



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0009-22</b>
<b>2. Advertiser :</b>	<b>Sportsbet</b>
<b>3. Product :</b>	<b>Gambling</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>2-Feb-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT

This Sportsbet advertisement features an Olympic-style commentary of a sporting event where competitors have to fold a tent. At one stage the commentator referring to a competitor states, "he's made a total tit of himself".

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*When the man failed they called him 'a tit'. As a woman i find this highly offensive.*

### THE ADVERTISER'S RESPONSE

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

*The Complaint is made in the following terms: "When the man failed they called him 'a tit'. As a woman I find this highly offensive".*



*Ad Standards has identified the Complaint as raising issues with the following sections of the AANA Code of Ethics (Code):*

*2.1 Advertising shall not portray people 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 orientation, religion, disability, mental illness or political belief.*

*2.5 Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*With respect, the Complaint misconstrues the language used in the Advertisement. The reference to 'tit' in the Advertisement is a well-known and legitimate slang terminology commonly defined to mean a 'foolish or ineffectual person'.*

*Accordingly, Sportsbet strongly rejects that the Advertisement breaches sections 2.1 or 2.5 of the Code (or any other section) for the reasons explained below and submits the Complaint has no basis. As always, Sportsbet takes its obligations under the Code very seriously and is committed to ongoing compliance.*

*Discrimination or vilification on account of gender*

*Section 2.1 of the Code prohibits the discrimination or vilification of any individual or group of people on the basis of certain defined attributes, one of which is gender. The AANA's Practice Note in respect of the Code (Practice Note) relevantly provides that:*

*"gender" means "attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences";*

*"discrimination" means "unfair or less favourable treatment"; and*

*"vilification" means something which "humiliates, intimidates, incites hatred, contempt or ridicule".*

*The relevant part of the Advertisement depicts a male athlete competing in an overtly ridiculous fictional sporting event known as 'Tent Wrestling'. It is a send-up of a traditional Olympic wrestling event, but depicts a single athlete 'wrestling' a tent in order to pack it away. The male athlete is shown to be competing with great difficulty and when he is ultimately unable to overcome the ordinarily simple challenge of folding a tent he is referred to as a 'making a tit' of himself by the voiceover. This is a reference to the character making a fool of himself.*

*This Advertisement does not in any way portray people or depict material in a way that discriminates or vilifies any individual or group of people.*



### *Inappropriate language*

*Section 2.5 of the Code prohibits advertising that uses language which is inappropriate in the circumstances (including inappropriate for the relevant audience and medium) and suggests strong or obscene language be avoided.*

*The Advertisement contains no such inappropriate language. The Complaint presumably implies that the use of the word 'tit' in the voiceover to be a disparaging or vulgar reference to a female breast, but that is misunderstood. As stated above, the word 'tit' is a commonly used Australian/English slang term to refer to a fool or a person who has performed an embarrassing or stupid act and that is clearly how the term is used in the Advertisement when regard is had to the embarrassing efforts of the male athlete to fold the tent and the obviously humorous nature of the fictional sporting event.*

### *Conclusion*

*For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisement breaches sections 2.1, 2.5 or any other section of the Code.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement was offensive to women.

The Panel viewed the advertisement and noted the advertiser's response.

**Section 2.1: Advertising or Marketing Communication shall not portray people 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Gender - refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men.

Gender is distinct from 'sex', which refers to biological differences

The Panel noted that 'tit' is a colloquial term for a woman's breast, however considered that in other contexts it is also known by the community to refer to a foolish or ineffectual person.



The Panel considered that in the context of the advertisement, showing a man failing to fold a sun shelter, most members of the community would infer the second meaning, i.e. that he has made a fool of himself in the fictitious Olympic style games.

The Panel further considered that suggestion the man was foolish for not being able to fold the shelter was not a comment on his gender, nor is there a suggestion that the man in the advertisement, or men in general, are incapable of such a task.

The Panel considered that the advertisement did not depict people receiving unfair or less favourable and did not humiliate, intimidate or incite hatred, contempt or ridicule a person or section of the community on the basis of gender.

### **Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

**Section 2.5: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.**

The Panel considered that in the context of this advertisement most members of the community would find the word 'tit' to be a colloquialism which is not strong or obscene.

The Panel considered that the word is being used in a manner consistent with its meaning (referring to a foolish or ineffectual person) and that its use in the advertisement is not inappropriate.

### **Section 2.5 conclusion**

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.