



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0085/19
2	Advertiser	NEDS
3	Product	Gaming
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	03/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Directed to minors directed primarily to minors

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement commences with vision of a former Rugby League “legend”, Steve Roach. The vision then shows three men in a locker room, with one watching something on a mobile phone. That person comments that they should bring back “Blocker Roach”, at which point, Steve ‘Blocker’ Roach appears. The three men then become awestruck at the site of the “legend”. Vision is then shown of imitation player cards with a number of NRL “legends” on them. The cards each contain statistics for a game that the “legend” played in. This is then followed by the vision of a mobile phone that appears to unfold and reveal screens with “legends” on them. The Ad then concludes with the Neds logo on screen and tag line: “Neds. It’s time to bet” with accompanying vision of a mobile phone with various sports balls and other equipment (trophies, water bottles etc.) falling out of it.

THE COMPLAINT

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

The ad looks like it is targeting to kids. Both my husband and I thought it was a cereal





ad, then at the end the Ned logo came up. The ad talks about collecting cards, which is very much a children's thing to do eg Woolies and Coles have collectables at the moment. They also have objects coming out of a phone which actually looks like cereal ads when they pour cereal into a bowl.

I just think this ad is very close to the line of being ethical in the way they are using kid friendly phrases such as being able to collect cards on a gambling ap. Or it encourages kids to ask their parents to get the virtual cards for them which I think is a really unethical way to sell the product. Adults can make their own decisions if they want to use the app or not.

I'm not sure if this is something that can be addressed to be honest but I thought I would say something.

Thanks

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 19 March 2019 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 believe that the advertisement in question is a Neds television commercial promoting our "Legends Boost" product ("Ad").

The specific issues raised are in relation to clause 2.1 of the AANA Wagering Advertising & Marketing Communication Code ("the Wagering Code") and in particular that the advertisement is being directed primarily to minors.

Our response to this complaint is set out below.

A description of the advertisement

The Ad is a 30 second advertisement. It commences with vision of a former Rugby League "legend", Steve Roach. The vision then shows three men in a locker room, with one watching something (a game of Rugby League) on a mobile phone. That person comments that they should bring back "Blocker Roach", at which point, Steve 'Blocker' Roach appears. The three men then become awestruck at the site of the "legend". Vision is then shown of imitation player cards with a number of NRL "legends" on them. The cards each contain statistics for a game that the "legend" played in. This is then followed by the vision of a mobile phone that appears to unfold and reveal 2



screens with “legends” on them. The Ad then concludes with the Neds logo on screen and tag line: “Neds. It’s time to bet” with accompanying vision of a mobile phone with various sports balls and other equipment (trophies, water bottles etc.) falling out of it.

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, as does the terms and conditions associated with the product, “Only available to recreational customers. At least one Legends Boost is available per 7 day period on certain bet types. \$100 max bet. Promotional T&Cs apply and available on website.”

Our comments in relation to the complaint

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 and our Response

“The ad looks like it is targeting kids.”

The Ad advertises a new product available from Neds. As a gambling operator, Neds is only able to have customers who are 18 years of age or older. The Ad is not targeting children. The Ad is centred around a Rugby League “legend”, Steve ‘Blocker’ Roach. He is 56 years old and played Rugby League in the 1980s and early 1990s. The Ad is directed at people who can legally use the product and those that have knowledge of the “legend”. The Ad is not, having regard to the theme, visuals and language used, directed primarily to minors.

“The ad talks about collecting cards...”

At no point whatsoever in the Ad is there any mention about “collecting cards”. The nature of the product is that each customer is given a “hand” of cards at the start of each week and they can select one to use.

“They also have objects coming out of a phone which actually looks like cereal ads when they pour cereal into a bowl.”

At the conclusion of the Ad, it cuts to the Neds logo and tag line. There is a clear image of a mobile phone with sporting equipment (some with the Neds brand) exploding out from it. The sporting equipment includes balls, water bottles and trophies. There is no bowl and it is clear that there is no cereal box or cereal being poured.

“...they are using kid friendly phrases such as being able to collect cards on a gambling ap[p]. Or it encourages kids to ask their parents to get the virtual cards for them...”

At no point in the Ad, are any “kid friendly” phrases used. At no point whatsoever in the Ad is there any mention about “collecting cards”. The nature of the product is that each customer is given a “hand” of cards at the start of each week and they can select



one to use. There is no encouragement for children to ask their parents to get/collect cards for them.

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 persons under the age of 18 years of age.

The Ad promotes Neds' new product, "Legends Boost". It shows a Rugby League "legend", Steve 'Blocker' Roach and three men in a locker room wishing that he could come back and play. The Ad then shows a number of other "legends" on imitation cards. These cards are used as a reference point to show various statistics of the "legend" in a certain historical game.

Blocker Roach is 56 years old and played Rugby League in the 1980s and 1990s. The Ad is focused on him (and the commentary from them men in the change room) for at least the first twenty seconds. There is nothing in this portion of the Ad to attract minors, as minors would not identify the legend or relate to the locker room conversation.

It is illegal to open a gambling account if you are under 18 years of age. Neds 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 Neds. The Ad is directed at customers who assimilate with the "legend". 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 - Exploitative and degrading

We believe that our Ad does not employ sexual appeal 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 Wagering Advertising and Marketing Communication Code (Wagering Code).

The Panel noted the complainant’s concern that the advertisement is directed to children.

The Panel reviewed 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”.

In particular the Panel considered Section 2.1 of the Wagering Code which provides: ‘Advertising or Marketing Communication for a Wagering Product or Service must not, having regard to theme, visuals and language used, be directed primarily to Minors’.

The Panel noted that Minors are defined in the Code as persons under the age of 18 years.

The Panel noted that this television advertisement is promoting the use of a feature in



the gambling application, known as a “legend”. The advertisement depicts cards featuring “legends” and describes how they can be used.

The Panel noted the complainant’s concern that the advertisement promotes collecting cards which is attractive to children, and contains themes which are attractive to children. The Panel noted the advertiser’s response that the advertisement does not mention “collecting cards” at any point.

The Panel also considered that while some retailers such as Coles and Woolworths do have child-centric promotions, many adults collect various things such as baseball cards and the idea of a collection is not only a children’s pastime.

The Panel noted the advice provided in the Practice Note to Section 2.1: “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 Panel considered the depiction of NRL ‘legend’ Steve Roach, and considered that although he is well-known by some adults as a rugby league player, his playing career ended in 1992 and was followed by many years as a commentator. The Panel considered that while some children may be aware of who he is, he is not a person who would be of great appeal to children.

The Panel considered that the advertisement is visually dark and the music is not particularly catchy or upbeat. The Panel considered that the advertisement has no theme, visuals or language that would be attractive to or directed to minors and considered that the advertisement was not targeting children and was not directed primarily to minors. The Panel considered that the advertisement was clearly directed at an adult audience.

The Panel determined that the advertisement did not breach Section 2.1 of the Wagering Code.

Finding that the advertisement did not breach the Wagering Code on other grounds, the Panel dismissed the complaint.

