



## **CASE REPORT**

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| 1. Complaint reference number | 51/07  |
| 2. Advertiser                 | Thoroughbred Racing SA (Adelaide Cup 2007 - whip)  |
| 3. Product                    | Leisure & Sport  |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 13 March 2007   |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on a jockey being congratulated by owners/trainers/punters in the winner's circle of a racetrack. He is still holding his riding crop in his hand. Suddenly a hush comes over the crowd, which parts to reveal the rear view of an attractive young woman wearing a black dress, facing the jockey, and holding a large leather whip in her hand. She looks at the jockey's riding crop and slowly says (Crocodile Dundee-style) "That's not a whip - THIS is a whip" as she uncurls it and wraps it round her body. A female voice over asks "Ready for some playtime trackside?"

## **THE COMPLAINT**

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

*...a tall scantily clad woman brandishing a huge whip which reduces the jockey to a quivering mess*

*Clear references to sado-masochism with the woman with the large whip clearly invoking the image of a dominatrix.*

## **THE ADVERTISER'S RESPONSE**

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

*The TVC idea was actually inspired by the movie "Crocodile Dundee" where Paul Hogan's character is held up in a robbery with a knife. His reply to the robber is "that's not a knife, this is a knife" as he holds up his large hunting knife. In the case of our TVC, our female heroine (who we believe is dressed appropriately for raceday not "scantily dressed" as the complaint outlines) addresses a jockey who is holding his racing whip and cheekily says "That's not a whip" in the same manner as Crocodile Dundee does. The female heroine is not dressed as a dominatrix and is not directly portraying a sado-masochism experience. The jockey is clearly not reduced "to a quivering mess" but is merely (dead-pan) glancing at his whip after she delivers this line. She is being deliberately ambiguous and the viewer is left to make up their own mind.*

*The tone and manner of the TVC is light-hearted and just meant to be a bit of fun. The feedback we have had from a cross-section of customers has been that they feel it is cheeky but all in good fun. The TVC has been designed to target an adult customer and we have been conscious to not air it in or near children's programming.*

## **THE DETERMINATION**

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

The Board viewed the advertisement and considered the complainant’s comments that the image of the woman with the whip was a reference to sado-masochism. The Board considered whether the advertisement breached section 2.3 of the code dealing with sex, sexuality and nudity.

The Board agreed that that advertisement was humourous and that the reference to sado-masochistic sexual activity was implied, not explicit and rather playful. Hence the Board determined that the advertisement did not treat sex or sexuality insensitively and therefore did not breach section 2.3 of the Code.

Turning to Section 2.1 of the Code, the Board considered whether the advertisement breached section 2.1 of the code dealing with discrimination and vilification of gender. While the Board agreed that there were sexual overtones to the advertisement, there was nothing featured in advertisement which discriminated against or vilified women (or men). Hence the Board held that Section 2.1 had not been breached.

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