



Case Report

1	Case Number	0008/17
2	Advertiser	Tatts Lotteries
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement portrays animated ball characters going about their daily lives, (exercising, brushing teeth and making a cake) until an alert is given to load the truck with cash for delivery to a Division 1 winner. The balls are then loaded into a truck to deliver cash to the winner.

THE COMPLAINT

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

I find it offensive that the Lotto balls are displayed as cartoon characters. In my opinion this makes the commercial enticing to children and peaks their interest in a gambling product.

THE ADVERTISER'S RESPONSE

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

From its objective assessment of the advertisement, Tatts believes that the "Despatch Depot" television commercial upholds the requirements of Section 2 of the AANA Code of Ethics as set out below:

2.1 Animated ball characters are coloured yellow with green numbers to reflect the actual balls used in a drawing of Oz Lotto. They depict no specific section of the community. Ball characters used in advertisements represent a balance of genders and age groups: no other demographic characterisation is applied.

2.2 The television commercial contains no sexual connotation or innuendo.

2.3 Violence is never depicted in Oz Lotto television commercials, nor are any of the ball characters harmed or injured in any way.

2.4 The ball characters enjoy good-natured, tasteful fun in relation to delivering lottery prizes to customers. The topics of sex, sexuality and nudity are always avoided.

2.5 The television commercial contains no strong language, profanity or expletives.

2.6 The television commercial upholds community expectations regarding health and safety: it depicts no scenario which, if even possible to imitate by a member of the public, would cause harm.

Specific aspects of the complaint are addressed below.

a) The television commercial uses “Lotto balls ... displayed as cartoon characters”.

Response: The “Despatch Depot” television commercial is an extension to the successful “Truckload of Cash” brand campaign that has been in-market for more than four years. Consistent with the existing suite of brand campaign materials, the “Despatch Depot” television commercial was developed specifically for our target audience, which includes Australians aged 40 to 64 years old.

Tatts is committed to providing the highest standards of customer care and responsible gambling. Tatts supports responsible play of lottery games and maintains a comprehensive Responsible Play Program. Feedback was sought from our Group Social Responsibility Manager at each stage of the advertisement’s development (including concept phase) and all feedback was incorporated into the final version of the commercial to ensure the advertisement was legally compliant and delivered in a responsible manner.

b) The advertisement may be “enticing to children and peaks [sic] their interest in a gambling product”.

Response: Tatts endeavoured to produce a television commercial that is engaging for adult viewers through bright, entertaining and professional animation. To ensure the animation appeals to adults, the ball characters were intentionally designed to appear in a realistic, life-like environment and use language targeted at eligible customers over 18 years of age.

All television media for advertising Oz Lotto is purchased against a segment where the general audience is aged 40 to 64. Consistent with the Free TV Commercials Advice Classification Handbook, no television media is booked during P and C rated programs. A TV Spot List is scrutinised by Tatts and its Media Agency each week to ensure planned appearances of television commercials are appropriate. Examples of programming in which the advertisement appeared in the Victorian market during the week commencing 25

December 2016 (which Tatts believes relates to the period of the complaint) include news programs (i.e. Seven News, Sunrise, Today, Studio 10) and entertainment shows (i.e. Top Gear, RBT, Mission Impossible).

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 depicts cartoon animation which would appeal to children and pique their interest in a gambling product.

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

The Board noted the advertised product is a lottery. The Board noted that the AANA Wagering Code is limited in its application and applies only to Australian licensed wagering operators and covers race betting and sports betting products and services only. The Wagering Code does not cover advertisements promoting gaming such as casinos, electronic gaming machines (poker machines), lotto or lottery products therefore this advertisement cannot be considered under the AANA Wagering Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this television advertisement features animated lottery balls going about their daily lives before assembling to deliver cash to a lottery winner.

The Board noted it had previously dismissed similar complaints in case 0163/15 where:

“The Board noted that this advertisement features the animated Tatts Lotto cat “Lucky” who walks down a street, coming across unfortunate situations which turn into lucky situations as he walks by...

... The Board noted that the use of bright colours and animation in this advertisement would likely increase the appeal of the advertisement to children but considered that the topic that the cat is talking about would not appeal to children and young children would not understand the jargon being used in the advertisement.”

The Board noted that the current advertisement features animated lottery balls and considered that while the animation may increase the appeal of the advertisement to children in the Board’s view the overall theme of the balls meeting to get in to a truck is not a theme designed to appeal specifically to children and the final screen shot featuring text regarding the lotto is directed at adults and not a child audience. Overall the Board considered that the content of the advertisement did not amount to a portrayal that would be of particular interest to children. The Board considered the promotion of the lottery is not a depiction that would breach prevailing community standards on health and safety around excessive gambling.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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