



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0080-21
2. Advertiser :	Entain Group Pty Ltd
3. Product :	Gambling
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	14-Apr-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Wagering Code\2.1 Directed to Minors

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a group of people in an office. A man claps his hands and says that to make Ladbroke's more exciting they have hired a new Chief Entertainment Officer. The name 'Mike Iceberg' appears on a TV screen as his name is announced. A marching band enters the room with people firing confetti cannons and mascots climbing onto desks. A man (Mark Wahlberg) riding a red motorcycle decorated as a horse exclaims "I am here to show you all how to Ladbroke it".

An office employee goes to take a drink of water and Mike Iceberg knocks it out of his hand. He then provides examples of how to Ladbroke things, such as:

- horseracing, where the horse rears up on its back legs
- the riders, where jokey uniforms are replaced with costumes
- The winners where a man dances with an ATM
- A bar, where a modern bar turns into a Western saloon.

He then states they shouldn't stop there, but should Ladbroke the world, and he rides a red missile into space.

THE COMPLAINT

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



How irresponsible that it is marketed towards young children and gambling being fun and entertaining. I'm disgusted. I have family members affected by gambling. Please don't allow let this ad continue in this time slot!

THE ADVERTISER'S RESPONSE

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

Thank you for your letter dated 31 March 2021 and for bringing this complaint to our attention. We are always open to hearing the views of community members either directly or through avenues such as Ad Standards ("AS").

We understand that the advertisement in question is a Ladbrokes television commercial promoting our "Ladbrokes" brand ("Ad").

In your letter of 31 March 2021, the Ad is described by the community member as: It is very irresponsible to use gimmicks like robots, cowboys, rocket ships, party tricks to advertise Gambling at a time of night that children would be watching. It is blatantly aimed at young boys!

The specific reason for concern outlined by the community member in your letter of 31 March 2021 of the Ad is:

How irresponsible that it is marketed towards young children and gambling being fun and entertaining. I'm disgusted. I have family members affected by gambling. Please don't allow let this ad continue in this time slot!

The specific issues raised are in relation to clause 2.1 of the AANA Wagering Code – Directed to minors.

Our response to this complaint is set out below.

A description of the advertisement

The Ad is a 30 second fictional advertisement. The Ad is set in a fantastical world. It introduces the character "Mike Iceberg" who has been hired by Ladbrokes as the new "Chief Entertainment Officer". He is able to do things that are extraordinary / out of the ordinary to make racing even more entertaining. He coins the phrase "Ladbroke It" which is repeated throughout the Ad which illustrates everyday things becoming more entertaining.

The Ad concludes with the "Ladbrokes" logo on screen.

In accordance with regulations and as part of our commitment towards responsible gambling, "Is gambling a problem for you? Call Gambling Help on 1800 858 858 or visit gamblinghelponline.org.au" appears on screen during the Ad.



At the outset and with respect to the views of the community member, we wish to correct some incorrect assertions made in the complaint:

Incorrect assertion

“It is very irresponsible to use gimmicks like robots, cowboys, rocket ships, party tricks to advertise Gambling at a time of night that children would be watching.”

Response

The purpose of the Ad is to breakdown the conventions of how the general public views racing and the racing industry.

The use of props such as robots and cowboys assists in the telling of this fictional story. There is no use of “rocket ships” or “party tricks” in this Ad. There is use of a missile at the conclusion of the Ad. We are unsure what the reference to “party ticks” relates to.

The broadcast of the Ad complies with all legislation and regulations. Although a commercial relating to betting or gambling cannot be broadcast in any program classified G or lower between 4:00pm and 7:00pm, this restriction does not apply during news, current affairs and sports programs. In other words, gambling advertising can be broadcast at this time (between 4:00pm and 7:00pm) if it is during news, current affairs or sports programs.

Incorrect assertion

“It is blatantly aimed at young boys!”

Response

The Ad is not “blatantly aimed at young boys”.

As a gambling operator, Ladbrokes is only able to have customers who are 18 years of age or older. The Ad is directed at people who can legally use Ladbrokes’ services.

The Ad is not, having regard to theme, visuals and language used, directed primarily to minors.

Incorrect assertion

“How irresponsible that it is marketed towards young children and gambling being fun and entertaining.”

Response

The Ad is not marketed towards young children.

As gambling operator, Ladbrokes is only able to have customers who are 18 years of age or older. The Ad is directed at people who can legally use Ladbrokes’ services.



The Ad is not, having regard to theme, visuals and language used, directed primarily to minors.

Section 2 of the Wagering Code

As we are an online and telephone wagering business licensed and regulated in Australia, the Wagering Code is applicable to our Ad. Although, for the reasons mentioned above and below, we do not believe our Ad contravenes the Wagering Code.

2.1 – Directed to Minors

We believe that our Ad, having regard to the theme, visuals and language used, is not directed to minors (persons under 18 years of age).

The use of a robot, cowboys, a missile and other themes in no way means that this Ad is directed to persons under the age of 18 years of age. Those props are used as part of the fictional story of Ladbrokes' new "Chief Entertainment Officer". The use of these themes/props is associated with adult conduct – the ATM withdraw (featuring "robots") can only be used by customers (i.e. people over 18 years of age); the use of "cowboys" draws on scenes from western movies; and the topic of missiles is not a theme minors would have knowledge of.

It is illegal to broadcast a commercial relating to betting or gambling

- (a) in any program classified G or lower between 6:00am and 8:30am; and 4:00pm and 7:00pm; and*
- (b) during any program between 5:00am and 8:30pm and principally directed to children.*

The restrictions in (a) above do not apply during news, current affairs or sports programs. The community member alleges that they viewed the advertisement at 7:00pm on Channel 9 (free to air) on Monday 15 March 2020 in Western Australia. On review of similar television programming for Monday night, Channel 9 broadcast the following programs:

- (a) "Nine News: First at Five" from 5:00pm to 6:00pm;*
- (b) "Nine News" from 6:00pm to 7:00pm; and*
- (c) "A Current Affair" from 7:00pm to 7:30pm.*

As the above programs would be classed as "news, current affairs or sports programs", Ladbrokes is able to broadcast betting or gambling advertisements during these programs.

It is also illegal to open a gambling account if you are under 18 years of age. Ladbrokes do not have any customers under 18 years of age. The Ad is directed at people who are legally able to open an account with Ladbrokes. Having regard to the theme, visuals and language used, the Ad is not directed at minors.

2.2 – Depiction of Minors



We believe that our Ad does not depict a person under the age of 18 years of age in an incidental role or at all.

2.3 – Depiction of 18-24 year olds wagering

We believe that our Ad does not depict a person aged 18-24 years old engaged in wagering activities.

2.4 – Wagering in combination with the consumption of alcohol

We believe that our Ad does not portray, condone or encourage wagering in combination with the consumption of alcohol.

2.5 – Stated or implied promise of winning

We believe that our Ad does not state or imply a promise of winning.

2.6 – Means of relieving a person's financial or personal difficulties

We believe that our Ad does not portray, condone or encourage participation in wagering activities as a means of relieving a person's financial or personal difficulties.

2.7 – Sexual success and enhanced attractiveness

We believe that our Ad does not state or imply a link between wagering and sexual success or enhanced attractiveness.

2.8 – Excessive participation in wagering activities

We believe that our Ad does not portray, condone or encourage excessive participation in wagering activities.

2.9 – Peer pressure to wager or abstention from wagering

We believe that our Ad neither portrays, condones or encourages peer pressure to wager nor disparages abstention from wagering activities.

Section 2 of the AANA Code of Ethics

For the reasons mentioned above and below, we do not believe our Ad contravenes the AANA Code of Ethics.

2.1 – Discrimination

We believe that our Ad does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 – Sexual appeal

We believe that our Ad does not employ sexual appeal where images of minors, or people who appear to be minors, are used; or in a manner which is exploitative or degrading of any individual or group of people.

2.3 – Violence

We believe that our Ad does not present or portray violence.



2.4 – Sex, sexuality and nudity

We believe that our Ad does not treat sex, sexuality or nudity with insensitivity to the relevant audience.

2.5 – Language

We believe that our Ad uses language which is appropriate in the circumstances, and is not strong or obscene.

2.6 - Health and Safety

We believe that the Ad does not depict material contrary to prevailing community standards on health and safety.

AANA Code for Advertising and Marketing Communications to Children

We do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the Ad is not, having regard to the theme, visuals and language used, directed primarily to children or for product which is targeted toward or having principal appeal to children.

AANA Food and Beverages Marketing and Communications Code

We do not consider that the AANA Food and Beverages Marketing and Communications Code applies as the Ad does not advertise food or beverage products.

We sincerely hope that the clarification provided here resolves the concerns of both Ad Standards and the community member.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches the AANA Code of Ethics (the Code) or the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

The Panel noted the complainant's concern that the advertisement is targeted towards young boys by using robots, cowboys, rocket ships.

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

The Panel noted that the advertiser is a company licensed in a State or Territory of Australia to provide wagering products or services to customers in Australia and that the product advertised is a wagering product or service and therefore the provisions of the Wagering Code apply.

As per the AANA Wagering Advertising and Marketing Communication Code Practice Note:



“The Code applies to advertising and marketing communication for wagering products and services provided by licensed operators in Australia.”

Wagering Code Section 2.1 - Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to the theme, visuals and language used, be directed primarily to Minors

The Panel noted that the Practice Note for the Wagering Code states:

“Whether an advertisement or marketing communication is “directed primarily to minors” is an objective test based on a range of factors. It is a combination of visual techniques and age of characters and actors which will mean the marketing communication is directed primarily to minors. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication “directed primarily to minors”...

“An advertisement or marketing communication featuring cartoons or licensed characters, such as super heroes and celebrities, that particularly appeal to minors may breach the Code. Licensed operators should take great care when using cartoon-like images. They may be acceptable if they are adult in nature but licensed operators run the risk of breaching the Code if the cartoon images are appealing to minors.”

The Community Panel noted that minors were defined in the Wagering Code as those under 18.

The Panel noted that the advertisement features adults in an office setting, and that Mark Wahlberg is an actor who will be recognizable to adults rather than children.

The Panel noted that the advertisement may be attractive to children due to the loud sounds, special effects and the rocket however the Panel considered that those aspects would be equally attractive to adults.

The Panel considered that while the advertisement may be somewhat appealing to children, it is not directed towards people under 18.

Wagering Code Section 2.1 conclusion

The Panel determined that the advertisement was not directed primarily to minors and did not breach Section 2.1 of the Wagering Code.

Wagering Code Section 2.4 - Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage wagering in combination with the consumption of alcohol.



The Panel noted a scene in the advertisement in which the actors are in a sports bar and Mr. Wahlberg holds up a glass.

The Panel noted that the glass is empty, and no other people in the scene are holding or consuming alcohol.

Wagering Code Section 2.4 conclusion

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

Code of Ethics Section 2.3 - Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted a scene in which a man falls through a table and there is a gunshot sound.

The Panel considered that the scene is consistent with old Western movies, and is consistent with the theme of the advertisement showing unrealistic scenarios. The Panel noted that the scene is brief, and considered that most members of the community would not find the advertisement to present violence.

Code of Ethics Section 2.3 conclusion

The Panel considered that the advertisement did not portray violence and did not breach the Code.

Code of Ethics Section 2.6 - Advertising shall not depict material contrary to Prevailing Community Standards on health and safety

Bullying

The Panel noted that Mike Iceberg is shown to kick a water tower after a man has just taken a drink.

The Panel considered that this scene occurs as he is first introduced, and appears to be attempting to create a stir.

The Panel considered that during the advertisement, Mike Iceberg is shown to be loud and disruptive, and his fellow employees seem unimpressed by his extravagance.

The Panel considered that most members of the community would not consider the scene to be a depiction of bullying that would breach the Code.

Mike Iceberg on a horse



The Panel noted a scene showing Mike Iceberg on a horse as it rears back, and a woman in the advertisement stating “That’s not safe”.

The Panel considered that it is clear the horse is not real. The Panel considered that the entire advertisement is highly exaggerated and fantastical, and considered that most members of the community would not find the advertisement to be condoning or encouraging a person to attempt to rear back on a horse.

Mike Iceberg on a rocket

The Panel noted a scene showing Mike Iceberg on rocket as it takes off.

The Panel considered that the entire advertisement is highly exaggerated and fantastical, and considered that most members of the community would not find the advertisement to be suggesting that viewers should obtain a rocket, or to try to ride an explosive.

Code of Ethics Section 2.6 conclusion

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Codes administered by Ad Standards, the Panel dismissed the complaint.