



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

|                                         |                             |
|-----------------------------------------|-----------------------------|
| <b>1. Case Number :</b>                 | <b>0094-21</b>              |
| <b>2. Advertiser :</b>                  | <b>Entain Group Pty Ltd</b> |
| <b>3. Product :</b>                     | <b>Gambling</b>             |
| <b>4. Type of Advertisement/Media :</b> | <b>TV - Free to Air</b>     |
| <b>5. Date of Determination</b>         | <b>28-Apr-2021</b>          |
| <b>6. DETERMINATION :</b>               | <b>Dismissed</b>            |

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts two men singing the song 'The Gambler' by Kenny Rogers.

### THE COMPLAINT

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

*Appears to feature someone with mental challenges. Trying to portray that they discourage more than casual/occasional gambling*

*Gross racism, stereotyping and rather than encouraging people to get help it gives a negative connotation.*

### 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 15 April 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 15 April 2021, the Ad is described by the community members as:*

- 1. Rip off of Kenny Rogers “the Gambler”*
- 2. Ladbrokes advertisement with American actor and an indigenous security guard intoxicated singing the gambler*

*The specific reasons for concern outlined by the community members in your letter of 15 April 2021 of the Ad are:*

- 1. Appears to feature someone with mental challenges trying to portray that they discourage more than casual/occasional gambling*
- 2. Gross racism, stereotyping and rather than encouraging people to get help it gives a negative connotation.*

*The specific issues raised are in relation to clause 2.1 of the AANA Wagering Code – Discrimination or Vilification – Race and 2.1 of the AANA Wagering Code – Discrimination or Vilification – Disability.*

*Our response to these complaints 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 follows the character “Mike Iceberg” (introduced in earlier commercials) 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. In the earlier commercials, he coins the phrase “Ladbroke It” which is used to illustrate everyday things becoming more entertaining.*

*The Ad depicts “Mike Iceberg” in the Ladbrokes office after hours after a hard day of “Ladbroking It”, using the trading room floor screens as his own personal karaoke screens. He starts singing his favourite song ‘The Gambler by Kenny Rogers’ when he is startled by the after-hours security guard who decides to sing a duet with him and tries to match his energy. We then cut to one of the trading room screens which illustrates Ladbrokes’ new Responsible Gambling products, “Punter Assist”, and all the tools available to help punters be in control of their own accounts. We then cut back to Mike and the security guard, who trail off singing together.*

*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](http://gamblinghelponline.org.au)” appears on screen during the Ad.*



*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*

*"Appears to feature someone with mental challenges"*

*Response*

*At no point whatsoever does the Ad feature someone with mental challenges. To say so, is quite offensive to both actors who appear in the Ad.*

*Neither the actor who plays "Mike Iceberg", nor the actor playing the role of the security guard have mental challenges.*

*Incorrect assertion*

*"Ladbroke's advertisement with American actor and an indigenous security guard intoxicated singing the gambler"*

*Response*

*One actor in question is an American actor who plays the role of "Mike Iceberg". The other actor who plays the role the security guard is of Spanish background. Neither actors are "indigenous".*

*The actor who plays the role of the security guard is not intoxicated. Further, he does not even appear to be intoxicated.*

*The allegation that the actor who plays the role of the security guard is indigenous and is intoxicated is also highly offensive to the actor and the company.*

*Incorrect assertion*

*"Gross racism, stereotyping and rather than encouraging people to get help it gives a negative connotation."*

*Response*

*The Ad does not feature any racism. The term racism can be defined as prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized. None of the above occurs during the Ad. It is also unclear exactly what the community member is referring to when they reference racism and stereotyping.*

*There are no negative connotations. The Ad promotes the Ladbroke's responsible gambling product offering. These products fall under the product banner of "Punter Assist". The Ad is directed at informing customers and the general public of Ladbroke's responsible gambling tools.*



*Further, the Ad features the appropriate responsible gambling message on screen for the duration of the Ad.*

#### *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).*

##### *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.*

### *Race*

*At no stage during the Ad is there any unfair or less favourable treatment of a person on the basis of race.*

*Further, at no stage during the Ad, does the Ad humiliate, intimidate, incite hatred, contempt or ridicule of a person on the basis of race.*

### *Disability*

*At no stage during the Ad is there any unfair or less favourable treatment on the basis of disability.*

*Further, at no stage during the Ad, does the Ad humiliate, intimidate, incite hatred, contempt or ridicule of a person on the basis of disability.*

*It appears as though both community members have completely misinterpreted various elements of the Ad. The Ad does not feature an “indigenous security guard”.*

*The security guard in the Ad is of Spanish background. To suggest otherwise (and combined with the allegation that he is “intoxicated”) is highly offensive to the actor and to our company.*

*No actor appearing in the Ad has any form of disability. Neither actor has any “mental challenges”. To suggest otherwise is highly offensive to both actors and to our company.*

*Although the Ad is set in a fictional world, it simply shows a workplace security guard singing karaoke with Ladbrokes’ new “Chief Entertainment Officer”. It then explains Ladbrokes’ range of responsible gambling tools, through our “Punter Assist” product. There is no discrimination of any kind.*

*The complaints the subject of this response are frivolous and vexatious. We wish to reiterate that these complaints are highly offensive to those involved in the Ad, the Ladbrokes brand and Entain. Both community members responsible for the complaints should be reminded that assertions such as these are potentially quite harmful and may cause distress to those involved. Especially when the assertions are completely untrue.*

## *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 (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is grossly racist and stereotyping of indigenous people and "appears to feature someone with mental challenges".

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

**Section 2.1: Advertising or Marketing Communication shall not portray people 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment



- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin
- Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?**

The Panel first noted a complainant's comment that the security guard in the advertisement appears to be intoxicated. The Panel considered that there is no indication that the man has been drinking or is intoxicated and the Panel considered that such a view is unlikely to be shared by the broad community.

The Panel then considered the concern that the advertisement is racist in its depiction of an indigenous man.

The Panel noted that advertiser's response that the man is not an Aboriginal person, rather he is of Spanish background.

The Panel considered that the background of the man was irrelevant as the depiction of him singing did not humiliate or intimidate the man, nor did it incite hatred, contempt or ridicule. The Panel considered that the man is shown to be having an enjoyable time singing karaoke with someone. The Panel considered that such a depiction did not show him to receive unfair or less favourable treatment.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?**

The Panel noted that the man is simply shown to be singing karaoke and considered that there is no suggestion that he has reduced intelligence or mental faculties, and no suggestion that he is disabled.

**Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race or disability, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

**Conclusion**

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