



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0071-22
2. Advertiser :	Buddybet
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	13-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a bride throwing a bouquet to a group of women behind her. A voice-over describes the scene like it is a horse race, "Well the starters are lining up for the bouquet throwing. Let's check the field. On the left we've got Gemma then we've got Sheridan there with Mia right in the middle. Down the front Auntie Bernie, she's single after 40 years this could be her day. We've got Viv, Chelsea and Elise. All Buddybets are on. Who's going to catch the bouquet? The gates are open. The bouquet is away. And up they go. And it is Zoe the ex from behind, she beat them at the church, she's beaten them here. That's two from two from Zoe she will not go away.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Sexist and misogynistic portrayal of women vying for a bouquet. Their cleavage is front and centre and they are being subliminally compared to horses in a race.

THE ADVERTISER'S RESPONSE

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



We refer to your letter dated 4 April 2022 and the Complaint regarding Buddybet's Advertisement referred to therein.

The Complaint

Ad Standards has identified the following sections of the AANA Code of Ethics (Code) as those which may have been breached based on the Complaints;

2.1 Advertising shall not portray people 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 orientation, religion, disability, mental illness or political belief.

2.4 Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Buddybet's Response

Respectfully, Buddybet rejects that the Advertisement breached 2.1, 2.6 or any other section of the Code, for the reasons outlined below.

Section 2.1 – Discrimination or Vilification

We strongly reject that the Advertisement is a "sexist and misogynistic portrayal of women", as suggested by the complainant. Buddybet considers gender inequality extremely important and treats it as a serious issue in society.

Buddybet submits that is a social betting app, providing a platform for friends, family and colleagues to place friendly and social wagers against one another on contingencies such as "who will catch the bouquet at today's wedding".

The catching of the bouquet is a tradition which occurs at most weddings and which usually involves the participation of women only. To suggest that the women themselves are being "subliminally compared to horses in a race" is false and misconceived. It is the activity of competing for the bouquet which is being compared to horse racing, not the individuals themselves.

Section 2.4 – Treating nudity with sensitivity

The complaint makes reference to "cleavage being front and centre". In relation to 2.4, we respectfully submit that sex, sexuality and nudity was, and is always, treated with sensitivity by Buddybet. It is worth noting that the advertisement was aired on television during the television series, Married at First Sight, ("MAFS"). MAFS is a television show that is broadcasted at night, to the extent that it is relevant for establishing the advertisements intended audience.

Wagering Advertising and Marketing Communications Code



We have reviewed the provisions within the Code and submit that the Advertisement does not breach any provision therein.

Buddybet is acutely aware of the gender sensitivities that exist in the community and is disappointed that the Advertisement was misinterpreted by the complainant. That said, and for reasons set out in this response, Buddybet respectfully submits that the Advertisement does not breach the Code and the Complaints should be dismissed.

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 is sexist and misogynistic.

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

Section 2.1: Advertising shall not portray people 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted that the intent of the advertisement is to compare the competitive nature of the women competing in the bouquet toss to the competition in horse racing. The Panel noted that the advertisement does not directly refer to the women as horses and does not use horse-like adjectives to describe them. The Panel considered that the advertisement was drawing a comparison between the two situations and was not comparing women to horses.

The Panel noted that the tradition of a bouquet toss itself may be considered by some people to be out-of-date. The Panel considered that the advertisement was portraying a well-known tradition and the depiction of this in itself did not show women in a way which lowered them in character or quality or which humiliates, intimidates, incites hatred, contempt or ridicule of the women.



Overall the Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Overtly sexual depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable. Full frontal nudity and explicit pornographic language are not permitted.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the advertisement did not contain a depiction of sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the advertisement resembled an everyday wedding situation and there was no recognition or expression of sexual matters in either the visuals or language in the advertisement.

The Panel considered that the advertisement did not contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the advertisement featured women dressed as though they were attending a wedding. The Panel noted the complainant’s concern that the women’s cleavage is on display and is emphasised by the way they are bending over.



The Panel considered that the women are dressed appropriately for the situation. The Panel considered that there is no focus on their cleavage. Overall, the Panel considered the advertisement did not contain nudity.

Section 2.4 Conclusion

The Panel determined the advertisement did not contain sex, sexuality or nudity and as such did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.