



# Case Report

1	Case Number	0066/17
2	Advertiser	William Hill
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
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

There are 2 advertisements the subject of the complaint.

The first advertisement shows a male shooting tennis balls at the screen from a tennis ball gun. The text on the screen reads "Chase the Ace is back! Up to \$10 per Ace in Bonus Bets your player serves. Aus Open H2H bets". The second advertisement shows a male standing in the Australian desert serving a tennis ball. The tennis ball travels through the Australian country, through the city, past horse races, through a gambling shop, to the tennis stadium in Melbourne.

## THE COMPLAINT

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

*My 7 yr old son is asking questions about the ads to the point that he has asked me to switch the channel back so he can watch the ad. The way the gambling is portrayed with a man shooting tennis balls from a ball gun, or a tennis ball flying vast distances is attracting my sons attention, this is telling him that gambling is good. Surely with children watching tennis these types of ads should not be allowed during any sporting events while children might be watching. As we all know this is not the only example as I could point to. How is a problem gambler supposed to quit when they are being bombarded with gambling ads in their own lounge room. Surely these ads are not in the public interest in any way. I'm sure that this*

*complaint will just be put on the pile with all the rest, as the money these companies make is more important than our societies future.*

## **THE ADVERTISER'S RESPONSE**

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

*The complainant has referred to two (2) advertisements aired by William Hill during the 2017 Australian Open.*

*Based on the complaint the ASB has identified that the advertisements may have breached section 2.1 of the AANA Wagering Advertising & Marketing Communication Code (the Code) which requires that advertising for a wagering product or service must not be directed primarily to individuals under the age of 18 years (Minors), having regard to the theme, visuals and language used.*

*The complainant expresses concern that Minors were exposed to the advertisements and that the advertisements were portraying to Minors that "gambling is good".*

*William Hill rejects any suggestion that the advertisements were directed at Minors. Whilst each advertisement depicts a tennis ball, either travelling through Australia, or being shot from a tennis ball gun, the advertisement do not contain any imagery, language or themes that would appeal to Minors. Further, there is no suggestion or messaging in the advertisements that "gambling is good" as asserted by the complainant.*

*We note that the advertisements were given a "B" rating with a "BLIVE" restriction by CAD and were aired at the appropriate times for the rating given.*

*As a wagering company, William Hill does not offer products or services to Minors, hence William Hill does not target its advertising to Minors.*

*Accordingly WHA submits that the advertisements do not breach section 2.1 of the Code, as they are not directed at Minors.*

*The complainant also expressed concerns about problem gamblers being exposed to the advertisements. To this, we note that the advertisements clearly state the required warning message in relation to responsible gambling, including text directing customers to appropriate gambling help services. This warning message complies with the legislative requirements for the states and territories in Australia in which the advertisements were aired.*

*William Hill is committed to responsible gambling, including promoting its services in a responsible manner.*

*We have reviewed the advertisements in light of the remaining provisions of sections of the Code and determine that the remaining sections of the Code do not apply to the advertisements.*

*William Hill submits that the complaint should be dismissed.*

## **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 attractive to children and encourages people to gamble

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.

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 there are two versions of television advertisements. One version “chase the ace,” features a man in a suit firing a gun that shoots out tennis balls while the voiceover describes the deal being offered. In the other version “the ball”, the man launches a tennis ball by hitting it with a futuristic looking tennis racquet and it travels at pace arriving at the Australian open. The presenter talks about the new ‘fast betting available.’

The Board noted the complainant’s concern about the number of gambling advertisements that are being aired and that his child is exposed and is concerned about how they appeal to children. The Board noted that the advertised product is legally allowed to be advertised and considered that while advertisers should exercise care in the placement of their advertising, the placement, and frequency, of a wagering advertisement is not an issue under the Wagering Code.

The Board considered that the television advertisement featuring the man firing a tennis ball gun did not include any particular words, bright colours or other characters or children that would increase the appeal to children. The hit the ball advertisement did include fast and

game like movements that may appeal to a younger audience but was not solely of appeal to that audience.

The Board considered that the advertisements have no themes, visuals or language that are attractive to or directed to minors and considered that the advertisements were not targeting children and were not directed primarily to minors. The Board considered that both advertisements were clearly directed at an adult audience.

The Board noted that the advertised product is legally allowed to be advertised and considered that the advertisements were clearly directed at adults and were not targeting children and were not directed primarily to minors.

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

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