



**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>0098-22</b>
<b>2. Advertiser :</b>	<b>Sportsbet</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>11-May-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Wagering Code\2.8 Excess participation

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a group of people in emergency uniforms huddled around a vehicle.

### THE COMPLAINT

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

*The advertisement minimises the role of emergency workers and suggests that gambling whilst 'on the job' is an acceptable activity.*

### 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 3 May 2022 regarding a complaint (Complaint) received by Ad Standards concerning Sportsbet's BS Stoppers – 'Shoot Out' television commercial (Advertisement).*



*Ad Standards has identified the Complaint as raising issues with the following section of the AANA Wagering Advertising Code (Code):*

*2.8 Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.*

*Sportsbet strongly rejects any suggestion that the Advertisement breaches section 2.8 of the Code (or any other section) for the reasons explained below. As always, Sportsbet takes its compliance with the Code seriously.*

*What does the Code prohibit?*

*Section 2.8 of the Code prohibits wagering advertising that portrays, condones or encourages excessive participation in wagering activities.*

*No depiction of excessive wagering*

*The Advertisement contains no reference or element of repeated or excessive wagering. Rather, it depicts a group of colleagues who (in an obviously absurd and fanciful setting) consult each other about which horse to select for a single group bet and then huddle together to watch a live stream of the race on a mobile telephone. The Advertisement promotes Sportsbet's live streaming arrangement with SKY Racing which enables customers to watch a live stream of horseracing within the Sportsbet platform. The conclusion of the Advertisement incorporates a clear responsible gambling message.*

*The Advertisement does not portray or condone any character betting repeatedly, continually or beyond means. Rather, the characters are seen reaching collective agreement about their selection for a group bet and watching a live stream of the relevant race through the Sportsbet app. The depiction of placing a single unquantified group bet and watching the outcome of the race cannot sensibly be interpreted as implying that a participant is wagering beyond ordinary or proper limits or in a prolonged manner to improve their overall skill/success in wagering (ie, in 'excess' as that term is understood by the Community Panel). [1]*

*Accordingly, Sportsbet respectfully submits that – on its face – the Advertisement simply does not portray, condone or encourage any excessive participation in wagering activities.*

*No realistic portrayal of a wagering activity taking priority in a participant's life*

*Sportsbet acknowledges that the AANA's Practice Note in respect of the Code (Practice Note) provides in part:*

*"Depictions of... wagering taking priority in a participant's life by depicting wagering as being indispensable or causing significant disruption to a participant's life including family, friends or professional or educational commitments... may portray, condone or*



*encourage excessive participation in wagering, even if there is no explicit depiction or suggestion that the participation in wagering is a regular or frequent occurrence”. (our emphasis)*

*In a previous case concerning a NEDS advertisement (the NEDS Case) [2], the Community Panel determined that the relevant advertisement contravened section 2.8 of the Code where it portrayed the wagering activity taking priority over the characters’ work. That finding was reached despite the fact that humour was also intended to be conveyed by the advertisement.*

*The present case is materially different from the NEDS Case, and the other cases in which complaints have been upheld under section 2.8 of the Code. The NEDS Case depicted a realistic, everyday scenario in which the characters prioritised wagering over the task at hand. It depicted tradesmen on a building site who rudely dismiss their female client, suggest that they cannot continue their work due to delays caused by other tradesmen and then commence betting when the client walks away. To this end, the NEDS Case advertisement was by no means unrealistic or far-fetched.*

*By contrast, the Advertisement depicts a scenario which is obviously absurd, ridiculous, unrealistic and fanciful. It depicts Sportsbet’s obviously fictional ‘BS Brigade’ huddling behind a car to place a bet and watch a race in an obviously fictional emergency scenario. The characters are dressed in clothes which prominently depict Sportsbet’s ‘bs responsibly’ logo with Sportsbet’s well-known yellow and blue brand colours. The characters are clearly not actual emergency services personnel of any kind. Unlike in the NEDS Case, the Advertisement depicted is one of pure fiction. Indeed, the scenario depicted in the Advertisement would never happen. That is the key theme of the Advertisement and why it is (intended to be) humorous.*

*Sportsbet submits that this case is analogous to another recent case involving a Sportsbet advertisement. [3] There, the Community Panel (rightly) dismissed a complaint under section 2.8 of the Code regarding an advertisement with four versions, each of which depicted “ridiculous and exaggerated scenarios”. In doing so, the Community Panel stated: “the unrealistic nature of the scenarios meant that most members of the community would not interpret the advertisement as a realistic depiction of people prioritizing wagering over life events and that overall the advertisement does not convey the message that wagering is taking priority in the men’s lives”.*

*Equally, no reasonable observer of the Advertisement could conclude that it realistically depicts wagering as being ‘indispensable’ or causing ‘significant’ disruption to a character’s life. Even if the Community Panel were to conclude that the Advertisement depicts wagering as causing ‘disruption’ to the ‘professional commitments’ of the ‘BS Brigade’ (the absurdity of that statement in itself demonstrates why the Complaint should be dismissed), the Community Panel is by no means bound to uphold the Complaint. On the contrary, the Practice Note makes clear that such a depiction only may portray, condone or encourage excessive participation*



*in wagering. In light of the obviously absurdist and fanciful nature of the advertisement, it is plain that the Advertisement does not do so.*

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*See Ad Standards Community Panel case no 0343-20 (25 November 2020) where a similar complaint involving Sportsbet was dismissed:  
<https://adstandards.com.au/case/case-0343-20>.*

2

*See Ad Standards Community Panel case no 0492/17 (25 October 2017):  
<https://adstandards.com.au/sites/default/files/reports/045917.pdf>.*

3

*See Ad Standards Community Panel case no 0192-21 (14 July 2021):  
[https://adstandards.com.au/sites/default/files/reports/019221\\_0.pdf](https://adstandards.com.au/sites/default/files/reports/019221_0.pdf).*

*Conclusion*

*For the reasons outlined above, Sportsbet strongly rejects any assertion that the Advertisement breaches section 2.8 or any other section of the Code, and respectfully submits that the Community Panel should dismiss the Complaint.*

## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement:

- minimises the role of emergency workers
- suggests that gambling whilst 'on the job' is an acceptable activity.

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

The Panel noted the complainant's concern that the advertisement minimises the role of emergency workers however noted that this concern did not raise an issue under any section of the Code.

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 2.8 - Advertising or Marketing Communication for a Wagering Product or Service must not portray, condone or encourage excessive participation in wagering activities.**

The Panel considered whether the advertisement portrayed ‘excessive’ participation in wagering activities.

The Panel noted the Practice Note to Section 2.8 of the Wagering Code which provides: *“Simply depicting regular wagering, for example as a routine weekend pursuit during a sporting season, does not equate to portraying excessive participation. An advertisement or marketing communication would portray, condone or encourage excessive participation in wagering activities where it depicts:*

- *participants wagering beyond their means;*
- *wagering taking priority in a participant’s life;*
- *prolonged and frequent wagering to improve a participant’s skill in wagering.”*

The Panel noted the complainant’s concern that the advertisement suggests that gambling while working is appropriate.

The Panel noted it had previously upheld complaints about excessive participation in wagering activities in cases 0447/16, 0459/17 and 0492/17 where wagering appeared to take priority in a participant’s life or participants went beyond ordinary or proper limits.

In contrast, in the current case, the Panel noted that the advertisement depicts a highly exaggerated scenario showing people dressed in uniforms huddled behind a vehicle with lights flashing. The Panel noted that the people are wearing uniforms that are obviously not associated with a legitimate emergency services group. The Panel also noted that there is no indication of what emergency is taking place, or given the fantasy scene depicted, whether there is an emergency at all.

The Panel considered that the unrealistic nature of the scenario meant that most members of the community would not interpret the advertisement as a realistic depiction of people prioritizing wagering over their work or an emergency situation and that overall the advertisement does not convey the message that wagering is taking priority in the people’s lives.

The Panel considered that the advertisement was not condoning or encouraging excessive participation and in the Panel’s view the message taken from the promotion is not a portrayal of or encouragement for, excessive participation in wagering activities.

**Wagering Code Section 2.8 Conclusion**



The Panel determined that the advertisement does not portray, condone or encourage excessive participation in wagering activities and does not breach Section 2.8 of the Wagering Code.

**Conclusion**

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