



Case Report

1	Case Number	0054/15
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	11/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features a video which is a parody of existing content – the official trailer for a well-known film Fifty Shades of Grey (Official Trailer). The Advertisement follows the structure of the Official Trailer by showing a woman presenting for an interview in an office building, followed by a quick series of images of life outside of the office. The word “grey” is replaced with “greyhound” in the Advertisement, and the content is adjusted accordingly in keeping with the greyhound theme so it appears the woman is enjoying an intimate relationship with a greyhound.

THE COMPLAINT

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

*The innuendo of bestiality, exploitation of animals.
It is offensive and demeaning to women. It is beyond bad taste. 51% of the population should not be demeaned and degraded in public for the enjoyment of the other 49%.*

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 Complaints and does not seek to shy away from the importance of advertising its services in a responsible manner. Sportsbet rejects that the Advertisement in any way breaches sections 2.1 and 2.4, or any other section of the Code.

1. Section 2.1 of the Code

In our view, the Advertisement plainly does not “discriminate against” nor “vilify” any person or section of the community on account of gender.

The Oxford and Collins Dictionaries support our contention that the Advertisement does not breach section 2.1 by either discriminating against or vilifying any person or section of the community on account of their gender.

According to the Oxford Dictionary to “discriminate against” is to “make an unjust or prejudicial distinction in the treatment of different categories of people.” Similarly, the Collins Dictionary states that to “discriminate against” is to “single out a particular person, group, etc., for special...disfavour, often because of a characteristic...”

With respect to vilification, the Oxford Dictionary states that to “vilify” is to “speak or write about in an abusively disparaging manner.” And according to the Collins Dictionary to “vilify” is to “revile with abusive or defamatory language; malign.”

Having regard to the above definitions, we submit that it is clear that the Advertisement does not discriminate against or vilify women. The images and audio are collectively and separately very light-hearted, and take their lead from the Official Trailer with the necessary changes to play on the word “greyhound” in place of “grey” and we submit that the Advertisement certainly does not:

(a) “make an unjust or prejudicial distinction” or “single out for particular disfavour” (i.e. discriminate against); nor

(b) “abuse”, “malign” or “disparage” (i.e. vilify), women.

In the Advertisement, no distinction, whether it be prejudicial, unjust or otherwise, is made with respect to either gender against the other, and it also follows that there is no singling out for particular disfavour. Casting a woman in the leading role of the Advertisement is in keeping with the Official Trailer (and film).

The Advertisement does not abuse, malign or disparage women. Instead, it is an obvious parody of the Official Trailer, in which the main character is also a woman. The Advertisement pokes fun at the Official Trailer by drawing a connection between the words “grey” and “greyhounds” in order to show a humorous, unrealistic alternative.

For these reasons, we reject the assertions that the Advertisement “is offensive and demeaning to women” (Complaint 0054/15) or that it is “sexist, degrading to women” (Complaint 0054/15) or that it is in any way in breach of section 2.1 of the Code.

2. Section 2.4 of the Code

Although the Advertisement may contain mild sexual overtones which is consistent with the Official Trailer, the Advertisement does not breach section 2.4 by treating sex, sexuality or nudity with insensitivity to the relevant audience.

Complaint 0055/15 states that the Advertisement “shows an erotic relationship between a woman and a greyhound”. This is not the case. There is no nudity or sex in the Advertisement. Any sexual references are cheekily suggestive only and are done in a light-hearted manner. The Advertisement is not insensitive to the relevant audience; rather, the imagery and play on words (“grey” versus “greyhound”) is designed to be a humorous parody, which is so over the top that it is in no way representative of reality.

Therefore, the Advertisement certainly does not treat sex, sexuality or nudity insensitively.

Other matters raised in the Complaints

We reject the assertion that the Advertisement is “exploitative of both woman and dog” (Complaint 0055/15). We also do not see the connection between the Advertisement and the comment in the same complaint that it is “Not represented of women or the greyhound industry which has a terrible record for deaths on and off track.” There is no imagery of any cruelty to women or greyhounds. Again, it is a light-hearted parody of the Official Trailer, which plays on the word “grey” in its title.

We note that Greyhound Racing Victoria (GRV) supported the making of the Advertisement. GRV assisted Sportsbet with sourcing the greyhound through the Greyhound Adoption Program, and assisted in arranging access to Sandown Racecourse in order to film the Advertisement.

We reject the assertion in Complaint 0054/15 that there is any exploitation of animals.

Conclusion

Sportsbet regrets if the jovial nature of the Advertisement was either misconstrued or may have offended the complainants, but we firmly reiterate our view that the Advertisement does not breach the Code.

For the reasons mentioned above, Sportsbet believes that the Complaints lack 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 complainants’ concerns that the advertisement is suggestive of bestiality and is offensive and demeaning to women.

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 that this advertisement was viewed via social media (Facebook, Twitter) and features a parody of the Fifty Shades of Grey movie trailer with a greyhound replacing the character of Mr Grey.

The Board noted the complainants' concerns that the advertisement is demeaning in its suggestion that a woman would have a sexual relationship with a dog.

The Board considered that the advertisement is a parody of the movie 'Fifty Shades of Grey' and considered that the suggestion of a woman having an intimate relationship with an animal would be considered offensive to the majority of the community. The Board noted it had previously dismissed a complaint about a suggested sexual liaison between a dog and a man in case 0030/12 where:

"The Board noted that the advertisement features a woman's dog, jealous of her new partner, dressing itself in lingerie and climbing in to bed with the man.

The Board noted the complainants' concerns that the advertisement is suggestive of bestiality and considered that whilst the woman in the advertisement just sees her lingerie-clad dog in bed with her partner, the viewers have seen the dog dress itself and are aware that the situation has been contrived by the dog without the man's knowledge.

The Board considered that the woman's interpretation of why the dog is dressed in lingerie and in bed with her partner is not clear cut and that whilst one interpretation, shared by the complainants, is of sexual activity, another interpretation could be that she is annoyed that the man has dressed the dog in her lingerie...

...The Board acknowledged that some people could find the advertisement to be in poor taste however the Board noted that this is not an issue which falls under the provisions of the Code and considered that the mild implication of something inappropriate between the dog and the man is overridden by the humour of the advertisement and the fact that viewers are aware of what the dog has done."

In the current advertisement the Board noted that whilst there is a suggestion of an intimate relationship between a woman and a dog the parody with the movie is very clear and is clearly meant to be funny and that the actual content of the advertisement does not depict any sexual activity. The Board noted that bestiality is illegal and that the majority of the community would find any suggestion of bestiality to be distasteful and inappropriate however the Board considered that in the context of a parody of a current movie promotion the advertisement is not of itself discriminatory towards or vilifying of women.

The Board noted in one scene the woman is wearing a rabbit costume and is shown being chased by the dog at a greyhound racetrack. The Board noted the current community concern regarding greyhounds and live baiting but considered that the advertisement is not suggesting

that the woman is live bait but that she is playing with the dog by dressing up in a rabbit costume. The Board noted the overall theme of the advertisement as a parody of the 'Fifty Shades of Grey' movie and considered that in this context the image of the woman voluntarily dressing up as a rabbit and allowing herself to be chased by the dog is not discriminatory towards or vilifying to women.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainants' concerns regarding bestiality. The Board noted that whilst a sexual relationship between the woman and the greyhound is suggested the Board considered that this suggestion is in the context of making fun of the movie Fifty Shades of Grey rather than an actual suggestion that the woman is having sex with the dog. The Board noted that we do not see any sexual activity and considered that the level of nudity is relatively mild. The Board considered that in the context of an advertisement which appears on social media via a Facebook page for a betting agency with the audience likely to be adults the advertisement does treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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