



## Case Report

1	Case Number	0033/15
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/02/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement (in 30 and 15 second versions) promotes Sportsbet's live betting (via placing a phone call to 13 BETS) for Cricket's 'Big Bash' competition (Big Bash) and features two males entering a gymnasium, as one of them struggles with his sports drink bottle. The two mates then head over to the bench press, and the voiceover states that it's time to "do some real work". One male is "spotting" the other bench pressing, when he notices that there has been a wicket in the Big Bash. He then turns his back on the bench press, pulls his phone out of his pocket and places a "live bet" by phoning 13 BETS. In the meantime, someone else has stepped in to "spot" the male on the bench press, who has been struggling to lift the weight. The male who has placed the bet then returns to the bench press, ready to "spot" the other male, signaling for him to start lifting the weights again. The Advertisement concludes with a Sportsbet logo and instructions on how to download the Sportsbet app.

### THE COMPLAINT

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

*I object and am offended by: The humorous, lightweight portrayal and normalisation and encouragement of behaviour that is clearly compulsive gambling in the advert. If the actions and behaviour demonstrated and encouraged in the ad were to be transferred to a real situation, as the ad encourages, whereby an individual immediately and*

*compulsively ceases engagement with their surroundings in order to singularly focus in the placing of a bet, at the first opportunity, regardless of the activity they were previously engaged with, this would constitute a serious gambling problem. The ad promotes and encourages problem gambling. I also note that there was no qualification or disclaimer at the end of the ad to "gamble responsibly" although this is not the primary issue with the ad.*

## **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.*

*However, it is Sportsbet's strongly held view that the Advertisement does none of the things complained of and Sportsbet rejects entirely that the Advertisement in any way breaches section 2.6 or any other section of the Code.*

*In Sportsbet's view, the Advertisement merely, and in a light hearted and jovial manner, seeks to:*

- promote the availability of live betting markets on Big Bash and the ease with which the Sportsbet app may be used; and*
- use humorous and relatable observations involving gym workouts and "spotting" in order to do so.*

*The Complaint accurately points out the "humorous, lightweight portrayal" of the two males. The two males do not come across as being as physically strong as the other male who is admiring himself in the mirror, suggesting that they are not as committed to their work out. To add to this, one of the males is shown struggling with a sports drink bottle, and both males are wearing casual attire compared to the other participants at the gym, who are wearing more professional gym attire such as singlets and supportive belts. The Advertisement plays on this level of commitment with one of the males being easily distracted by the TV screen showing the Big Bash match, which is what leads to him placing a bet on his phone by calling 13 BETS.*

*The Advertisement does not in any way suggest that this scenario should be transferred into real life. Instead, it promotes the availability and ease of betting using the Sportsbet app, by using a humorous example that is clearly an inopportune time to place the bet, and is unlikely to eventuate.*

*The Complaint states a concern that there is no qualification or disclaimer at the end of the ad to "gamble responsibly". For a period of 8 seconds, the following message appears: "18+ Is gambling a problem for you? Call Gambling Help online 1800 858 858 or your local state gambling helpline. Gamble Responsibly. [www.gamblinghelponline.org.au](http://www.gamblinghelponline.org.au)"*

*Conclusion*

*Sportsbet regrets if the jovial nature of the Advertisement was misconstrued by the complainant, but we firmly reiterate our view that the Advertisement does not breach the Code.*

*For the reasons mentioned above, Sportsbet believes that the Complaint lacks foundation and should be dismissed.*

## **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 concern that the advertisement suggests that gambling is more important than helping a mate at the gym and the overall encouragement to gamble is inappropriate.

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 the advertisement features a two mates entering a gym and commencing exercise on the bench press. One man is ‘spotting’ for the other until someone gets out in the cricket game being aired on the gym television. The man spotting leaves his mate unattended while he places a bet using his phone. The man on the bench press struggles with the weight of the bar until another gym goer assists him.

The Board noted the complainant’s concern that the advertisement suggests gambling is of greater importance than spotting for a mate and that it encourages excessive gambling.

The Board noted that the friends that enter the gym together are depicted as being not as fit and muscular as some of the other members and that they appear uncomfortable and awkward in the gym.

The Board noted the man is alerted to the cricket game on the television by the sound of the commentary and the declaration of a player being out. The Board agreed that the men are depicted as arriving at the gym with the intention of exercising and not with a plan to bet and that the reaction of the man to then place a bet is an exaggerated response and could be a once only bet.

The Board acknowledged that there is significant community concern regarding the negative consequences of irresponsible gambling but considered that this advertisement’s depiction of the use of a betting App on a phone is not advertising a gambling product in a manner condoning or encouraging excessive gambling.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on responsible gambling.

The Board also noted the potential issue around unsafe behaviour at the gym. The Board noted the serious safety concerns around leaving a training partner unattended while carrying out bench press exercises. The Board considered however that the overall tone of the advertisement was one of humour and exaggeration and that the men were portrayed as being uncomfortable from the commencement of the advertisement. The Board considered that viewers would understand the humorous nature of the advertisement. The Board noted that the man who is struggling with the weight is assisted very quickly by another gym member (a woman) and that he is seen to recover well and not be injured from the incident. The Board considered that in this context the depiction is not in breach of section 2.6 of the Code.

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.

