



COMPLAINT NUMBER	22/019
ADVERTISER	World Animal Protection
ADVERTISEMENT	World Animal Protection, Television
DATE OF MEETING	25 January 2022
OUTCOME	No Grounds to Proceed

Advertisement: The 90-second World Animal Protection television advertisement shows various caged animals, with the voice-over emphasizing their cries and their life in chains and cages. A banner along the bottom of the screen states, "Become an Animal Protector. animalprotector.org.nz. Call 0800 784 597 or text LISTEN to 898".

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: The advertiser is part of a trade in animal abuse footage.
The advertiser gives no source for its animal abuse footage.
This advert encourages the production of animal abuse footage.
I ask the authority to rule against broadcasting animal abuse footage.
Thank you

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2 Rule 2(b), Rule 2(e);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(e) Advocacy advertising: Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

About Advocacy Advertising

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: "Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form." This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

About this complaint

The Chair acknowledged the Complainant was concerned the advertisement perpetuated animal abuse.

The Chair confirmed the advertisement included the World Animal Protection's name, logo and website address, www.animalprotector.org.nz, as well as an 0800 to call, meaning the identity of the Advertiser is clear. The position of the Advertiser is also clear. The advertisement is a call to action to donate \$5 per month to support animal protection and ends with the tag line "Don't ignore their cries. Become an Animal Protector." The Chair confirmed the advertisement complied with the identity requirements of Rule 2(e) of the Advertising Standards Code.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be the advertisement for World Animal Protection was intended to raise awareness about the confronting conditions some animals are kept in and the abuse they experience. The Chair said the advertisement showed real footage, to demonstrate the issue. While these images can be disturbing to view, a more liberal interpretation of the Code is provided for when the identity of the Advertiser is clear, and taking into account the purpose of the advertising to raise awareness and funds to reduce or stop the abuse.

The Chair noted that according to information on the World Animal Protection New Zealand website there is substantial evidence to indicate that the incidence of animal cruelty is still an issue in 2022.

The Chair noted the Complainant was concerned the advertisement was supporting the collection and reproduction of animal abuse footage by using it in its advertisement. The Chair said the filming of the animal abuse and any trade in it was outside the ASA's jurisdiction.

The Chair was able to consider the use of the footage in the advertisement before her and whether, in the context of an advocacy advertisement to raise awareness about animal welfare, it met the threshold to breach the Advertising Standards Code.

The Chair said in the context of advocacy advertising, the advertisement had been prepared with a due sense of social responsibility and was not in breach of Principle 1, Principle 2, or Rule 2(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint No Grounds to Proceed

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.