



Case Report

1	Case Number	0007/17
2	Advertiser	Tatts Group-Ubet
3	Product	Gaming
4	Type of Advertisement / media	Internet-Social-Twtr
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Directed to minors directed primarily to minors

DESCRIPTION OF THE ADVERTISEMENT

This advertisement complained of was posted on UBET's social media account on Twitter as part of UBET's "Big Bloody Legend" promotion (the BBL Promotion).

The BBL Promotion was used as a brand-awareness campaign to increase awareness of the UBET brand and engage with customers throughout the Twenty20 cricket season in a fun and light-hearted manner. The BBL Promotion focuses on the nostalgia of fans for the characters of cricket days long past, and encourages them to visit the BBL Promotion microsite to create their own "Big Bloody Legend".

The Advertisement complained of features an animated image of a cricketer standing on a cricket pitch in a stadium. The post is supported by copy as follows: Checkout UBET's #BigBloodyLegend for #BBL06. You can create yours too UBET are putting the character back in twenty over cricket with our Big Bloody Legend builder. The post is further supported with a link to a UBET hosted microsite www.bigbloodylegend.com.au.

THE COMPLAINT

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

This is clearly aimed at children and trying to hook them into their gambling website, as the promotion requires you to go to their website to complete the activity. For example:

<https://twitter.com/UBET/status/811013341539729409>

Promoting gambling related content via child-friendly activities

THE ADVERTISER'S RESPONSE

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

I refer to your letter dated 4 January 2017 enclosing a copy of a complaint received by the Advertising Standards Bureau about a UBET social media advertisement (the Advertisement). As requested, UBET has considered the complaint against section 2 of the AANA Advertiser Code of Ethics and the AANA Wagering Advertising and Marketing Communications Code (the Codes) and offers the following information and comments to assist the ASB's consideration of the complaint at the forthcoming meeting of the Advertising Standards Board.

1. Description of Advertisement

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2. Comments in relation to the complaint

The confidential complaint states that the complainant viewed the Advertisement during the week of 24 December 2016.

The complainant's reason for concern was:

"This is clearly aimed at children and trying to hook them into their gambling website, as the promotion requires you to go to their website to complete the activity".

3. Advertiser's response to the complaint

UBET does not agree that the Advertisement breaches the Codes. UBET makes the following comments in support of this argument:

4.1 AANA Advertiser Code of Ethics

(a) Code section 2.1 – Portrayal of people

The Advertisement does not portray people or depict material in a way which discriminates against or vilifies any group of people.

(b) Code section 2.2 – Objectification

The advertisement does not employ sexual appeal in an exploitative or degrading manner.

(c) Code section 2.3 – Violence

The advertisement does not present or portray unjustifiable violence.

(d) Code section 2.4 – Sex, sexuality or nudity

The advertisement does not contain any sexualised imagery or commentary.

(e) Code section 2.5 – Language

The advertisement does not contain any inappropriate language.

(f) Code section 2.6 – Health and safety

The advertisement does not depict any material inconsistent with physical health or safety.

4.2 AANA Wagering Advertising and Marketing Communications Code

(a) Code section 2.1 – Targeting Minors

UBET does not consider that the Advertisement was directed primarily at minors or that it targets minors, having regard to the theme, visuals and language used in the Advertisement. UBET offers the following information in response to this complaint:

(i) The Advertisement was “clearly aimed at children”

UBET takes its responsible gambling obligations seriously. Throughout the development of the BBL Promotion, UBET was fully aware and mindful of the obligation arising under the AANA Wagering Advertising and Marketing Communication Code that any advertising must not, having regard to the theme, visuals and language used, be directed primarily at minors. The BBL Promotion was a social-media campaign and was featured on both UBET’s Facebook and Twitter pages. As a responsible wagering operator, UBET takes steps as part of its everyday business practice to ensure that its Facebook page is only available to users who are 18 years or older and is not visible to minors. While Twitter does not offer this same functionality, UBET’s Twitter page clearly states that any followers must be over 18 years of age.

Exhibit A: 18+ warning message clearly displayed on UBET’s Twitter page.

(ii) The advertisement was “trying to hook them [children] into their gambling website.”

The Advertisement was part of the larger BBL Promotion which was used as a customer engagement tool and trade promotion. The BBL Promotion was run as an entirely separate and discrete initiative and was hosted on the promotional microsite www.bigbloodylegend.com.au (Microsite).

The Microsite included a warning message which appeared at the homepage advising entrants that they must be over 18 to enter the Microsite and requiring them to enter their date of birth before access to the Microsite was granted.

Exhibit B: 18+ warning message clearly displayed on the BBL Microsite.

The Microsite was a promotional website and did not include any functionality for customers to place a bet while on the Microsite. A link is available to the UBET website (www.ubet.com) from the homepage of the Microsite. Any entrants who chose to click through to the UBET website with the intention of placing a bet were required to either login to their existing UBET account or create a UBET account before a bet could be placed. In both instances, a customer was required to have first satisfied the UBET verification procedures (which include verifying customer age) before a bet could be placed with UBET.

(iii) Big Bloody Legend Animation Development

While UBET endeavoured to make the BBL Promotion engaging to an adult audience through bright and professional animation, there was a conscious effort to ensure the advertisement was not targeted at children. Throughout the creative development process, UBET worked with its media agency to avoid this wherever possible. Examples of how UBET worked to deliver this include:

the “Big Bloody Legend” builder purposefully featuring characters developed to look over 25 years old (i.e. facial hair, 1980’s hairstyles etc);

the “Big Bloody Legend” characters purposefully developed as retro ‘80’s style characters; the Advertisement background is deliberately shown as being quite generic without any additional graphics; and

characters developed in the advertisement are not of a futuristic or supernatural nature which may be seen as being particularly engaging to children.

The above steps were taken after consultation with the Group Social Responsibility Manager (GSRM) to ensure that BBL Promotion and any associated advertisements were legally compliant and delivered in a responsible manner.

4. Conclusion

The Advertisement and the broader BBL Promotion was only available to audiences over the age of 18 years, either through UBET’s social media pages or the dedicated Microsite.

In summary, UBET submits that the Advertisement does not breach section 2 of the AANA Code of Ethics and in particular that the Advertisement is not directed at minors.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Board noted the complainant’s concern that the advertisement is directed to children with the creation of cricket characters of appeal to children.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

The Board noted that as per the AANA Wagering Advertising and Marketing Communication Code Practice Note:

“The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia. Wagering Product or Service relates to betting on horse races, harness races, greyhound races, or sporting events including electronic sports (competitive video gaming), as well as betting on a series of races or events. It also includes betting on an event, or a series of events, such as novelty events or other contingencies, for example royal baby names or award winners. In addition it includes betting on fantasy sport teams.”

In particular the Board considered Section 2.1 of the Wagering Code which provides: ‘Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to theme, visuals and language used, be directed primarily to Minors’.

The Board noted that Minors are defined in the Code as persons under the age of 18 years.

The Board noted that this twitter advertisement was posted on UBET’s social media account on Twitter as part of UBET’s “Big Bloody Legend” promotion. The post is further supported with a link to a UBET hosted microsite www.bigbloodylegend.com.au. The promotion encourages viewers to create their own legend character.

The Board noted that the advertised product is legally allowed to be advertised and that entry into the BBL microsite was age gated and that the twitter page contained an 18+ warning message.

The Board noted that the concept was to create your own ‘legend character’ and that the characters are a cartoon like image. The Board noted that cartoons very broadly do appeal to children, however these cartoon images are not childlike, being ‘retro’ stylized images of cricket legends from the 1980s, and do not include childlike messages.

The Board considered that the advertisement has no theme, visuals or language that would be attractive to or directed to minors and considered that the advertisement was not targeting children and was not directed primarily to minors. The Board considered that the advertisement was clearly directed at an adult audience.

The Board determined that the advertisement did not breach Section 2.1 of the Wagering Code.

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