

John F. Robins, Secretary, Save Our Seals Fund (SOSF),
C/O Animal Concern, Post Office Box 5178, Dumbarton G82 5YJ.
Tel: 01389-841-639, Mobile: 07721-605521.
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The charity Save Our Seals Fund has appealed against today's Advertising Standards Authority ruling rejecting their complaint against the depiction of salmon in a television advertisement for Aldi. John Robins of Save Our Seals Fund states; "I am astonished that our complaint was rejected. The TV ad showed a handful of pristine salmon swimming freely in open clear water when in reality farmed salmon swim in circles in net cages containing tens of thousands of fish. Fish farmed in floating factory farms can suffer have damage to their snouts, eyes and fins due to the stocking density. The environment below the cages is seldom clear because of the tonnes of fish excrement which can build up on the seabed. I have asked for a review of the ASA Ruling as I believe it is seriously flawed. I will also raise the matter with the RSPCA as Aldi made much of the fact that their salmon is RSPCA assured in their defence of their advertisement."

EDITORS NOTES: The e-mails below give more detail of why I believe the ASA Ruling is wrong and links to both the ad and the ASA Ruling. Best landline to contact me on is 01389841111.

From: JFRobins [mailto:john@jfrobbins.force9.co.uk]
Sent: 11 January 2017 14:48
To: 'indrev@asbof.co.uk'
Subject: ASA Ruling on Complaint Ref: A16-354706

E-MAIL FROM: John F. Robins, Secretary, Save Our Seals Fund (SOSF), C/O Animal Concern, Post Office Box 5178, Dumbarton G82 5YJ. Tel: 01389-841-639, Mobile: 07721-605521. SOSF is a recognised Scottish charity: RCNo. SC025489. E-MAIL: sosf@jfrobbins.force9.co.uk website: <http://www.saveoursealsfund.org/>

Sir Hayden Phillips,
Independent Reviewer of ASA Rulings,
7th Floor North,
Artillery House,
11-19 Artillery Row,
London SW1P 1RT

Dear Sir Hayden,

I write regarding the ASA Ruling published on the ASA website today concerning a complaint from myself and 4 others regarding the depiction of salmon in an Aldi television advertisement. The ad in question can still be viewed on this link:

<https://www.marketingweek.com/2016/09/08/aldi-insists-customers-are-not-returning-to-the-big-four-as-it-unveils-everyday-amazing-campaign/>

Please note that the video on the above link contains several Aldi ads and the ad in question may not be the first to play. There is also a very relevant still from the ad further down the page on the above link.

The basis of my complaint was that the advertisement gave consumers a totally fictional and very far from reality depiction of how salmon sold by Aldi are reared.

The ASA informed me on 13th December that their Investigations Department would be advising the ASA Council not to uphold my complaint. I sent the ASA Investigations Department an e-mail (copied below) on December 19th asking them to reconsider their decision or to at least copy my e-mail to the ASA Council.

This was refused and the ASA Council followed the advice of their Investigations Department and did not uphold my complaint. I have made complaints to the ASA before and not all of them have been upheld. I have not appealed against ASA rulings in the past but this time I do believe a serious error was made and their ruling was flawed as described in the e-mail below.

I ask you please to review the ASA Ruling on Complaint Ref: A16-354706 which can be found via the page on this link: <https://www.asa.org.uk/Rulings/Adjudications.aspx>

Yours faithfully,

John F. Robins,
Secretary of Save Our Seals Fund

From: JFRobins [mailto:john@jfrobins.force9.co.uk]
Sent: 19 December 2016 05:11
To: 'anthonym@asa.org.uk'
Cc: 'LucyC@ASA.Org.UK'
Subject: RE: ASA Enquiry Ref: A16-355257

E-MAIL FROM: John F. Robins, Secretary, Save Our Seals Fund (SOSF), C/O Animal Concern, Post Office Box 5178, Dumbarton G82 5YJ. Tel: 01389-841-639, Mobile: 07721-605521. SOSF is a recognised Scottish charity: RCNo. SC025489. E-MAIL: sosf@jfrobins.force9.co.uk website: <http://www.saveoursealsfund.org/>

Dear Sirs,

Thank you for your e-mail and attachments of December 13th regarding your decision to recommend to the ASA Council that my complaint regarding the depiction of salmon in an

Aldi Stores Limited television advertisement not be upheld.

Quite frankly, given the response you received from the advertisers, I am astonished that you have not recommended that my complaint be upheld.

Aldi made much of the fact that, because they made it clear in their ad that their salmon is RSPCA assured, the public would be aware that the salmon is farmed and not wild. That in itself is misleading. Most consumers are not fully aware of what RSPCA Assured really means. For instance most people would be shocked to learn that the RSPCA allows its Assured salmon farmers to shoot seals.

Consumers think the RSPCA logo is a clear indication that an animal product has come from animals reared on free range farms. There is no such thing as free range farming of salmon. RSPCA Assured means that the salmon are reared in farms which are a little less intensive than other farms with the fish being given a little more space than those in highly intensive farms which are now far less common anyway due to the very high levels of fin, eye and snout damage caused in very heavily stocked units. The incidence of such damage is reduced but not eliminated in lower stocking densities.

The television ad in question shows a small number of pristine fish swimming in a shoal in one direction in clear, open water above a clean river or seabed. This bears absolutely no reality to salmon farming. Indeed I cannot think of a better depiction of wild salmon migrating along an estuary on their way back to their birth river to spawn. Wildlife documentary makers would be proud of this footage.

It is also telling that the fish are computer generated images as that allows the creator of the advertisement to do the equivalent of airbrushing out any fin, eye and snout damage associated with farmed fish.

Had the advertiser wanted to convey a semblance of reality they would have shown perhaps 35,000 salmon, some with fin, eye and snout damage, swimming in a circle in an enclosed net cage above a seabed with a generous dusting of brown sludge and detritus caused by months of accumulated fish faeces, dead salmon and other by-products associated with intensive fish farming.

The advertiser claimed the ad was "light hearted and fanciful" and that it was unlikely that the whole ad, including the salmon segment, would be taken literally as representing the real world. They also thought the scene where salmon swam past a scuba diver who was addressing the camera while underwater was surreal and sufficiently removed from reality.

That might be the case with the sky diving granny segment but not with the salmon segment. I didn't see the salmon doing a square dance with Sponge Bob – now that would have been "light hearted and fanciful". I saw a very realistic depiction of wild salmon migrating to their home river.

Having a scuba diver directly addressing the camera might have been surreal when the late,

great Jacques Cousteau was a garcon but today it is commonplace in wildlife documentaries.

By adopting this very realistic wildlife documentary approach for the salmon segment of this advert I believe Aldi have seriously misled consumers as to how their Scottish salmon is produced.

I ask that the recommendation not to uphold my complaint be reversed and that this and my earlier correspondence be brought to the attention of the ASA Council.

Yours faithfully,

John F. Robins,
Save Our Seals Fund

PS Aldi recently had a bit of a problem with ASA Ireland for failing to make it clear in their advertising that one of their smoked salmon products was farmed. The company apologised and withdrew the product.

More here: <https://twitter.com/DecGilmore/status/810069005537054720>