



# Case Report

1	Case Number	0004/18
2	Advertiser	Sportsbet
3	Product	Sport and Leisure
4	Type of Advertisement / media	Internet
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

## DESCRIPTION OF THE ADVERTISEMENT

The Board noted the internet advertisement featured sponsorship of the news website with banner ads on each side and at the top of the page. In the bottom left former Olympian Ben Johnson is seen with a mobile phone displaying the advertised app, in the right corner another man in a suit and tie is also seen with a phone. Information about the app and deals is displayed around the page.

## THE COMPLAINT

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

*Two different photos appeared with the 'puntmas' / Melbourne cup ads for Sportsbet on the Canberra Times website. Each featured a man with gambling tickets. The Caucasian man is wearing a smart casual outfit, the darker skinned man of African appearance is wearing what looks like a butlers outfit. Why is the dark skinned man attired to look like a domestic servant? I think the ad is trying to draw on an offensive racist stereotype.*

## THE ADVERTISER'S RESPONSE

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

*Sportsbet refers to its response to complaint reference number 0003/18 in relation to a different The Fold advertisement (Earlier Response) and repeats its earlier arguments set out in the Earlier Response.*

*"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.*

*As with the Earlier Response, the Advertisement does not 'unjustly or prejudicially' treat any ethnicity, nor does the Advertisement 'abusively disparage' or 'revile' any ethnicity.*

*Mr Johnson is not shown in any manner that could be reasonably interpreted as 'a domestic servant'. The Advertisement simply shows a group of men dressed up in formal, race-going attire with racing-themed images in order to promote Sportsbet's The Fold product. Mr Johnson is in a formal attire that befits his role in the Advertisement, as a suave celebrity representing Sportsbet.*

#### *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 internet advertisement featured sponsorship of the news website with banner ads on each side and at the top of the page. In the bottom left former Olympian Ben Johnson is seen with a mobile phone displaying the advertised app, in the right corner another man in a suit and tie is also seen with a phone. Information about the app and deals is displayed around the page.

The Board noted the complainant's concerns that the advertisement appeared to show a black man is shown dressed like a butler which is an offensive stereotype.

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 dressed as a butler rather that he is in formal attire similar to the other two men depicted.

The Board considered that Ben was depicted as a domestic servant was one that was unlikely to be shared by most reasonable members of the community. 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 him.

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.

