



## **CASE REPORT**

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| 1. Complaint reference number | 23/09  |
| 2. Advertiser                 | Betfair Australia  |
| 3. Product                    | Gaming   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Health and safety – section 2.6<br>Other - Social values |
| 6. Date of determination      | Wednesday, 21 January 2009                               |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertising from Betfair is in the form of commentary during cricket matches. Cricket commentators speak about the relationship between Cricket Australia and Betfair while the Betfair logo and web address are shown on the screen.

## **THE COMPLAINT**

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

*This is done continually during the broadcast, in front of children and people with problems in this area and I strongly disagree on promoting this type of behaviour especially during a sports coverage and worse still during the day and in school holidays.*

*I object to the advertising/condoning of gambling in a family timeslot and the fact that most kids have instant access to the internet and that children would find the ad more enquiring than adults. It lowers the standard of cricket as a family game/entertainment. The advertising is constant and subtle and very irritating. I realise gambling is legal but I don't want my children exposed to it in any way and find it's association with the sport of cricket appalling. Any child could access this site and bet with a credit card.*

*Australia has a very large number of problem gamblers. Gambling is a problem which destroys the lives of gamblers and their families. It takes food out of the mouths of children.*

*The constant references to gambling, and encouragement to gamble during cricket matches, is detrimental to the well-being of large numbers of Australians.*

## **THE ADVERTISER'S RESPONSE**

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

*The complaints refer to recent advertising conducted by Betfair on Channel Nine's cricket coverage and our sponsorship arrangement with Cricket Australia for on-ground advertising.*

*The Advertising Standards Bureau (ASB) has received complaints about Betfair's cricket advertising pursuant to section 2 of the AANA Advertiser Code of Ethics. All of the complaints claim that our advertising is a breach of section 2.6 of the Code of Ethics which states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".*

*We understand that even though some of the complaints refer to the fact that minors may be*

*exposed to our advertisements, the ASB does not consider that Betfair's advertisements are aimed at children and therefore there has not been a breach of the AANA Code of Advertising and Marketing Communications to Children. We therefore intend to not respond to these claims, other than to state that due to the strict restrictions Betfair has in place to verify the identity of our customers, it is impossible for a minor to operate a betting account.*

*Betfair rejects the assertion that its advertising either through on-ground banners at the cricket or references in Channel Nine's coverage is contrary to "prevailing community standards on health and safety". Betfair's advertisements include the presence of Betfair's brand and reference to odds being offered at such time on the cricket matches. As outlined in this letter, Betfair's products are legally able to be used by all Australians and the advertising of those services is also legal. We are of the firm view that Betfair is advertising its services in a responsible manner and in accordance with the AANA Advertiser Code of Ethics.*

*Betfair is not of the view that our wagering services are contrary to the prevailing community standards. Betfair is highly regulated by the Tasmanian Gaming Commission and a significant part of those regulations include controls to enable the responsible provision of gambling. These include:*

- the ability for customers to self-exclude from betting – this involves the customer's account being closed for a minimum of six months;*
- interested third parties being able to request the exclusion of a customer from betting for a minimum of six months;*
- the ability for customers to set daily, weekly or monthly loss limits and deposit limits; and*
- the training of all customer facing staff in responsible serving of gambling.*

*Due to Betfair operating an account based system and not accepting cash, Betfair can monitor and record all deposits, withdrawals and betting transactions by customers and therefore provide a full record to customers to monitor their betting history. Cash based gambling operators are unable to provide this service. Betfair is of the firm view that the practices it has in place are of the highest standard in the wagering industry and meet community standards in respect of the responsible provision of wagering services.*

*In respect of providing betting information during the course of the cricket, it is important to note that betting "in-play" is legal pursuant to the Interactive Gaming Act 2001 (Cth). This act prohibits the provision of interactive games online, however exempts wagering services from this prohibition. All of Betfair's products offered in Australia constitute wagering services including betting on the cricket. Placing bets once a match has started is permitted over the telephone pursuant to that Act and Betfair only accepts bets "in play" via this means. The sporting bodies which have entered into Product Fee & Integrity Agreements with Betfair, including Cricket Australia, are supportive of Betfair accepting bets during play on their sports.*

## **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 complainants' concerns about the advertisements for BetFair placed during cricket commentary, that the advertisements by Betfair contribute to gambling problems in Australia and that the advertising is irresponsible and in breach of section 2.6 of the Code.

The Board noted that the Betfair products are allowed to be advertised including during commentary provided that such advertising is in accordance with the provisions of the Commercial Television Industry Code of Practice. The Board provided no comment on this aspect of complaints.

The Board noted that the Betfair products are legally able to be used by all Australians and the advertising of those services is also legal. The Board's only consideration therefore is whether the advertisement itself depicts material contrary to prevailing community standards on health and safety.

The Board considered that the advertisement, although advertising gambling, did not do so in a manner that was suggesting excessive gambling. The Board noted that the advertisements were broadcast

during cricket and that the advertising was therefore accessible by children. The Board considered that the content of the advertisements was unlikely to be attractive to minors and that the advertising did not suggest or encourage gambling by minors. On this basis the Board determined that the advertisement did not breach section 2.6 of the Code.

The Board considered that, although children would hear the commentary and therefore hear the BetFair advertising if they were watching the cricket, children would be unlikely to pay attention to such commentary, that the advertisement was not directed primarily to children, and that the service advertised was not a service targeted towards or having principal appeal to children. On this basis the Board determined that the advertisement did not come with the AANA Code for Advertising and Marketing to Children.

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