



CASE REPORT

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| 1. Complaint reference number | 52/07 |
| 2. Advertiser | Thoroughbred Racing SA (Adelaide Cup 2007 - handcuffs) |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 13 March 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a woman in a black evening dress and long gloves and wearing an elegant necklace. She is holding a pair of silver horseshoes joined by a chain to depict handcuffs and the words below "It's playtime trackside".

THE COMPLAINT

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

...a clear reference to bondage.

THE ADVERTISER'S RESPONSE

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

The outdoor execution is part of our new advertising campaign – “It’s Playtime Trackside” – which aims to demystifying the raceday experience by reassuring customers our product is about not taking ourselves too seriously but just having fun.

We are just having a bit of fun and are clearly not condoning sado-masochism behaviour. We feel the visual is light-hearted and deliberately ambiguous – ie. if a child saw it they would just see horse-shoes but the adult would “be in on the joke” the same as the Shrek movies (and those of it’s type) that “work on two levels”.

The feedback we have had from a cross-section of customers on this has been that they feel it is cheeky but all in good fun.

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 horseshoes in the form of handcuffs were a reference to bondage. 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 humorous 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.