



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0386-19</b>
<b>2. Advertiser :</b>	<b>Tom Waterhouse</b>
<b>3. Product :</b>	<b>Gambling</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Other</b>
<b>5. Date of Determination</b>	<b>27-Nov-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are four versions of this YouTube advertisement which feature a man riding on a miniature pony.

### THE COMPLAINT

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

*He was riding a miniature pony and looked way too big and heavy for the horse. I don't think adults are meant to ride them and it was walking quite slowly (who knows how many takes it took). I think it's cruel and inappropriate he should have been in a racehorse given what the advertising was for!*

### THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

### THE DETERMINATION



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicted a grown man riding a miniature pony and he looked too big for it and this was cruel and inappropriate.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel noted that it had consistently considered advertisements that may depict cruelty to animals under Section 2.3 of the Code (0180-18, 0226-17, 0148-17, 0004-17) as most members of the community would consider causing pain or distress to animals to constitute violence.

The Panel noted that there is no specific guideline for weight limits for miniature ponies, and that the horse being ridden in the advertisement did not look distressed or in pain. The Panel considered that the man did look too large for the horse, however considered there was no indication of how far or long the man was on the back of the horse. The Panel considered that other scenes in the longer versions of the advertisement depicted the horse as being free to wander and eating and considered that the overall advertisements did not give the impression that the horse was mistreated.

The Panel considered that the advertisement did not portray or condone mistreatment of animals and did not contain violence. The Panel considered that the advertisement did not breach Section 2.3 of the Code.

The Panel noted that the advertiser did not provide a response. On the basis of publicly available information the Panel considered that the service advertised is not a service provided by a Licensed Operator within the definitions of the Wagering Advertising and Marketing Communications Code. On this basis the Panel did not consider that the Wagering Code applied.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.