



Case Report

1	Case Number	0483/14
2	Advertiser	Coalition for the Protection of Racehorses
3	Product	Community Awareness
4	Type of Advertisement / media	Billboard - Mobile
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Graphic Depictions
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This image is located on a truck features a horse lying down and the text includes the advertiser's web address www.horseracingkills.com

THE COMPLAINT

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

Its distressing!

Total disgust at seeing a once loved animal used in this way by a radical group to advertise their opinion. This group should be monitored before they are allowed to advertise anything they use very disturbing images and videos of horses being shot horses in extremely poor condition. Personally offended is an under statement. Thank you

False advertising and graphic content ie dead horse being the biggest display of advert not appropriate for kids to see or adults even disgusting!!!

This billboard has very disturbing graffic material of a dead horse. Not to mention miss

informing information.

This image is distasteful and horrific force pole to have to witness and specifically young children to be seeing. I find this image highly offensive due to the nature of the image of a deceased animal.

This is disgusting and poorly done. No one should have to see a dead horse on a billboard travelling around to race meetings. they spread lies and do not show the actual correct facts! They pick their own numbers to make up to make them look good but it's lies. This should not be allowed anywhere or at any time.

For the same reasons I was offended by the same billboard on Citylink, putting an enormous photo of someone's dead horse on a billboard is inappropriate, tacky and pointless, this group are a self awareness organisation, they do nothing at all for the welfare of horses and misrepresent, slander, and defame the racing industry in any way they can get away with.

The advertisement is offensive as it implies all racehorses die a horrible death. It is offensive to me as an equine veterinarian who's job is to ensure horses under my care are treated with respect and compassion. I feel it is a cheap publicity stunt aimed at banning horse racing.

I am a horse lover. I own three pleasure riding horses.

It's very confronting for children, and adults, but adults are more equipped to deal with such things. I do not want my child to be subjected to this horrible shock advertising that isn't based on fact. We should not have to see this advertisement driving around, it does not give you the choice to look or not when it's right in your face driving around the streets. The billboard containing this same advertisement was taken down near flemington road as it was deemed unacceptable, so I don't understand how they can have it up again in a different 'forum' so quickly??

Children do not need to see this all in the cause of a fake charity that only contributed \$313 to horse welfare in the past financial year. The general public has no means to avoid this . There is no consideration to the emotional effects to those who see this by choice.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Advertiser did not provide a response.

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’ concerns that the advertisement is graphic and that the image of a dead horse is distressing and not appropriate for outdoor display where it can be

viewed by a broad audience.

The Board viewed the advertisement and noted the advertiser had not provided a response.

The Board noted some complainants' concerns that the advertisement is misleading in its suggestion that horse racing kills horses. The Board noted that misleading advertising falls under Section 1 of the Code and is not within the matters considered by the Board. The Board noted that advertisers can legally advertise their views and considered that it is outside of the Board's jurisdiction to adjudicate on the validity of these views and that the advertiser is entitled to advertise in order to get their message across.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that it had recently dismissed complaints for a billboard that featured an image of a horse lying down and the text includes the advertiser's web address www.horseracingkills.com (0438/14).

The Board noted that whilst the name of the advertiser's website, horseracingkills.com, could suggest that the horse in the advertisement is dead, the Board considered that the image of the horse shows it lying down but it is not clear whether the horse is dead or alive. The Board noted that horses are able to sleep and rest either standing up or lying down

(www.ultimatehorsesite.com) and considered in this instance that the lack of blood or obvious trauma to the horse means that people, particularly children, could consider it to be asleep. The Board considered that the image itself is not graphic for most people and that the advertisement needs to be confronting in order to get the message across. The Board noted that the advertisement does not present or portray actual violence. The Board noted that the advertisement does imply violence through the name of the website www.horseracingkills.com but considered it is not shown and young people and others may not understand the link. The Board considered that this implication of violence is mild and not inappropriate in the context of the community awareness message being advertised.

The Board noted the content of the advertisement and considered that in this instance the material depicted is relatively mild as it is not clear that the horse is dead, and therefore does present only implied violence in a manner which is justifiable in the context of the product advertised.

Consistent with its previous decision and based on the above, the Board determined that the advertisement did not breach Section 2.3 of the Code.

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