

Do You Know What Day It Is? The Risks and Benefits of the Animal Spokesperson

by Dan Brecher on October 9, 2013

Does Grumpy Cat have more Twitter followers than your business? If so, maybe it's time for an animal spokesperson. Remember Tony the Tiger, the Energizer Bunny (Ok, those weren't real animals, albeit great "spokespersons").

From GEICO gecko to the Budweiser Clydesdales, animals generally make for good advertising. Companies frequently use animals to pitch products and promote brands, having nothing to do with the animals themselves, because they appeal to all ages, sexes and ethnicities.

Animals can also generate an emotional response that humans can't seem to replicate. Given that three in five Americans own pet, commercials featuring dogs and cats tend to strike an immediate connection with the consumer. Classic examples include Spuds McKenzie and Morris the Cat.

Of course, adding an animal to your marketing campaign does not guarantee success. Complaints over the use of animals in advertisements, particularly where there is any suggestion of possible mistreatment, are also fairly common. In 2012, Sketchers received harsh criticism over its Super Bowl commercial that featured greyhound dog racing. Critics of the ad, which became the subject of a Change.org petition, highlighted that the track where the commercial was filmed had a long history of animal mistreatment and neglect.

Animals also come with additional liability risks. Companies must ensure that handlers or trainers comply with federal Animal Welfare Act, which establishes licensing requirements and guidelines for animal care. The American Humane Society has special guidelines for the use of animals in filmed media. Companies that follow these guidelines for the humane treatment of animals are permitted to carry the trademarked "No Animals Were Harmed"® end-credit disclaimer.

Finally, while an actor is unlikely to bite another member of the production team, a dog, lizard or horse just might. Therefore, companies must make sure that they have the proper policies and procedures in place to address the unique risks of "animal actors." That's one reason why you see so many non-live animal "actors" in today's commercials, including the camel announcing that today is Hump Day.

If you have any questions about this post or would like to discuss the legal issues involved, please contact me or the Scarinci Hollenbeck attorney with whom you work.