



Case Report

1	Case Number	0001/13
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	Pay TV
5	Date of Determination	30/01/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Six different images are displayed in the Big Bash Ad. First, a white mesh sports ball sack with two footballs, together with a separate white mesh sack with two red cricket balls is shown. Subsequent images in the Big Bash Ad contain the mesh sack with cricket balls accompanied by a promotional offering by Sportsbet.com.au relating to Big Bash cricket matches, offering to refund losing bets up to a maximum amount of \$100 for any punter who places a wager on a Big Bash team which loses despite scoring 160 runs or more.

The Big Bash Ad promotes one of the core offerings of Sportsbet.com.au, being 'money back specials' for punters should a particular contingency on a wagering event occur (in this case, your selected Big Bash cricket team scoring 160 or more runs but loses).

THE COMPLAINT

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

It is crude and offensive.

It is clearly obvious that the advertisement is referring to men's scrotum. I find this terminology highly offensive and something that isn't acceptable within the range of our

community standards. The vulgar wording was made even more crude with the accompaniment of the bags with the balls in it. This too was visually offensive and served to ensure the viewer understood what the narrator was referring to when they said saggy ball sack (testicles).

I fail to see the connection to sports betting and consider this to be a crude attempt at attention grabbing and very lowbrow humour. Surely this is below our very reasonable standards in this country.

Completely and unnecessarily inappropriate. On frequently during the day.

THE ADVERTISER'S RESPONSE

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

The complaints which comprise this Complaint Reference Number essentially allege that the Big Bash Ad breaches section 2.4 of the AANA Code of Ethics (Code) in that it (in summary) fails to treat sex, sexuality and nudity with sensitivity to the relevant audience.

Generally, the complaints assert that the Big Bash Ad is 'crude and offensive' or inappropriately infer a reference to a man's scrotum or testicles.

The Complaint is in Sportsbet's view without foundation and should be dismissed;

In our view, clause 2.4 of the Code does not apply because the Big Bash Ad does not relate to sex, sexuality or nudity. Accordingly, there is no possibility that the Ad might breach section 2.4 of the Code.

In any case, even if the Big Bash Ad is construed in a manner which is said to connote 'sexuality' or 'nudity' (which we reject), we still consider that the Ad does not breach section 2.4 for the following reasons.

Sportsbet acknowledges that the Big Bash Ad employs a play on one verbal reference to a 'saggy ball sack' with the visually imagery of a mesh sports ball sack which may be regarded as offensive to a small section of the public, however, such reference is not explicitly used during the Big Bash Ad and nor is any inappropriate, strong or obscene language.

At most, the Big Bash Ad fairly innocuously gives rise to a possible connection between the mesh ball sack and the man's body part in the mind of some viewers but, throughout the Ad, a genuine sports ball sack is displayed which has no real similarity to the male body part.

Sportsbet does not think that the tone or content of the Big Bash Ad contravenes acceptable advertising standards.

Finally, in our view, the other provisions within Section 2 of the Code are clearly not relevant to the Complaint and do not apply.

Sportsbet believes that the Complaint is without foundation and should be dismissed.

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 complainant’s concerns that the advertisement is crude and offensive by its reference to male sexual organs.

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

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement features images of a white mesh sports ball sack with two footballs, together with a separate white mesh sack with two red cricket balls.

Subsequent images in the Big Bash Ad contain the mesh sack with cricket balls accompanied by a promotional offering by Sportsbet.com.au relating to Big Bash cricket matches, offering to refund losing bets that meet the conditions of the promotion.

The Board noted the use of the term “balls” is a double entendre intended to be humorous. The Board accepted that ‘balls’ is a common vernacular reference to men’s genitals. Some members of the Board expressed concern that the visual image of balls in a bag increased the sexually suggestive tone of the advertisement to a concerning level.

The Board considered that the double entendre and sexual connotations of the advertisement was suggestive but there was no actual nudity or sexual activity. The Board considered that the sexual references were appropriately sensitive for the mature audience.

The Board determined that the advertisement did not contain strong sexual references and treated sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The Board noted the advertisement features the words, “Balls” and considered that in conjunction with the sports betting promotion, and the use of a variety of actual sporting balls, the language is not inappropriate.

The Board noted that the use of the term ‘balls’ is a colloquial and accepted reference to men’s genitals. The Board considered a double entendre reference to balls would not be considered strong or obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

The Board considered similar concerns about the Sportsbet promotion for betting on the NBA

and being viewed on Free to Air television and dismissed the complaints in this case also (reference: 0002/13).

The Board noted significant concern from complainants that the advertisement is in poor taste and is crude. The Board noted that the only grounds on which a complaint can be upheld are those specified in the Code of Ethics.

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