



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0068/14
2	Advertiser	Sportingbet Australia Pty Ltd
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	12/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.3 - Violence Cruelty to animals
- 2.5 - Language Inappropriate language
- 2.5 - Language Strong or obscene language
- 2.6 - Health and Safety Depiction of smoking/drinking/gambling

DESCRIPTION OF THE ADVERTISEMENT

A male voice over explains that Sportingbet have bet \$5000 for Shane Warne to face his fear of spiders. We see Shane seated at a table explaining how he is not nervous about anything "except <beep> spiders". A covered plate is placed in front of him and when the lid is removed we see a large spider. Shane reacts by shouting and jumping up from his seat and running from the room. The final scene shows Shane sitting on a couch, a plastic spider is dropped on him, he yells and jumps to his feet.

THE COMPLAINT

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

Shane Warne uses highly offensive language at least three times throughout the advert, although it is 'bleeped' out the two words being depicted are extremely inappropriate for both the time of night and target audience of MKR. Furthermore advertising gambling/sports betting at this time of night and during a 'family friendly' show is irresponsible. It is the swearing, this is shown in prime time TV with kids watching, not only is it promoting gambling but now u can swear in ads!!!! Even though it is bleeped out there is no need for this laddish hard man behaviour while having family dinner!!

Warne sits down and a plate with a cover is placed in front of him. The cover is lifted and there sits a LIVE beautiful spider. Warne storms off swearing and it cuts to the spider crawling over the table when the cloche lid is slammed down over the spider and pulled backwards. As it goes backwards you see two of the spider's legs being torn from its body and left on the table.

Apart from the blatant aspect of animal cruelty, it is a horrible sight. To see a spider have two of its legs torn off is distressing and something that is not needed to be advertised. It adds nothing to the advertisement, and causes distress when viewed.

This advert needs a warning at the beginning as I have arachnophobia.

THE ADVERTISER'S RESPONSE

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

*The complaints raise issues under Sections 2.3 and 2.5 of the AANA Code of Ethics (Code).
Section 2.3 of the Code*

Section 2.3 of the Code provides that advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Sportingbet submits that the Advertisement does not breach section 2.3 of the Code by portraying or presenting any violence. No spiders were harmed during the filming of the Advertisement and the Advertisement does not present or portray any violence to spiders. The complaint that the spider is shown having its legs torn off is clearly incorrect. The cloche was not slammed down over the spider, instead the spider was on the underside of the table top at the time the cloche made contact with the top of the table. This can be seen as the spider reaches up at the cloche from underneath the table. Sportingbet took reasonable measures to ensure the safety of the spider. The spider was handled by a professional spider wrangler and returned to its owner completely unharmed.

At not time in the Advertisement, or during filming, was any act of violence committed towards the spider.

During the final scene of the Advertisement a spider is shown being dropped near Shane Warne as he sits on a couch. A plastic spider was used during the filming of this scene, which again does not portray or present violence towards the spider.

Section 2.5 of the Code

Section 2.5 of the Code provides that 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 should be avoided.

A number of the complaints concerned the use of the "F" word in the Advertisement.

Sportingbet is a wagering company. The Advertisement describes how Sportingbet has bet Shane Warne that he cannot face his fear of spiders. On being presented with the spider, the Advertisement shows Shane Warne's candid reaction to the spider placed before him. This reaction included Shane using the "F" word two (2) times during the Advertisement.

The tone of the Advertisement is intended to be light hearted and humorous, appealing to the

typical Australian male sense of humour.

The use of the “F” word was not scripted. This was Shane Warne’s natural reaction to having placed himself in proximity of the spider. Sportingbet took measures to ensure that the use of the “F” word in the Advertisement was not audible or visible to the audience. The word in question was completely bleeped out during the Advertisement and Shane Warne’s mouth was obscured for the whole period of each bleep.

There was no audible mention of the “F” word or any other inappropriate or offensive language. The bleeping of the “F” word was used in the context of the Advertisement and was not used in an insulting or hostile manner.

A number of the complaints express concern that children were exposed to the “F” word.

Sportingbet notes that the Advertisement was given a PG rating from CAD. The Advertisement was not aimed in any way at children, nor has it been aired during any child-appeal programs. The PG rating is exactly that. The programming is recommended to have parental guidance.

As a wagering company, Sportingbet does not offer products or services to persons under the age of 18, hence Sportingbet does not target its advertising to persons under the age of 18.

On the basis of the above, Sportingbet submits that the Advertisement does not breach section 2.5 of the Code.

Other complaints:

In relation to the complaints relating to distress caused to those in the community who suffer arachnophobia, Sportingbet advises that the Advertisement was in no way intended to cause harm or distress to any section of the community. Sportingbet notes that there is no section in the Code which requires advertisers to consider the effects of advertisements on sufferers of phobias.

We have reviewed the Advertisement in light of the remaining provisions of section 2 of the Code and note that the remaining sections of the Code clearly do not apply to the Advertisement.

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’ concern that the advertisement features strong language which although beeped out is still clear, and that this is not appropriate for children to hear, and that the spider appears to be harmed when the lid is placed over it.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that some complainants were concerned over the use of a spider in the advertisement. The Board noted that these complaints were of concern due to the complainants’ own personal experience and fear of spiders. The Board noted that this is not an issue which falls under the Code and therefore would not be considered by the Board in their determination.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainant's concerns that two of the spiders legs are torn off.

The Board noted that when the spider is placed in front of Shane Warne the man holding the dish is wearing what appears to be a National Parks uniform and that the advertiser's response stated there was a professional spider handler present throughout the filming of the advertisement.

The Board noted that when the handler tries to cover the spider the spider runs away and is seen on the underside of the glass table. The Board noted that the spider appears to be still intact and considered that due to the fleeting nature of the scene and the use of a glass table, the complainant had misinterpreted the scene.

The Board considered that the spider was not harmed during the advertisement and determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted that the advertisement features the cricketer Shane Warne being confronted with a large spider and that some of his comments are beeped out.

The Board noted the advertiser's response that Shane did use the 'F' word and that they had taken care to cover his mouth with a blurred image and to use a beep machine to disguise what he had said.

The Board noted that it had previously upheld an advertisement which featured the 'F' word beeped out (0188/12) where:

"The Board considered that in this instance whether or not the 'f' word is actually used it sounds as if it is."

The Board noted it had also dismissed a case where a beep was used to imply the use of an F word so it appeared she was saying "fuck me!" (0131/12):

"The Board considered that although the simultaneous use of the car horn and the young girl saying "beep" is an intended reference to an obscene word, an actual obscenity is not used and the term "beep" in itself is not strong or obscene."

The Board noted in this instance that as well as the use of a beep to disguise what Shane says the advertisement also pixelates Shane's mouth so that we cannot lip read. The Board considered that whilst the advertisement may be trying to shock viewers the actual words spoken by Shane are sufficiently covered by a beep and by pixelation. The Board noted the complainants' concerns that Shane would be of appeal to children due to his sporting status but considered that overall the language used in the advertisement is not strong, obscene or inappropriate for children to hear.

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

Finding that the advertisement did not breach Section 2.5 of the Code, the Board dismissed the complaints.