



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0073/14
2	Advertiser	Sportingbet Australia Pty Ltd
3	Product	Gaming
4	Type of Advertisement / media	Pay TV
5	Date of Determination	12/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Strong or obscene language

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:

This ad was placed during the news.(and other general viewing hours) The ad features Shane Warne's language "bleeped" out throughout the ad. During the news even with words "bleeped" one knows what he is saying. Shane is popular with many young people as well as old. If this advertiser feels the need to capture emotion in this way, fine, but the time slots these ads are featured in questionable. Our family (including 7 and 9 year old budding cricket fans) are offended by the role model being set.

THE ADVERTISER'S RESPONSE

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

The complaint raises issues under Section 2.5 of the AANA Code of Ethics (Code).

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.

The complaint 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.

The complaint expresses 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.

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.

Conclusion:

Sportingbet submits that the Advertisement does not breach any part of section 2 of the Code and therefore believes that the complaint should be dismissed.

If you would like any further information from us, please do not hesitate to contact us.

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.

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

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 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 the spider was not harmed during the advertisement.

The Board 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 the advertisement does not contain language that is 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 complaint.