



CASE REPORT

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| 1. Complaint reference number | 357/03 |
| 2. Advertiser | Australian Jockey Club |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 14 October 2003 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement before the Board is a series of visual scenes showing well-dressed ladies and men in suits enjoying various aspects of the races. A romantic musical soundtrack accompanies the scene and the movements of the men and women appear wafting and romantic. One of the scenes includes a woman sitting on a chair at the races apparently smoking a cigar. The following captions appear in white at various points throughout the visual scenes: “The sport of kings”, “Royal Randwick”, “Princesses Welcome”. A voiceover then states, “Energy Australia Epsom Day, October 4, Royal Randwick.” The final scene is of a red curtain background with the AJC Carnival logo and details appearing.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“...[The ad] showed the gratuitous use of tobacco in a glamorous setting completely at odds with the television and advertising standards and quite probably contrary to the Broadcasting Act.”

THE ADVERTISER’S RESPONSE

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

“...With reference to the cigar, it is firstly important to note that it was not lit.”

THE DETERMINATION

The Advertising Standards Board (“the Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (“the Code”).

The Board noted that an image was depicted of a woman with a cigar in her mouth and noted further that it was not lit. The Board did not find the advertisement to breach community standards of health and safety and found that the content did not contravene any provision of the Code.

Accordingly the complaint was dismissed.