



## **CASE REPORT**

1. Complaint reference number	93/07
2. Advertiser	Thoroughbred Racing SA (Adelaide Cup 2007 - whip)
3. Product	Leisure & Sport
4. Type of advertisement	Outdoor
5. Nature of complaint	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 the rear view of a woman wearing a short dress flowing in the breeze, and wearing high heeled sandals with legs spread apart. She is holding a whip curled in her hand and in front of her, a jockey with a small riding whip and holding a saddle is staring at her with mouth open. Text reads "It's playtime trackside".

## **THE COMPLAINT**

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

*1) The strong overtones of SM activity, connected to this event. 2) The consequent suggestion that women attending the event would consider such activity as play. 3) The clear connotation that women will be attending this activity for the primary purpose of engaging in sex. 4) The identification of women as the acceptable objects of sexual approaches from others, and view these approaches as inoffensive, ie "playful". 5) The implicit suggestion that women are ranked as being of similar status to racehorses.*

## **THE ADVERTISER'S RESPONSE**

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

*The print and accompanying 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. The female heroine is not dressed as a dominatrix and is not directly portraying a sado-masochism experience.*

*The print ad summaries the idea of the TVC and just shows the back of our heroine holding her whip and the perspective of the jockey facing her with his comparatively smaller whip. The art direction of the print ad is inspired by the classic James Bond posters of old with the "villain" in the foreground and our James Bond hero in the far distance keeping the villain in check with his weapon. The complainant by saying "his helmeted head positioned directly under the woman's crutch" may not have realized that he is shot in the distance hence the difference in the perspective between the two. The tone and manner of both the TVC and the print ad is light-hearted and the feedback we have had from a cross-section of customers has been that they feel it is cheeky but all in good fun.*

*In terms of the complainant's five reasons for concern, I wish to address each individually as follows:*

*1) we disagree with the description as "strong overtones of SM activity" as this would be so if she*

*was dressed as an S&M dominatrix and he as her subordinate – we believe this in much more subtle and humorous;*

*2) we are clearly not advocating S&M behaviour – as the headline suggests we are merely “playing”;*

*3) this is a bit of a stretch;*

*4) in contrast, the woman is in control of the situation – not the man which we see as a refreshing change;*

*5) I don’t really understand what this means*

*In summary, we are just trying to have some light-hearted fun with our product. Our industry gets accused of being inaccessible due to being the “Sport of Kings” and holding a number of old traditions. We are merely trying to use humour to become more accessible to the general public. Compared to the content displayed in current popular culture through film, TV and magazines we don’t believe our advertising is going beyond the boundaries of prevailing community attitude.*

## **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 advertisements and considered the complainant’s comments about the woman carrying the horse whip. The Board considered whether the advertisements breached section 2.3 of the code dealing with sex, sexuality and nudity.

The Board agreed that that advertisements were humorous and that the reference to sado-masochistic sexual activity was implied, not explicit and rather playful. Hence the Board determined that the advertisements 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 advertisements 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 advertisements, there was nothing featured in advertisements 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.