



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0081-21
2. Advertiser :	Sportsbet
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\2.4 Alcohol consumption

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a satirical portrayal of cup carrying as though it was an Olympic sport.

A commentator states, "Fabian Frotheez, final routine in the rhythmic spillnastics. Hope you're thirsty Australia. Change from four drinks, don't see that often. Taking credit for his round now. Lovely pint pirouette, especially on this sticky floor. Into his trademark Schooner Shuffle, extra hops. Serve it up son. Yes. All thriller no spiller. Another make it look easy moment from Sportsbet".

THE COMPLAINT

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

Although no specific brewery is mentioned, the alcohol related references are unmistakable. I feel gambling is as, if not more destructive a social pastime than drinking alcohol, and cannot understand why gambling advertising is legal.



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 31 March 2021 (Letter) and the single Complaint mentioned above regarding Sportsbet's Elite Average Games- Spillnastics television commercial (Advertisement), which is attached in a digital file.

The Complaint

The Complaint asserts that:

'Although no specific brewery is mentioned, the alcohol related references are unmistakable. I feel gambling is as, if not more destructive a social pastime than drinking alcohol, and cannot understand why gambling advertising is legal.'

Sportsbet has distilled two key issues of concern raised in the Complaint:

- *alleged references to drinking alcohol; and*
- *the legality of gambling advertising.*

The ASB has identified section 2.4 of the AANA Wagering Advertising Code (the Wagering Code) as the section which may have been breached based on the Complaint. The Code states:

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 Letter also advises that the Community Panel may also review the Advertisement in its entirety against Section 2 of the AANA Advertise Code of Ethics (Code).

The Advertisement

The Advertisements forms part of Sportsbet's Elite Average Games (EAG) campaign, which transforms everyday tasks that the average Australian can relate into an Olympic style event in a light hearted, humorous manner. For example, the Elite Average Games campaign has included athletics events involving taking the bins out, Greco Roman wrestling against beach shades, and weightlifting using supermarket shopping bags.

The Advertisement focuses on a tongue-in-cheek Olympic style event involving an elite average athlete completing rhythmic gymnastic style moves whilst not spilling any of the drinks he is holding.

Sportsbet's response to the Complaints



Sportsbet rejects that the Advertisement breaches section 2.4 or other section of the Code for the reasons briefly outlined below.

2.4 – Consumption of alcohol

Section 2.4 of the Wagering Code prohibits advertising that portrays, condones or encourages wagering in combination with the consumption of alcohol. The Advertisement does not breach this section for a number of reasons:

the Practice Note is clear that the provision does not prevent associating alcohol with wagering generally; it refers to the combination of the consumption of alcohol and wagering, for example, by depicting a person drinking alcohol while placing a bet; the Advertisement does not portray, condone or encourage wagering in combination with the consumption of alcohol. The Advertisement focuses on the athlete competing in the Spillnastics event, without any reference or depiction of wagering or any reference or depiction of drinking alcohol; of the moves made by the athlete are described by the commentators as the “pint pirouette” and “schooner shuffle”, which are references to common units of measurement for beer. These references in and of themselves do not depict or promote drinking alcohol, far less promote wagering whilst consuming alcohol; out of an abundance of caution, Sportsbet chose to use cola in the cups held by the athlete rather than beer, to further reduce risk of the public misinterpreting the Advertisement as encouraging wagering in combination with drinking alcohol.

The Practice Note states that advertising depicting the consumption of alcohol at a venue where wagering may take place would not, in and of itself, breach the Wagering Code. This helps clarify that in order for there to be a breach, there must be more than an incidental reference or link between wagering and drinking alcohol in order for an advertisement to breach the Wagering Code.

The only potential link between wagering and alcohol are the loose references to the “pint pirouette” and “schooner shuffle”. This is a weak link at best and falls entirely short of encouraging wagering whilst consuming alcohol. There is no link between wagering and consuming alcohol references, portrayed or encouraged at all in the Advertisement.

Further, for completeness, we do not propose to respond to the complainant’s statement that he “cannot understand why gambling advertising is legal”. Should ASB require submissions on this point please let us know.

The Code

In responding to the Complaint, Sportsbet has also considered the Code in its entirety. We are satisfied that the Advertisement is compliant with all aspects of the Code.

Conclusion



Sportsbet is fully cognisant of its obligations under the Wagering Code and the Code, which were front of mind when developing the Advertisement.

Sportsbet submits that the Complaint lacks foundation and should be dismissed.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement refers to alcohol in a wagering advertisement, and that gambling is destructive and they cannot understand why it is legal.

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

The Panel noted that whether or not a gambling related product or service is allowed to be advertised is a matter for government. The Panel will consider the content of an advertisement against the Code and not this aspect of the complainant's concern.

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."

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 that the advertisement does make reference to "pint pirouette", "schooner shuffle" and "extra hops", and considered that other commentary indicates a drinking establishment of some sort when referring to change from four drinks, a sticky floor and taking credit for a round.

The Panel noted that the Code refers to the consumption of alcohol, and considered that the man in the advertisement clearly does not consume the drinks he is holding, nor is any other person shown consuming alcohol.



Section 2.4 conclusion

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

Conclusion

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