



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0042/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Country Racing Victoria</b>
<b>3</b>	<b>Product</b>	<b>Sport and Leisure</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/02/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Advertising to Children Code 2.01 Community Standards  
2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a 30-second television ad for Country Racing Victoria's Kids Summer of Country Racing campaign.

It opens with footage of horse racing, as barrier gates open. The advertisement continues with footage of racing interspersed with footage of children enjoying activities such as a jumping castle, face painting and organised sports.

The voiceover says "Get your kids racing this summer at the country races" then goes on to explain the Kids Summer of Country Racing campaign, and the supers list the details of events and promotional offers.

The Country Racing Now jingle plays in the background.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*I have no problems with adults making an independent decision to attend horse racing events,*

*whether it is for appreciation of the sport, or the associated gambling opportunities.*

*I believe the advertising pitch that horse racing is an attraction to children is unwarranted and may lead to more serious implication of children in the future.*

*I request that this letter be forwarded to the person involved in the campaign and I look forward to any comment from the personnel involved.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for allowing us the opportunity to respond to this complaint.*

*This advertisement was not directed to children.*

*It was aimed at parents, and ran in timeslots that would reach that demographic.*

*This should be evident enough from the first line of the script: "Get your kids racing this summer at the country races."*

*The advertisement features images of kids enjoying the numerous activities offered at our race days, particularly during our Kids Summer of Country Racing campaign, to position country racing as a family day out.*

*The themes, visuals and language are consistent with the rest of our advertising campaigns.*

*The advertisement features a clear call to action to adults.*

*The advertised product, too, is directed to parents.*

*The Kids Summer of Country Racing campaign is also supported by the state government through its Raceday Attraction Program funding.*

*The advertisement was targeted at parents and ran during news programs, morning shows, cooking shows, comedies, dramas and other programs designed to reach that demographic.*

*The advertisement is not aimed at children and is therefore not subject to the AANA Code of Advertising and Marketing Communications to Children.*

*Despite this, we have included the following response to the issues raised by the complainant.*

*The complaint suggests the advertisement might contravene prevailing community standards, as per Section 2.1.*

*There is nothing objectionable about the content of the advertisement to do so.*

*While the complainant might consider horse racing as an inappropriate event for children to*

*attend, the prevailing community standards disagree.*

*Horse racing has a long and storied history in Australia and particularly in Victoria.*

*It is part of the sporting life and cultural heritage of our state, and for many of the people involved, it is a family affair.*

*Kids that attend our race days, particularly during our Kids' Summer of Country Racing period, enjoy attractions such as pony rides, face painting, jumping castles and games.*

*We employ Kelly Sports at these events to provide organised sports programs.*

*The kids on course run around and have fun.*

*Prevailing community standards would endorse such activities.*

*None of these activities, nor those pictured in the advertisement, would contravene any health and safety standards either, as per Section 2.5 of the Code for Advertising & Marketing Communications to Children.*

*In addition to this, the advertisement does in no way contravene Section 2 of the AANA Code of Ethics.*

*It does not discriminate or vilify (Section 2.1), it does not employ sexual appeal (2.2), it does not present or portray violence (2.3), it does not feature sex, sexuality or nudity (2.4), it does not feature strong or obscene language (2.5) and it does not contradict community standards on health and safety (2.6).*

*We hope that the Advertising Standards Bureau will find our response to be satisfactory and that this complaint will be dismissed accordingly.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) and the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainant's concerns that the advertisement is promoting horse racing and gambling to children which is against prevailing community standards.

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

The Board considered whether the Children's Code applied.

The Board considered the definition of advertising or marketing communication. Under the Children's Code, Advertising or Marketing Communications to Children means "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product." The Board noted that Children are defined as "...persons 14 years old or younger" and Product is defined as "...goods, services and/or facilities which are targeted toward and have principal appeal to Children."

The Board noted this advertisement features images of children participating at fun events at the races and considered that whilst the advertisement is promoting the range of activities available to children at the races the overall theme (a call to action to parents to bring their kids to the races to enjoy the sports activities available), visuals and language ("get your kids...", "book online") are targeted at adults.

The Board considered that the overall theme, visuals and language are not directed primarily to children.

Finding that the advertisement is not directed primarily to Children the Board considered the Children's Code does not apply.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainant's concerns regarding encouraging children to go the races. The Board noted that horse racing is a legal activity and considered that the advertisement is encouraging a family day out where children can participate in sporting activities which is a positive encouragement. The Board noted that there is no suggestion of gambling by children in the advertisement and considered that overall the advertisement did not depict material contrary to prevailing community standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

