



Case Report

1	Case Number	0003/18
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a group of men at the race track singing and a voiceover refers to the season as 'Puntmas.' The advertisement shows former Olympian Ben Johnson standing by a fireplace, the voice over states 'everyone's on it hey Ben' and Ben responds "it's new".

THE COMPLAINT

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

A bunch of white guys standing around betting with a black man dressed as a butler asked some question. The whole ad reflects back to pre American civil war and so behind current values. The whole ad just stinks of racism and elitism. I can't believe it can be on tv at all in this day and age.

THE ADVERTISER'S RESPONSE

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

Sportsbet has considered the Complaint and does not seek to shy away from the importance of advertising its services in a responsible manner.

Sportsbet rejects that the Advertisement in any way breaches section 2.1 or any other section of the Code. In our view, the Advertisement plainly does not “discriminate against” nor “vilify” any person or section of the community on account of ethnicity (or on any other basis).

To discriminate against or to vilify are both very serious matters. The Oxford and Collins dictionaries support our contention that the Advertisement does breach section 2.1 of the Code by reason that they provide:

- *to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people” (Oxford Dictionary) or to “single out a particular person, group, etc., for special...disfavour, often because of a characteristic...” (Collins Dictionary); and*
- *to “vilify” is to “speak or write about in an abusively disparaging manner” (Oxford Dictionary) or to “revile with abusive or defamatory language; malign” (Collins Dictionary). The Advertisement does neither of those things. Instead, the Advertisement shows a group of men dressed up in an array of formal, race-going attire at the races in order to promote Sportsbet’s The Fold product. Ben Johnson appears at the conclusion of the Advertisement as a representative of Sportsbet.*

As with the other men in the Advertisement, Mr Johnson is in a formal attire that befits his role in the Advertisement, in Mr Johnson’s case as a suave celebrity spokesperson representing Sportsbet, while casually leaning against a fireplace.

Conclusion

Sportsbet regrets if the Advertisement was either misconstrued or may have offended the complainant, but we firmly reiterate our view that the Advertisement does not breach the Code.

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 discriminating against a black man in the advertisement.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule”.

The Board noted the television advertisement depicts a group of men at the race track singing and a voiceover refers to the season as 'Puntmas.' The advertisement shows former Olympian Ben Johnson standing by a fireplace, the voice over states 'everyone's on it hey Ben' and Ben responds "it's new".

The Board noted the complainant's concerns that the advertisement appeared to show a group of white men standing around betting on a race, while a black man is shown dressed like a butler off to the side.

The Board acknowledged that not all people viewing the advertisement would be aware of who Ben Johnson is, or that he is a Sportsbet spokesperson. The Board however considered that Ben is not shown as dressed as a butler, rather that he is in formal attire similar to the other guests.

The Board considered that Ben was shown interacting with the voice over as a spokesperson for the brand and was depicted in a comfortable and relaxed position. The Board considered that Ben was not shown in an unfair or less favourable light than any of the other men in the advertisement and did not depict him in a way which humiliates or ridicules men.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race and determined that the advertisement did not breach Section 2.1 of the Code.

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