertisement also shows a bear tied with ropes, a chained tiger being poked with a stick, a tiger in a cage, tiger cubs in cages and a monkey with a chain round its neck. The voice-over then talks about the work the charity does and shows people caring for the animals.

The third version features an image of a bear cub in a cage, and a voice-over says, "when a baby animal cries out what do you hear?"

Footage of a baby elephant is then shown with the voice-over saying, "the trauma of being torn from her mother".

A monkey with a chain around its neck is shown as the voice-over says, "the misery of a life in chains".

A chained chimpanzee is then shown, and the voice-over says, "the fear of more beatings."

Footage of tiger cubs in cages, a baby elephant in chains, and orangutang in a cage and a bear in a cage is then shown. The voice-over then talks about the work the charity does and shows people caring for the animals.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Unnecessary showing of animal abuse and cruelty.

Add for World Animal Protection showing animals such as elephants & bears in clear distress chained up, and "in fear of next beating" extremely graphic vision & voiceover for a 5pm timeslot when children are watching TV. Advert requesting money to 'save' the distressed animals.

It shows animals in distress. In cages, hurt. It causes my family anxiety. My daughter cries when it comes. It's always on afterschool everyday during children's viewing time.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

World Animal Protection takes all comments from the public very seriously.

Overall, we believe that our TV appeal is true, responsible and restrained in the context of the terrible abuse suffered by wild animals.

In common with many good causes World Animal Protection relies upon the generosity of the public to fund its important work. And the response to our fundraising TV activity has been overwhelmingly positive since we started using this media in 2016. A great number of new financial supporters have been acquired and their generosity is vital in enabling World Animal Protection to rescue animals and help them to live their lives free from cruelty.

When people give money to good causes, they do so as an expression of their passionately held beliefs and their desire to make the world a better place. Fundamentally, people want to make a difference. In order for them to make a difference, good causes need to make people aware of both the bad things, and the good things that are done to alleviate the bad things.

*For hungry children, causes need to show children who need food.
Appeals for cancer research may feature people who have cancer.
For victims of injustice, people need to understand the nature of the injustice.*

In World Animal Protection TV appeals, we feature a range of animals in need, we explain the cruelty they face, and we offer people the opportunity to support World Animal Protection's work to help put a stop to it.

We take very seriously our responsibility to tell the truth. However, we know we cannot tell the whole truth of the cruelty that some animals face – because the full reality would be too strong to feature in a TV appeal.

Therefore we do very strongly self-censor our TV appeals. Of course, we do not wish to alienate people, indeed quite the opposite. World Animal Protection cannot operate, and victims of animal cruelty cannot be helped if we alienate the public on whose support we rely. And the positive response to date does strongly indicate that people both support this work, and our approach.

*In terms of our self-censorship of the World Animal Protection appeal, we:
Have not included the most shocking footage of animal cruelty;
Have ensured that the viewer is given a clear sense that we can help animals in need;
Have briefed our media agency to follow the CAD guidelines based on the ad rating
Within the planning process for TV, the media agency will review channels to ensure recommendations are aligned to the content restrictions as per the CAD approval ratings. For example, avoiding channels and dayparts with children's programming.*

The media agency communicates to the networks the key exclusions for all media at the time of booking, followed by a full review of all programs within bought media, which is tracked on a daily basis through an automated holding system.

Programming and environmental exclusions are as follows:

- *Gambling associated sports (e.g. Basketball: NBA 2020-2021)*
- *Any programs associated with animal cruelty – inclusive of sporting events/programs (e.g. The Thrill of the Chase, Sevens Horse Racing)*
- *Sexual/graphic content (e.g. Jersey Shore, Naked and Afraid on Nine)*
- *Children's programming (e.g. Rainbow Rangers and Pokemon on Nine, Dora The Explorer on 10 Shake)*
- *Political agenda programming (e.g. Sky News)*
- *Election blackout periods (timing dependent)*

As part of the buying process, the airtime is manually vetted and edited under specific guidelines to remove any programming that appears to infract the above exclusion environments.

The media agency reviews and highlights the network programming that does not comply with the above exclusions stated to the network and will remove this from the upcoming schedule. This relates to paid media only, in regards to bonus spots we have less control over spot placement as we do not see this prior. However, these spots are still covered by CAD rating process.

It's important to note that this spot was not included as part of the final media buy, which means we were moved into it by the network or placed into it with bonus. Confirmation from the networks of final spot placement is not available for this spot – we will have this information by Friday 19th January.

Fixer Upper is an American reality television series about home design and renovation. The audience for this program is broken out into the follow % as supplied by eTam below:

There is no forecasted audience or PPL Under 18+.

In addition, we have further qualified with the network that the program Fixer Upper is considered an Infotainment/Lifestyle program airing on 9Life, and thus children aren't likely to make >25% of the audience. No programs on the 9Life and 9Rush channels are predicted to have a >25% child audience.

Diagnosis Murder is a television series that follows Dr Mark Sloan, a doctor who solves crimes alongside his detective son while working at a hospital. The audience for this program is broken out into the follow % as supplied by eTam below:

- 0-17: 1%

- 18-24: 0%

- 25-54: 8%

- 55+: 91%

The program Diagnosis Murder is considered a crime/mystery series airing on Channel 10; the majority of the audience are likely to fall into the 55+ age range.

Relating to Channel 9, Thursday December 28, 1.47pm. Below is the audience projection across all advertising during the 1pm to 2:49pm timeslot each day, only 8% of the audience is predicted to be under 18.

There are two programs this spot could potentially have been in - Fix My Frankhouse, a renovation show or Midday Movie which was a free/bonus placement by the network.

- 0-17: 8%*
- 18-24: 2%*
- 25-54: 25%*
- 55+: 65%*

We are fully aware of the inappropriateness of fundraising against animal cruelty in a manner which targets children or is shown during children's programs and categorically affirm that we would never engage in such practices.

We appreciate that every individual who watches the appeal will see it in a different way. We try hard to ensure that our TV appeals do not make people turn away – if we make people turn away, we deny them the opportunity to give.

There are some viewers to whom the ad will not appeal but we believe that TV can play a crucial role in enabling good people to support good causes and thus make the world a better place.

Once again, I appreciate the opportunity to respond to this unfortunate complaint. I hope that the above information fulfils your requirements to assess our campaign in the manner it was intended.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement includes graphic imagery of animals in distress and is placed where children can view it.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

Does the advertisement target children?

The Panel noted that the Children's Code defines "target children" as:

"Target Children is determined by the context of the advertisement and the following three criteria:

1. *Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
2. *Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
3. *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.

"In relation to the third criteria, measures to determine if Children are likely to be a 'significant proportion' of the expected average audience may include one or a combination of the following:

- *Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children's event or concert that is incidental to the ad placement, the audience of that incidental Children's concert or event will not be captured.*
- *C&P programmes.*
- *Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision)."*

Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?

The Panel considered that the advertised product is a charity against animal cruelty and considered that this was a product which would be not be principally or significantly appealing to children.

Point 2: Is the content of the advertisement principally appealing to children?

The Panel noted that the advertisement is evocative and upsetting, with imagery of animals in distress. The Panel considered that the content of the advertisement has broad appeal, and was not principally appealing to children.

Point 3: Does the expected average audience of the advertisement include a significant proportion of children?

The Panel noted that the complainants were watching free-to-air TV at various times. The Panel also noted the advertiser's statements regarding their media buy and overall considered that the audience for the advertisement would not include a significant proportion of children.

Targeting children conclusion

The Panel considered that the product would not have significant appeal to children, the content of the advertisement was not principally appealing to children and audience for the advertisement would not include a significant proportion of children. The Panel determined that the advertisement did not target children and therefore the provisions of the Children's Code did not apply.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

The Panel noted the Practice Note for this section of the Code which states "*Violence against animals is caught by this section. However graphic depictions of violence against animals or the effects of such violence may be justified by the community message involved*".

Does the advertisement contain violence?

The Panel noted that the advertisement does contain scenes of animals in distress, including being in cages or in chains. The Panel considered that while active violence is not shown in the advertisement, the aftereffects of suggested violence are depicted.

The Panel considered that some members of the community may find the advertisement to contain violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted that whilst some of the images show animals that appear in distress the Panel considered that these images are emotionally engaging rather than violent

in an aggressive or threatening manner. The Panel noted that the voiceover is softly spoken and considered that although a problem is highlighted – that of animals mistreated for the purposes of the tourist industry – the voiceover does highlight the work that the advertiser does for the purpose of reducing or preventing animal cruelty.

The Panel considered that the important community message being delivered in the advertisement was one which justified the use of imagery that would grab the attention of the reader and would lead to an increased awareness and consideration of the serious issue. The Panel considered that although the imagery was impactful it did not feature gore or depict acts of active violence. The Panel considered that the images were designed to shock, however they were more emotionally impactful than graphic.

The Panel acknowledged that the content and subject matter of the advertisement would be upsetting to some viewers, including children, but considered that the advertisement is using factual information in an informative manner to raise awareness of an issue and includes a call to action, and in the Panel's view the overall tone is that positive action works and this is a message which children should be able to understand.

The Panel considered that the imagery used in the advertisement was justifiable in the context of the organisation being advertised.

Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence which was unjustifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.