



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0431/13
2	Advertiser	RWWA
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	11/12/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on Belmont Park Racecourse as the barriers open. Instead of the horses racing out of the gates, they remain in the barriers to an eerie silence as the crowd looks on confused. One horse slowly walks out from the barrier. Its rider, dressed in a white shirt and tan trousers instead of the usual racing silks, begins a speech about his passion for racing and sport in general. His horse rears up and starts to gallop as the other horses finally emerge from the barrier and begin racing. The rider of the first horse mentions a range of betting options offered by TAB for horse racing and its TABtouch online betting facility. Now in Kings Park and off his horse, he throws a ball for greyhounds to chase after. Suddenly, he's back on the horse riding in the water along the shoreline, pointing to a man on the beach reading a form guide. Then he's riding through a living room, escorting a woman on the horse with him, as others watch sport on the TV. Next he's at Subiaco Oval, riding a chariot, pointing out enthusiastic fans in the crowd, as a mix of sports play out on the ground, with horses and chariots alongside greyhounds and football players. Our hero gracefully leaps from the chariot to his horse as he continues to cheer on the sport playing on all around him. Finally, he is seen riding his trusty steed into the night along a city road as a sign appears in the foreground transitions from the old TAB logo to the new TAB logo.

THE COMPLAINT

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

I consider this a Safety issue for me as well as others' children. Role model.

THE ADVERTISER'S RESPONSE

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

The advertisement was shot in Western Australia and only airs in Western Australia. It was approved for free-to-air broadcast by Commercials Advice (CAD) with a "B" placement code reserved for betting/gambling products, restricting the times of the day when the commercial can air. For example, the advertisement cannot be aired between 6.00am and 8.30am each morning or between 4.00pm and 7.00pm on weeknights or between 4.00pm and 7.30pm on weekends. No concerns were raised by CAD other than in relation to the placement of the advertisement during live broadcasts of sports events. The advertiser carefully followed all applicable requirements regarding the placement of the advertisement. The complainant notes that the lead character in the advertisement is not seen wearing a helmet, claiming this is a safety issue. The complaint refers to section 2.6 of the AANA Code of Ethics, which states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

We note that horse riders are not in fact required to wear helmets on roads in Western Australia, as horses being ridden are deemed to be vehicles under the Road Traffic Code 2000 (WA) and the Road Traffic Act 1974 (WA). As such, no helmet is legally required. Additionally, the action depicted in the advertisement becomes increasingly fanciful, from the initial surprising scene where a pack of horses spontaneously refuse to leave the barriers at the beginning of a race, to a far-fetched shot of a horse being ridden through a living room, culminating in the unrealistic scenario of horses, chariots and greyhounds racing around an oval whilst a football game is being played. Such scenes clearly would not realistically happen in the real world, as is obvious from the progressively outrageous situations, and indeed many of the shots were artificially created with computer-generated imagery. All scenes were filmed safely in controlled situations and none of the actors or participants were in danger.

The advertisement is clearly aimed at an adult audience and does not air during children's peak viewing times. In any event, the situations shown in the advertisement are so unrealistic that children are unlikely to be able to imitate them, particularly as they largely revolve around horse riding.

Accordingly, the advertiser argues that the advertisement does not breach section 2.6, or indeed any other provision of the AANA Code of Ethics, and therefore 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 concerns that the advertisement features a man riding a horse without a helmet and this is an unsafe behaviour.

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 the advertisement shows a man in various racing situations including riding a horse and harness racing and not wearing a helmet.

The Board noted that whilst there is a general consensus in the community that wearing appropriate safety gear including helmets is preferable when riding a horse, there are no rules regarding the use of helmets other than in a competitive arena including, racing, show jumping and endurance riding. The Board noted that in two situations the man is depicted in competitive situations.

However, the Board considered that the advertisement is designed to appear unrealistic and exaggerated and that in the situations where he is racing, it is clear that he is not participating in the race. The Board considered that the various actions of the man including leading a horse race, riding through a living room, harness racing on a football field and leaping from the chariot back to the horse are clearly portrayed as complete fantasy and could be likened to scenes from the movie 'Braveheart'.

The Board noted that the events being shown are intended to give examples of the types of sports that the TAB will provide odds for and are available on the new TABtouch online betting facility.

The Board noted that it had recently considered and dismissed an advertisement for YUM KFC (ref: 0197/12) which showed a young man on top of a moving train. In that case the Board found that:

".....In the Board's view the advertisement is presenting the boy's actions on the top of the train in a fantasy manner and even then as an activity which is dangerous and which no-one would want to do if given the choice. The Board considered that the advertisement does not promote or encourage train surfing. "

Similar to the above mentioned case, the Board determined that reasonable members of the community would recognise the humorous and unrealistic nature of this advertisement and considered that the advertisement did not depict material that was contrary to prevailing community standards on health and safety and found that the advertisement did not breach Section 2.6 of the Code.

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

