



Case Report

1	Case Number	0429/15
2	Advertiser	William Hill
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows horses jumping from the starting gate at the start of a horse race. Whilst the horses are racing, a male character steps onto the race track and interrupts the race. The male talks to the horses, assessing which horse he wishes to place a bet on in the race. The male then gets out his smart phone and places a bet on his selected horse. The male then directs the horse race to continue.

THE COMPLAINT

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

This is very dangerous to have people think that you can just step out onto the racetrack and stand in front of horses to make them stop! Anyone who has not had experience with horses may think this would happen, but in reality doing such a thing would spook the horses and be disastrous for both horses and jockeys. This is a dangerous act and certainly should not be allowed in advertising.

THE ADVERTISER'S RESPONSE

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

Based on the complaint the ASB has identified that the advertisement may have breached section 2.6 of the AANA Code of Ethics (the Code) by depicting a dangerous act.

Section 2.6 of the Code provides that advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety.

William Hill submits that the advertisement does not breach section 2.6 of the Code, as it does not depict, encourage or condone unsafe behaviour or other behaviour considered to be against prevailing community standards on health and safety.

Whilst the advertisement does show a character interrupting a horse race whilst in progress, William Hill submits that this is an unrealistic scenario displaying exaggerated behaviour. It is not behaviour which is condoned or encouraged by the advertisement.

The tone of the Advertisement is light hearted, with the interrupting of the horse race used to make a light hearted connection with a customer's ability to place bets on a race for a limited period of time after a horse race has started. William Hill considers that most members of the community would be able to make that connection and would not consider it appropriate to step in front of horses racing on a racetrack.

We have reviewed the advertisement in light of the remaining provisions of section 2 of the Code and determine that the remaining sections of the Code do not apply to the advertisement.

William Hill submits that the complaint should be dismissed.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement depicts a man stepping in front of racing horses which is dangerous and against Prevailing Community Standards.

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

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 that this television advertisement depicts a man interrupting a horse race just after it has started by stepping out in front of the horses so they come to a halt in front of him.

The Board noted the advertisement is for a feature of the gambling product which allows a person to place their bet up to 20 seconds after the jump. The Board noted that the man explains this feature after he has halted the horses, places his bet, and then moves out of the way so the horses can continue their race.

The Board considered that the scenario of a man interrupting a horse race so he can transact his bet is clearly farcical and unrealistic. The Board acknowledged that stepping out in front of racing horses would be dangerous for all parties but considered that in this instance the advertisement is depicting a fantasy set-up which has a mild comedic tone which is clearly designed to highlight the product and does not encourage or condone copy-cat behaviour.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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.