



Case Report

1	Case Number	0077/14
2	Advertiser	Sportsbet
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement promotes Sportsbet's AFL and NRL Million Dollar Tipping competition ('MDT Competition'), which enables entrants to select their 'tips' (i.e. the teams they think will win each match) for the upcoming round of the AFL and NRL competitions.

The Advertisement opens with an animated briefcase filling with \$100 notes, accompanied by a male voice explaining that entrants can win \$10,000 every round. Another voice then says "well the whole thing must add up to..." at which point an animated Vietnamese banknote appears on screen, and a male image on the banknote moves his mouth while a third voice says "18 billion dong!" in a Vietnamese accent. The male image on the banknote then raises his eyebrows and the screen changes to show Sportsbet's MDT Competition logo with the original voice saying "Yeah".

THE COMPLAINT

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

I find the use of a deceased country's President (Ho Chi Min) to advertise a gambling site offensive.

The advertisement depicts Ho Chi Minh describing how much you can win with SportsBet. The advertisement manipulates Ho Chi Minh's face on a monetary bill to say '18 billion dong' in a stereotypical accent. The advertisement is not only racist but also culturally insensitive due to the depiction of Ho Chi Minh - a revered figure in Vietnam.

The bank note VoiceOver at the end is needlessly racist.

At the conclusion of the ad it has a person of Asian appearance satirising a Chinese accent which is offensive as it is irrelevant to services offered.

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 Section 2.1 or any other Section of the Code. In our view, the Advertisement neither “discriminates against” nor “vilifies” any person or section of the community on account of race, ethnicity, nationality (or any other aspect or trait cited in Section 2.1). For the purposes of this letter we refer to race, ethnicity and nationality collectively as ‘Heritage’.

The Advertisement, in a light-hearted and jovial manner, draws attention to the fact that 1,000,000 Australian dollars (AUD) equates to approximately 18 billion Vietnamese dong (‘VND’) (the currency of Vietnam). 18 billion is a very large number and in Sportsbet’s view the comparison of the AUD against the VND is a novel and thought provoking way of conveying the key message of the Advertisement, which is that Sportsbet will give away over 1 million AUD in cash and prizes to MDT Competition entrants.

The use of the word ‘dong’ (which in our view is an intrinsically amusing word), coupled with the animated movements of the figure on the VND note, adds to the humour of the comparison and the Advertisement generally.

What is it to “discriminate against” and “vilify”?

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 Vietnamese, Chinese or other Heritage.

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 anyone on account of their Heritage. The reference to 18 billion VND, the animated movements of the character and the use of the word ‘dong’ are collectively and separately light-hearted and jovial, and 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), any individual or group on account of their Heritage or otherwise. It is a fact that individuals of different Heritages often have distinct accents, and the mere use of an accent, without more, in an advertisement does not discriminate against or vilify a person or group of persons on account of their Heritage.

Other matters raised in the Complaints

The complainants’ assert that the Advertisement “ridicules”, and is “racist” and “offensive” towards individuals or groups of Vietnamese, Chinese and/or Asian Heritage.

In response, we submit that the Advertisement:

(a) does not mock, deride or shame (which are concepts associated with ridicule) people of

Vietnamese, Chinese or Asian Heritage. We strongly refute the suggestion raised in one of the Complaints that the male voice which follows the “18 billion dong” reference “sneers” at the Vietnamese accent. That voice simply says “Yeah”;

(b) is not racist towards individuals of Vietnamese, Chinese or Asian Heritage merely because it uses a Vietnamese accent. Whether that accent is accurate or not is irrelevant because it is not used in a way to demean or disparage Vietnamese or Chinese people; and (c) is not offensive to people of Vietnamese, Chinese or Asian Heritage merely because it uses a Vietnamese accent, or on any other grounds. The Advertisement does not make any comment or cast any aspersion at all on Vietnamese, Chinese or Asian people.

Sportsbet notes that the references in two of the Complaints to Chinese people seems misguided given the image used is that of a VND banknote and the voice clearly states that the currency in question is the VND. The Advertisement contains no reference to China or people of Chinese Heritage so the Advertisement clearly does not discriminate against or vilify anyone on account of their Chinese Heritage.

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 complainant’s concerns that the advertisement is offensive and discriminatory in its stereotypical depiction of an Asian man with a strong accent.

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 the advertisement features an animated scene of a suitcase being filled with money. The voice over describes the details of the betting competition. At the end of the advertisement one voice states that the money must add up to...at that point an animated Vietnamese banknote appears on screen and the mouth blurts out “18 billion dong.”

The Board noted the complainants’ concerns that the face on the banknote is of Ho Chi Minh who is a revered figure in Vietnam and that the use of his face in this way is disrespectful and culturally insensitive.

The Board noted that the advertisement is promoting a short running betting offer ‘million dollar tipping’ that could result in winning a considerable amount of money. The Board noted that the intention is to make the million dollar win sound even more impressive because of

the conversion to Vietnamese currency, 'the dong' which would equate to 18 billion dong.

The Board noted it had previously dismissed a similar complaint in case 0019/14 – Gold Coast Tata where a man is dressed in traditional Indian clothing and speaking with an Indian accent while promoting a newly imported vehicle.

In this case the Board considered that that “the man is presented as a stereotypical man of Indian ethnicity and noted that the tone of the advertisement was light-hearted and that the man speaking with an accent is not portrayed in a negative manner”.

Consistent with the matter above, the Board considered that in the current advertisement the depiction of Ho Chi Minh speaking as the figure on a banknote was intended to be humorous and was light-hearted and silly.

The Board considered that the advertisement is not mocking or disparaging nor impacting negatively on any person or group of people and did not depict material in a way which discriminates against, or vilifies a section of the community on account of race, ethnicity or nationality, and did not breach Section 2.1 of the Code.

The Board noted that it had also considered complaint for this same advertisement on Pay TV and consistent with this decision, dismissed the complaints.

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