



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0031/19
2	Advertiser	Ladbroke.com.au
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/02/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women

DESCRIPTION OF THE ADVERTISEMENT

The Ad is a 15 second advertisement. It follows the image of a female tennis player playing a forehand tennis shot in slow motion, with a number of lines of text appearing across the top of that image to describe the featured market being promoted (win the 1st game, 1st set and the match). The Ad concludes with the “Ladbrokes” logo on screen.

THE COMPLAINT

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

The whole ad was a close up of bust of a woman swinging a tennis racquet. No relevance to true Australian Open tennis tournament and only the lowest common denominator of maledom. It's 2019. C'mon.

THE ADVERTISER'S RESPONSE



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

At the outset and with respect to the views of the community member, we wish to correct some incorrect assertions made in the complaint:

*“The whole ad was a close up of bust of woman swinging a tennis racquet”.
The Ad contains an image of a female tennis player playing a forehand shot in slow motion. The image is of the woman’s whole torso, both arms and her neck. The image does not focus on any one particular area or body part, and instead is a slow motion close up of the tennis shot.*

Further, the whole ad is not just the image of the female tennis player. Within 2 seconds of the Ad commencing a number of lines of text appear on screen, with 4 different sections of text appearing throughout the Ad. These lines of text are the focus of the Ad and obscure the image of the female tennis player. The footage in the Ad does not degrade or exploit women. The female used in the video shot is wearing appropriate tennis attire, and the image does not draw attention to any specific area or body part.

*“No relevance to the Australian Open tennis tournament”
The Ad is directly relevant to the Australian Open tennis tournament. The Ad is for markets available on the Australian Open tennis tournament, including female singles matches.*

Section 2 of the Wagering Code

As we are an online and telephone wagering business licensed and regulated in Australia, the Wagering Code is applicable to our Ad. Although, for the reasons mentioned above and below, we do not believe our Ad contravenes the Wagering Code.

2.1 – Directed to Minors

We believe that our Ad, having regard to the theme, visuals and language used, is not directed to persons under the age of 18 years of age.

2.2 – Depiction of Minors

We believe that our Ad does not depict a person under the age of 18 years of age in an incidental role or at all.

2.3 – Depiction of 18-24 year olds wagering

We believe that our Ad does not depict a person aged 18-24 years old engaged in wagering activities.

2.4 – Wagering in combination with the consumption of alcohol



We believe that our Ad does not portray, condone or encourage wagering in combination with the consumption of alcohol.

2.5 – Stated or implied promise of winning

We believe that our Ad does not state or imply a promise of winning.

2.6 – Means of relieving a person’s financial or personal difficulties

We believe that our Ad does not portray, condone or encourage participation in wagering activities as a means of relieving a person’s financial or personal difficulties.

2.7 – Sexual success and enhanced attractiveness

We believe that our Ad does not state or imply a link between wagering and sexual success or enhanced attractiveness.

2.8 – Excessive participation in wagering activities

We believe that our Ad does not portray, condone or encourage excessive participation in wagering activities.

2.9 – Peer pressure to wager or abstention from wagering

We believe that our Ad neither portrays, condones or encourages peer pressure to wager nor disparages abstention from wagering activities.

Section 2 of the AANA Code of Ethics

For the reasons mentioned above and below, we do not believe our Ad contravenes the AANA Code of Ethics.

2.1 – Discrimination

We believe that our Ad does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 - Exploitative and degrading

We believe that our Ad does not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Ad features an image of a female tennis player, in conjunction with sections of text.

The image of the player is of her whole torso, both arms and neck. The tennis player is appropriately dressed in tennis attire and engaging in a standard tennis action (forehand). There is no particular attention drawn to any specific area or body part. It is simply a slow motion depiction of a person playing tennis, comparable to what would be seen in a tennis match. There is nothing exploitative or degrading of females in depicting a female tennis player, dressed appropriately, engaging in a tennis activity.



After approximately two (2) seconds, lines of text appear on screen with 4 different sections of text appearing in total. This text is the focus of the Ad and obscures the tennis player to a significant degree.

The image of the tennis player's torso in this Ad is consistent with other brand advertising that we use in relation to other sports. We have enclosed an AFL video advertisement, NRL video advertisement and soccer video advertisement, which each promote a market specific to the relevant sport. In these advertisements the image is generally of the torso area of the athlete, being the part of the body involved in the physical action that depicts the relevant sport.

In this case, the market being promoted in the Ad was available on every singles match in the Australian Open (male and female matches) so it was not inappropriate to use a female tennis player.

2.3 – Violence

We believe that our Ad does not present or portray violence.

2.4 – Sex, sexuality and nudity

We believe that our Ad does not treat sex, sexuality or nudity with insensitivity to the relevant audience.

2.5 – Language

We believe that our Ad uses language which is appropriate in the circumstances, and is not strong or obscene.

2.6 - Health and Safety

We believe that the Ad does not depict material contrary to prevailing community standards on health and safety.

AANA Code for Advertising and Marketing Communications to Children

We do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the Ad is not, having regard to the theme, visuals and language used, directed primarily to children or for product which is targeted toward or having principal appeal to children.

AANA Food and Beverages Marketing and Communications Code

We do not consider that the AANA Food and Beverages Marketing and Communications Code applies as the Ad does not advertise food or beverage products.

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 concern that the advertisement features a woman's bust swinging a tennis racket and is not relevant to the product being promoted.

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

The Panel noted this television advertisement features imagery of a woman's torso as she swings a tennis racket, which has text superimposed over the top with information about the gambling promotion.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states:

"Advertising or Marketing Communication shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.
Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant's concern that the advertisement depicted a woman's body and was not relevant to the product.

The Panel noted that the image of the woman is of her torso, both arms and neck as she swings a tennis racket.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel considered the image of the woman and noted that, although initially showing her full torso, her chest area is covered by on screen text for most of the advertisement. The Panel considered that the focus of the advertisement was on the movement of the woman swinging a tennis racket and hitting a tennis ball, and that the overall impression of the woman was one of athleticism rather than sexuality.

The Panel considered that the intent of the advertisement was to show an action that was related to the gambling promotion, in this case tennis, and that the advertisement did not contain sexual appeal.



The Panel considered that the advertisement did not employ sexual appeal and did not breach Section 2.2 of the Code.

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

