

## Your response

### Ofcom's Register of Risks

#### Question 1:

- i) Do you have any comments on Ofcom's assessment of the causes and impacts of online harms?

Response: Blue Cross is a pet welfare charity so our comments will be primarily concerned with the suffering inflicted on animals commonly kept as pets, such as cats and dogs. However, cruelty to any animal is an abhorrent and unacceptable form of behaviour whether it is committed for online audiences or in private. Blue Cross sees a number of appalling cruelty cases in both our centres and hospitals each year. These cases are not only obviously deeply traumatic and agonising for the animal but are also extremely distressing and emotionally exhausting for the staff involved.

Blue Cross welcomed the late addition of section 4(1) of the Animal Welfare Act as a priority offence under the Online Safety Act 2023. We agree with the Social Media Animal Cruelty Coalition's (SMACC) definition of animal cruelty content as:

"anything that has been posted on a social media platform by an individual, organization, or business, that depicts animal cruelty or suffering for any reason apart from valid campaigning, journalistic or educational purposes....cruelty content has no discernible meaningful purpose and we consider it to be a barbaric form of entertainment."

Online animal cruelty is alarmingly prevalent and deeply worrying: SMACC's 2021 report, 'Making Money from Misery: How Social Media Giants Profit from Animal Abuse', documented 5,480 instances of animal cruelty content on social media sites over the course of one year, including extreme footage of animals being tortured to death. Dogs and cats were among the top five most commonly featured animal types. These videos had been viewed 5,347,809,262 times at the time of the report's writing. The RSPCA Animal Kindness Index 2024 showed that over four in 10 (43%) of 16–17-year-olds

had witnessed cruelty online, which is almost double the frequency of the wider adult population (22%).

The seriousness of online cruelty has also been recognised by the legal system. The new Sentencing Council guidelines for s4 Animal Welfare Act offences, updated to take account of the Animal Welfare (Sentencing) Act 2021, lists the “use of technology, including circulating details/photographs/videos etc of the offence on social media, to record, publicise or promote cruelty” as an aggravating factor when determining the seriousness of the offence in question.

There are a number of disturbing trends involving potential cruelty to pets on certain platforms:

- Fake “animal rescues” where animals including cats and dogs are placed in staged situations “in the wild”, such as near “predators” including snakes and crocodiles, only to be “rescued” just in time by a human. World Animal Protection, in its report ‘Views that abuse: The rise of fake “animal rescue” videos on YouTube’, found 181 different fake animal rescue videos published on YouTube between October 2018 and May 2021.
- Wearing giant cat masks to terrify pets
- Cats sent flying after hitting a barrier made of cellotape strips placed in front of their food bowl
- Owners spinning their cats or dogs around to a remixed audio of Taylor Swift’s hit “August”.
- Dog owners barking back at their pooches and filming their reaction, known as the #barkatyourdog challenge
- People feeding hot sauce to their dogs 'to see their reaction'. This can cause severe indigestion, vomiting and diarrhoea potentially leaving the dog in serious pain and discomfort
- Encouraging dogs to lick peanut butter on cling film wrapped around the owner's forehead, while cutting their nails.

While some of these trends may not breach s.4 of the Animal Welfare Act 2006, they all show complete contempt for the animals involved and could lead to more serious content purely to garner a few more likes or retweets. It

leads to a culture where the reaction of the viewer is more important than the health and wellbeing of the animal.

It is clear that platform providers are making a considerable amount of money from this appalling practice. The 2021 SMACC report estimated that in videos logged over three months in 2020, YouTube earned up to \$12 million from the sharing of animal abuse videos, with the content creators themselves earning nearly \$15 million. Making financial profit from the dreadful suffering of sentient animals is vile and unacceptable.

Viewing and participating in such footage can cause considerable psychological distress and damage, particularly to young people. This can:

- Normalise violence towards animals
- Desensitise those who view it to the pain and suffering endured by the animal and the subsequent long-term impacts on the animal's emotional and psychological health
- Reduce empathy for animal sentience and suffering

A number of studies have examined the relationship between children witnessing or being exposed to animal cruelty and perpetrating animal cruelty themselves as adults. One major study (Gullone, E. (2012). 'Animal cruelty, antisocial behaviour, and aggression: More than a link', Palgrave Macmillan) found:

- Childhood witnessing of violence and aggression towards people and animals is one of the prime risk factors for the perpetration of animal cruelty and violent acts in general,
- People exposed at an early age to hurting or angry aggression towards animals are more likely to commit animal cruelty and to do so more frequently than people exposed to such cruelty at older ages.

The ability to feel empathy with animals, to recognise that they are sentient creatures who can suffer pain and distress analogous to humans is a vital aspect of Blue Cross's educational work. Our class talks are specifically

designed to engage young people in key stage two, to inspire empathy and help develop successful people-pet relationships both now and in the future.

ii) Do you think we have missed anything important in our analysis? Please provide evidence to support your answer.

Response: Ofcom's assessment of the causes and impacts of online harms relating to online animal cruelty content appears to be rigorous and comprehensive and we do not believe anything of consequence has been omitted.

iii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

#### Question 2:

i) Do you have any views about our interpretation of the links between risk factors and different kinds of illegal harm? Please provide evidence to support your answer.

Response: No further comment

ii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

## Service's risk assessment

#### Question 3:

i) Do you have any comments on our approach to amending the draft Risk Profiles or our proposed risk factors for animal cruelty?

Response: No further comment

ii) Please provide the underlying arguments and evidence that support your views.

Response:

iii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

#### Question 4:

i)	Are the draft Risk Profiles for illegal content sufficiently clear in presenting the relationships between the risk factors and the risk of harm posed by animal cruelty content?
Response: <b>Yes</b>	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: <b>No</b>	

<b>Question 5:</b>	
i)	Do the draft Risk Profiles for illegal content include the risk factors that are most strongly linked to the risk of harm posed by animal cruelty content?
Response: <b>Yes</b>	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response: <b>No</b>	

## The Illegal Content Judgements Guidance (ICJG)

<b>Question 6:</b>	
i)	Do you agree with our proposals? Please provide the underlying arguments and evidence that inform your view.
Response:	
ii)	Please provide the underlying arguments and evidence that support your views.
Response:	
iii)	Is this response confidential? (if yes, please specify which part(s) are confidential)
Response:	

<b>Question 7:</b>	
i)	Do you consider the guidance to be sufficiently accessible, particularly for providers with limited access to legal expertise?
Response: <b>We support the proposal to include the offence in section 127(1) of the Communications Act 2003 in the Register of Risks and ICJG. There is no doubt that some animal cruelty content, while not breaching s.4 (1) of the</b>	

Animal Welfare Act 2006, could certainly be classified as “obscene”. Indeed, much of this content could also be classified as “grossly offensive” to anybody concerned with animal welfare. We hope that the inclusion of this offence will widen the scope of animal cruelty content which must be taken down by providers.

The inclusion of animal cruelty in the Online Safety Act 2023 and Ofcom’s proposed approach should hopefully start to tackle the proliferating swamp of online animal abuse and torture. Fundamentally, however, this will depend on the relevant people at the providers recognising when content would breach the legislation. While some content, such as burning an animal alive, obviously meets the definition of intentional suffering, other content may be more ambiguous. As the consultation states, it is not always apparent to non-specialists when an animal is suffering or in distress as their reactions differ from species to species. Pain is a subjective feeling and animals obviously cannot verbally communicate the levels of pain they are experiencing; sometimes they can appear stoical but this does not mean they are not suffering intensely. Pain-related behaviours can also differ between species: prey animals, such as horses, often mask their pain as to express it would indicate weakness to any potential predators.

Normally, suffering is determined in legal cases where expert evidence – veterinary, behavioural - can be provided. It will be essential, therefore, that the relevant personnel are provided with suitable training, possibly drawing on the knowledge and expertise of animal welfare charities. Blue Cross would be happy to collaborate with Ofcom and social media platforms on addressing this issue.

As with all animal welfare legislation, a critical factor for ensuring the legislation is working will be robust and comprehensive enforcement. This will depend on:

- Clear lines of governance and accountability in content service providers with clear guidance on when an offence has been, or potentially has been, committed. Experience of animal welfare organisations in

reporting illegal animal welfare content to services suggests that a specific responsibility on a named senior person is required.

- Robust, comprehensive and clear monitoring and reporting systems to ensure that illegal content is being removed from platforms as soon as possible.
- This will clearly necessitate the need for considerable investment in resources, both financial and human, by platform providers. As many of them have been making lucrative financial gains from such disgusting material, it is time they used those profits to promote good animal welfare rather than facilitating grotesque abuse.

We have seen in other contexts that social media providers can be very slow, if not completely inactive, when it comes to moderating or removing harmful content, often using spurious free speech defences. This has become a major problem on X, for example. It is essential, therefore, that Ofcom enforces the Act rigorously and universally in order to show that content providers are not too powerful to ignore the law. Any deficiencies in enforcement will be exploited and lead to continued animal suffering. The full penalties available to Ofcom must also be imposed in the worst cases.

It is also the case that new trends can emerge on social media alarmingly quickly, as Ofcom acknowledged in the previous consultation. Our experience with animal welfare legislation is that unscrupulous individuals are experienced in ruthlessly exploiting loopholes in legislation or taking advantage of inconsistent and lacklustre enforcement. We would be happy to work with Ofcom to identify and alert them to any new trends in online animal cruelty.

ii) Please provide the underlying arguments and evidence that support your views.

Response:

iii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: No

**Question 8:**

i) What do you think of our assessment of what information is reasonably available and relevant to illegal content judgements?

Response: **No further comment**

ii) Is this response confidential? (if yes, please specify which part(s) are confidential)

Response: **NO**