



ADVERTISING  
STANDARDS  
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## Case Report

1	Case Number	0098/14
2	Advertiser	Sportingbet Australia Pty Ltd
3	Product	Gaming
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.3 - Violence Violence
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

A voice over states that Sportingbet have bet Shane Warne \$10,000 that he can't take 50 paintballs. Shane Warne is shown standing in front of target, opposite a man with a paintball gun. Another four paintball shooters appear, lined up opposite Shane Warne. The paintball shooters then fire paintballs at Shane Warne. The final scene shows Shane Warne in bathroom, with this shirt off, displaying bruises from the paintballs.

### THE COMPLAINT

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

*Beeping out swearing if inappropriate and unplanned seems fine, but these ads are built around Shane Warne continually swearing.*

*Obviously these are usually shown during sporting event which is all ages appropriate viewing.*

*Violence... given the spate of automatic gun deaths in other countries (Sweden, USA ...) it is confronting to see it promoted as 'fun' and lighthearted, for betting on sports?*

*I don't watch violent movies or play violent video games - and i find this ad to be shocking.*

### THE ADVERTISER'S RESPONSE

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

*The Complaints:*

*Sportingbet notes that the complaints that have been lodged relate to the Advertisement portraying or presenting violence and containing inappropriate language. The complaints include the following:*

*Violence : “Violence.. given the spate of automatic gun deaths in other countries (Sweden, USA..) it is confronting to see it promoted as ‘fun’ and lighthearted, for betting on sports? I don’t watch violent movies or play violent video games – and I find this ad to be shocking”.*

*Inappropriate Language: “Casual bleeped swearing multiple times during the ads. Bleeping out swearing if inappropriate and unplanned seems fine, but these ads are built around Shane Warne continually swearing. Obviously these are usually shown during sporting event which is all ages appropriate viewing”.*

*The Code:*

*The complaints raise issues under Sections 2.3 and 2.5 of the AANA Code of Ethics (Code).*

*Section 2.3 of the Code*

*Section 2.3 of the Code provides that advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*Sportingbet submits that the Advertisement does not breach section 2.3 of the Code by portraying or presenting any violence.*

*The tone of the Advertisement is light hearted and humorous, appealing to the typical Australian male sense of humor. It is clear from the voice over at the start of the Advertisement that the guns depicted in the Advertisement are merely paintball guns, paintball being an accepted activity practiced in Australia for entertainment purposes.*

*Sportingbet fails to see how the complainant can compare the shooting of paintball guns in the Advertisement with automatic gun deaths.*

*The paintball gun shooters do not look menacing or aggressive. Sportingbet does not believe that the firing of the paintballs in the Advertisement would be seen to be violent by community standards.*

*Sportingbet notes that the Advertisement was given an M rating from CAD and was aired in time slots suitable for mature audiences.*

#### *Section 2.5 of the Code*

*Section 2.5 of the Code provides that advertising or marketing communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language should be avoided.*

*One of the complaints received concerned the use of inappropriate language bleeped out.*

*Sportingbet notes that whilst the Advertisement does contain bleeped out language there is no audible mention of any inoffensive language. Furthermore the use of any inappropriate bleeped language was not scripted. This was Shane Warne's natural reaction to having placed himself in the firing line of paintball shooters and being shot at by paintballs.*

*Sportingbet took measures to ensure that the use of any inappropriate language in the Advertisement was not audible or visible to the audience. Any offensive words were completely bleeped out during the Advertisement and Shane Warne's mouth was obscured by a face mask for the whole period of each bleep.*

*All bleeped words were used in the context of the Advertisement and not in an insulting or hostile manner.*

*As mentioned above, the tone of the Advertisement is light hearted and humorous, appealing to the typical Australian male sense of humor.*

*One complaint mentioned that the Advertisement was usually shown during sporting events which is all ages appropriate viewing. As mentioned above, the Advertisement was given an M rating from CAD and was aired in time slots suitable for mature audiences.*

*The Advertisement was not aimed in any way at children, nor has it been aired during any child-appeal programs.*

*As a wagering company, Sportingbet does not offer products or services to persons under the age of 18, hence Sportingbet does not target its advertising to persons under the age of 18.*

*On the basis of the above, Sportingbet submits that the Advertisement does not breach section 2.5 of the Code.*

*We have reviewed the Advertisement in light of the remaining provisions of section 2 of the Code and note that the remaining sections of the Code clearly do not apply to the Advertisement.*

*Conclusion:*

*Sportingbet submits that the Advertisement does not breach any part of section 2 of the Code and therefore believes that all complaints 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 complainants’ concern that the advertisement depicts and promotes violence and that it features strong language which although beeped out is still clear, and that this is not appropriate for children to hear

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that it had previously dismissed an advertisement which featured paintballing (0051/14) where:

“...the Board considered that in this instance the advertisement is clearly depicting a well-known game, paintballing, and not real-life violence. The Board noted that paint is clearly visible on the participants of the game as a result of being ‘hit’ and considered that most reasonable members of the community would agree that the advertisement is depicting a common activity for adults, i.e. paintball, and is not promoting war or the killing of vulnerable individuals.”

The Board noted that in this instance that the paintballing is shown indoors and considered

that the action of several people targeting one individual at close range is not a normal paintball practice.

A minority of the Board were concerned about the proximity of the people firing the paintballs at Shane Warne and the likelihood of young people copying this behaviour. The majority of the Board however, considered that Shane Warne's reaction clearly indicates that he is in pain and noted that it would not be possible to use a paintball in this manner as there are strict rules about the use of the paintball guns in a game. The majority of the Board considered that whilst Shane Warne is clearly not enjoying the experience it is made clear that he has volunteered to be hit with paintballs as part of a bet and the consequence of this decision are clearly shown.

Consistent with its previous determination the Board noted that the weapons used in the advertisement are clearly paint ball guns and not real guns and considered that the advertisement does not present or portray violence.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted that it had previously upheld an advertisement which featured the 'F' word beeped out (0188/12) where:

"The Board considered that in this instance whether or not the 'f' word is actually used it sounds as if it is."

The Board noted it had also dismissed a case where a beep was used to imply the use of an F word so it appeared she was saying "fuck me!" (0131/12):

"The Board considered that although the simultaneous use of the car horn and the young girl saying "beep" is an intended reference to an obscene word, an actual obscenity is not used and the term "beep" in itself is not strong or obscene."

The Board noted in this instance that as well as the use of a beep to disguise what Shane Warne says, his head is covered by a protective helmet so that the viewer cannot lip read. The Board considered that whilst the advertisement may be attempting to shock viewers the actual words spoken by Shane Warne are sufficiently covered by a beep and by a helmet. The Board noted that an advertisement featuring Shane Warne would be of appeal to children due to his sporting status but considered that overall the language used in the advertisement is not strong, obscene or inappropriate for children to hear.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach Section 2.5 of the Code, the Board dismissed

the complaints.