



Case Report

1	Case Number	0044/16
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

A group of men are watching sport in a pub and one of them is having a bet on his phone. The game they are watching is close, which causes things to become overly dramatic. The man having a bet opts to 'cash out' early on his bet and collect some winnings.

The men celebrate, carrying on and jumping around in the pub while they hug. This annoys some nearby patrons and draws attention to them. The voice over says 'oi, cut it out', at which point the men look at the camera - suddenly aware that their behaviour had been over-the-top.

THE COMPLAINT

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

This ad seems to imply that the men should be ashamed of themselves for behaving in a way that suggests that they are homosexual. Therefore it seems to be pandering to homophobia.

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 rejects that the Advertisement in any way breaches section 2.1, or any other section of the Code.

The ASB has identified section 2.1 of the Code in relation to discriminating against or vilifying a person based on sexual preference. We consider the Advertisement cannot be in breach of this section, as there is no prejudicial distinction in treatment, or any abusive or disparaging comments, based on sexual preference in the Advertisement.

The Advertisement shows four men celebrating a successful decision to 'cash out' of their bet early following the exaggerated drama that led up to their decision. The four men are clearly engaging in too much 'carry on' by jumping up and down with their arms around each other while staring at their phone, which is drawing attention to themselves to the annoyance of the other patrons. This leads to the voiceover "oi, cut it out".

There is no sexual reference or inference that could reasonably be drawn.

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 concerns that the advertisement is homophobic in its request to men to stop hugging.

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 this television advertisement depicts men celebrating a gambling win by hugging before a male voiceover says, "oi, cut it out".

The Board noted that it had previously dismissed a similar complaint in case 0317/14 where:

"The Board noted the advertisement features clips of Blues players celebrating a win and that one scene shows a player hugging the coach which the voiceover describes as an 'awkward man hug'.

The Board noted the complainant's concern that the advertisement suggests that it is the fact that it is two men hugging that is awkward but considered that the most likely interpretation

is that the hug itself is awkward given the size of the player and the fact he is being carried like a child by the coach. The Board noted that there is a scene prior to the player being carried by the coach which depicts two players hugging and considered that the lack of comment on this hug further enforces the idea that it is the style of hug and not the gender of the huggers that is being described as awkward.”

The Board noted in the current advertisement that the advertisement features a group of male friends having fun together and considered that their hugging actions at the end of the advertisement are clearly in the context of a celebratory reaction which is comparable to how sportsmen react when celebrating a success. The Board noted the tone of the voiceover when he asks the men to ‘cut it out’ and considered that there is no homophobic overtone to this request but rather a humorous request to stop mucking about. The Board noted the complainant’s concern that the advertisement implies men should be ashamed of themselves for behaving in a way what suggests they are homosexual and considered that this is an interpretation of the advertisement which is unlikely to be shared by the broad community.

Overall 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 their sexual preference.

The Board 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.