



CASE REPORT

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| 1. Complaint reference number | 340/07 |
| 2. Advertiser | Melbourne Racing Club |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 9 October 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

There are two advertisements featuring young boys dressed nostalgically in 1920s style clothing looking at a newspaper. Text alongside reads "As it turns out - Saturdays are for doing homework". One advertisement promotes Underwood Stakes Day on Saturday September 22nd and included in the details it is mentioned "Children (under 14) FREE (when accompanied by an adult). The other promotes the Caulfield Spring Racing Carnival on October 13 - 20th.

THE COMPLAINT

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

I object to children being used in advertisements for gambling related products. The clothing and the caption seem to be targeting children- and especially as the advertisement states that kids under 14 are admitted free.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Melbourne Racing Club strictly prohibits gambling by anyone under the age of 18. The MRC has not, and will never, release advertising to compromise that stance. Such actions would be well and truly at odds with the principles, obligations and interests of the Club. Therefore we can confidently state that this campaign is in no way directed at children and does not associate children with gambling, encourage their participation or attempt to promote an interest in gambling among children.

The MRC does not believe that the old fashioned shot style, type or content in the advertisement will appeal to children. This is a campaign built to appeal to adults, and fairly sophisticated adults at that. The campaign rests upon the common truth in adult life that weekends are too often full of chores and duties; banalities such as shopping for hardware, cleaning the house and helping children with homework. The campaign encourages adults to break out of such banality for one day and enjoy the excitement of horse racing. The campaign style is shot in a classic way that celebrates the racing of yesteryear; outside the realm of children's memory or imagination. In fact, we do not believe that children will even comprehend a reference to racing or a form guide in such an execution.

The advertisement clearly states that free admission for children is only permitted in the presence of an adult...such a policy reinforces the authority, judgement and responsibility of parents rather than undermines it, and is a further protection measure to discourage children from engaging in activities which harm them. The photograph in the advertising was of three real attendees who

were accompanied by one of the boys' parents. It is common for parents to bring their children to the races.

The MRC does not believe this advertisement is contrary to prevailing community standards.

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' concern that the advertisement encourages children to gamble and that as a result the advertisement is depicting material that is contrary to prevailing community standards on health and safety.

The Board noted that the advertisements appear in The Age newspaper. The Board considered that although the advertisements depicted children that the advertisements were not of themselves attractive to children. The Board noted that though it is illegal for children to gamble, children may legally attend racing carnivals. The Board considered that the advertisement did not suggest to adults that they should take their children to the races to gamble. The Board noted the historical garb worn by the children and the text of the advertisement which was reminiscent of a silent film.

The Board considered that the advertisement did not encourage or represent children as gamblers and 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.