



Case Report

1	Case Number	0435/15
2	Advertiser	Coalition for the Protection of Racehorses
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Other - miscellaneous
- Other Social Values
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The advertisement concerns the welfare of racehorses after they are retired from racing. Without a retirement plan many racehorses are sent to the knackery or slaughterhouse. The ad aims to draw attention to this point and invites the viewer to find out more at the website 'horseracingkills.com'

THE COMPLAINT

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

This group (CPR/horse racing kills) uses shock tactics and blatant lies. It's offensive and dishonest.

Because they are telling lies and putting out misleading information.

The information within the advertisement is grossly inaccurate. This organisation have admitted this on their own Facebook page in the past and what they are doing is nothing more than spouting propaganda to try and incite hatred towards the racing industry from the general public.

This should be removed immediately. I have a retired racehorse and there was no need for

my daughter to see wording such as slaughter on TV. I am very disappointed that you would allow this.

THE ADVERTISER'S RESPONSE

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

This correspondence is to provide background information for the content of the advertisement in reply to complaints made to the ASB.

The nature of the complaints received are concerned about the distressing nature of the footage and the accuracy or misleading nature of the advertisement which I'll address as follows:

The slaughter of racehorses is commonplace and occurs around Australia on a daily basis. (See references below)

The horses in the video of which there are six, five are thoroughbreds (flat racing) and one is a standardbred (harness racing) all of which are considered racehorses.

While some may consider the footage in the ad distressing, we feel it is an important element to communicating our message effectively. Compared to the distressing images we have become accustomed to on free to air television, we feel it is in line with community expectations and therefore appropriate. As you would be well aware, it was approved by CAD and given the PG classification.

We refute any suggestion that the advert is misleading or inaccurate. Please read below for more information.

1) 'Wastage' is a term used by both the Australian Thoroughbred Racing Industry and within a number of studies carried out into the Australian Thoroughbred Racing Industry. "An increasing number of studies have investigated horse wastage occurring in the racing industry at various stages of a horse's life. Wastage here is defined as the number of horses leaving the industry" (Hayek, 2004 p10).

2) 'Retirement Plan' - The racing industry currently does not have a retirement plan extensive enough to cater for the significant amount of racehorse wastage. Wastage includes both the thoroughbreds that never make it to the racetrack and thoroughbreds leaving the racetrack once their racing career has ended.

"A widely accepted figure is that only 300 of 1000 Thoroughbred foals born actually end up racing" (Bailey et al. 1999; Bourke 1995).

"One-third of the Victorian Thoroughbred population is being replaced in one year" (Bourke 1995).

"Given the low market value of ex-racehorses, the high costs of care and level of experience required, it is likely that if this large number of horses did not enter slaughterhouses, they would be prone to conditions in which their welfare would be a cause of concern" (Hayek, 2004, p90).

The Racing Industry does have a small re-homing program and from the research we have undertaken rehomes approximately 50 horses per year in both VIC and NSW. These horses are usually the best bred horses that can be retrained and rehomed for a profit. This rehoming program isn't nearly extensive enough to cater for the significant number of thoroughbreds replaced every year and those sent to slaughterhouses.

The Coalition for the Protection of Racehorses developed a rehoming proposal which was submitted to the Racing Industry in 2014 and rejected. The proposal recommended 1% of all betting turnover be allocated to a retirement plan which would cater for all racehorses. To read the rehoming proposal please visit: www.horseracingkills.com/features/1-percent-to

stop-the-slaughter/

I hope that this answers any queries you have in relation to our television advert. Please don't hesitate to contact me if you have any further questions.

References

Bailey, C.J., Rose, R.J., Reid, S.W.J. and Hodgson, D.R. (1997) Wastage in the Australian Thoroughbred racing industry: a survey of Sydney trainers. Australian Veterinary Journal 75, 64-66.

Bourke, J.M. (1995) Wastage in Thoroughbreds. In: Proceedings from Annual Seminar of Equine Branch, NZVA, Ed: G. Budge, Masey University, Auckland. pp 107-120.

Hayek, Ariella (2004) "Epidemiology of horses leaving the racing and breeding industries". A thesis submitted in partial fulfillment of the requirements for the degree of Bachelor of Science (Veterinary Science) University of Sydney October, 2004

www.kb.rspca.org.au/afile/235/37/

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 complainants' concerns that the advertisement includes imagery that is alarming and distressing and provides information that is inaccurate and false.

The Board noted the complainants' concerns that the advertisement is misleading in its suggestion that racehorses are slaughtered after they cannot race any longer. The Board noted that misleading advertising falls under Section 1 of the Code and is not within the matters considered by the Board. The Board noted that advertisers can legally advertise their views and considered that it is outside of the Board's jurisdiction to adjudicate on the validity of these views.

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

The Board 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 Board noted the advertisement features a deep male voiceover providing information about what happens to racehorses after their career ends. The voiceover states that racehorses are routinely sentenced to death and includes words on the screen such as 'wastage.' The images include horses in a small fenced area and the final shot shows a horse with a leg shaking. Text with the web address of horseracingkills.com is shown on screen.

The Board noted the overall intention of the advertisement is to appeal to the emotions of the

viewer and to present a scenario that is sad and emotive to evoke a response in support of the message being delivered and the organisation behind the message.

The Board noted that similar to advertising for products such as cancer awareness and traffic accidents, the subject matter is generally considered upsetting and disturbing and that in this case, the concept of the advertisement (ex-racehorses being slaughtered) is a topic that would likely evoke an emotional response from all viewers.

The Board noted the final scene of the advertisement and the inclusion of footage with a horse whose leg is shaking. The Board noted that the scene is fleeting and that it is not clear as to why the horse is shaking. The Board considered that there could be numerous reasons as to why the horse is shaking that are not necessarily linked to the horse being an ex-race horse.

The Board considered that the images themselves are not graphic and the advertisement does not present or portray actual violence. The Board agreed that the voiceover is spoken in a way that is intended to dramatize and reflect the serious nature of the issue.

The Board noted that the advertisement does imply violence through the name of the website www.horseracingkills.com but considered that it is only an implication of violence and not inappropriate in the context of the message being advertised.

The Board noted the advertisement had been given 'PG' rating by CAD and noted that it was aired in timeslots appropriate to the rating.

The Board considered that overall the suggestion of violence is implied and that although the issue itself could evoke feelings of alarm, the advertisement does not present or portray violence in a manner which is unjustified in the context of an advertisement for anti-racehorse cruelty.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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

