



Case Report

1	Case Number	0438/14
2	Advertiser	Coalition for the Protection of Racehorses
3	Product	Community Awareness
4	Type of Advertisement / media	Billboard
5	Date of Determination	22/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Other
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Community Awareness
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

Billboard featuring an image of a horse lying on its side. The text reads, "Is the party really worth it? HorseRacingKills.com."

THE COMPLAINT

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

Disgraceful and not true. I own horses and they are treated with great respect and care. The enormous photo of a clearly dead horse is inappropriate for public display. The inference that horse racing kills its equine athletes is misleading and very disappointing. The imagery is also graphic and disturbed my 5 year old son.

Placing an image of a dead animal is offensive and should not be thrust in peoples faces in this manner. Yes animals die every day from various reasons as do people, yet we do not advertise images of dead people, for obvious reasons. Consideration should also be given to the owners of this unfortunate animal. If it was not hard enough to loose such a beautiful

horse they are subjected to this horrendous image as a reminder of their loss. People should not be subjected to gross images of dead animals whilst driving. It's also upsetting for children.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 is misleading and that the image of a dead horse is distressing and not appropriate for outdoor display where children can view it.

The Board viewed the advertisement and noted the advertiser had not provided a response.

The Board noted the complainants' concerns that the advertisement is misleading in its suggestion that horse racing kills horses. 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 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 that the advertisement features an image of a horse lying down and the text includes the advertiser's web address www.horseracingkills.com.

The Board noted the complainants' concerns that the image of the horse is distressing to both adults and children because the horse is dead.

The Board noted that whilst the name of the advertiser's website, horseracingkills.com, could suggest that the horse in the advertisement is dead, the Board considered that the image of the horse shows it lying down but it is not clear whether the horse is dead or alive. The Board noted that horses are able to sleep and rest either standing up or lying down (www.ultimatehorsesite.com) and considered in this instance that the lack of blood or obvious trauma to the horse means that people, particularly children, could consider it to be asleep. The Board considered that the image itself is not graphic and that the advertisement does not present or portray actual violence. The Board noted that the advertisement does imply violence through the name of the website www.horseracingkills.com but considered it is not shown and young people and others may not understand the link. The Board considered that this implication of violence is mild and not inappropriate in the context of the community awareness message being advertised.

The Board noted the content of the advertisement and considered that in this instance the material depicted is relatively mild as it is not clear that the horse is dead, and therefore does

present only implied violence in a manner which is justifiable in the context of the product advertised.

Based on the above 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.